



Second Session - Thirty-Sixth Legislature

of the

**Legislative Assembly of Manitoba**

**Standing Committee**

**on**

**Industrial Relations**

*Chairperson*

*Mr. Mike Radcliffe*

*Constituency of River Heights*



**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

**Members, Constituencies and Political Affiliation**

<b>Name</b>	<b>Constituency</b>	<b>Party</b>
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	Ste. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James, Hon.	Arthur-Virden	P.C.
DRIEDGER, Albert, Hon.	Steinbach	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
ERNST, Jim, Hon.	Charleswood	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen, Hon.	Springfield	P.C.
FRIESEN, Jean	Wolseley	N.D.P.
GAUDRY, Neil	St. Boniface	Lib.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David	Riel	P.C.
PALLISTER, Brian, Hon.	Portage la Prairie	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupertsland	N.D.P.
ROCAN, Denis	Gladstone	P.C.
SALE, Tim	Crescentwood	N.D.P.
SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin	N.D.P.
SVEINSON, Ben	La Verendrye	P.C.
TOEWS, Vic, Hon.	Rossmere	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.

**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS**

**Tuesday, October 29, 1996**

**TIME – 6:30 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Mike Radcliffe (River Heights)**

**VICE-CHAIRPERSON – Mr. Marcel Laurendeau (St. Norbert)**

**ATTENDANCE - 11 – QUORUM - 6**

*Members of the Committee present:*

Hon. Messrs. Downey, Toews

Messrs. Helwer, Jennissen, Lathlin, Laurendeau, Penner, Radcliffe, Reid, Struthers, Sveinson

**APPEARING:**

Ms. Jean Friesen, MLA for Wolseley

**WITNESSES:**

Mr. Bryan Walton, Canadian Council of Grocery Distributors - Canada Safeway

Mr. Eduard Hiebert, Private Citizen

Mr. Patrick Martin, United Brotherhood of Carpenters and Joiners of America, Local 343

Mr. Thomas Henderson, Canadian Auto Workers

Mr. Brian Hunt, United Steelworkers of America

Mrs. Theresa Ducharme, Private Citizen

Mr. Peter Olfert, Manitoba Government Employees' Union

Mr. Mario Javier, Private Citizen

Mr. Cy Gonick, Private Citizen

Mr. Kenneth Emberley, Private Citizen

Mr. Darrell Rankin, Communist Party of Canada - Manitoba

Mr. Reg Cumming, Canadian Auto Workers, Local 2224

Mr. Heinrich Huber, Private Citizen

Ms. Caroline Stecher, Private Citizen

Ms. Iris Taylor, Private Citizen

Mr. Robert Ziegler, Private Citizen

Ms. Carolyn Ryan, Private Citizen

Mr. Mark Sahan, Private Citizen

Mr. Victor Vrsnik, Manitoba Taxpayers Association

Ms. Claudette Chudy, Private Citizen

Mr. Ken Nickel, Private Citizen

Ms. Cindy Garofalo, Private Citizen

Mr. Jack Samyn, Private Citizen

Ms. Buffy Burrell, Private Citizen

Mr. George Anderson, Public Service Alliance of Canada, Union of Taxation Employees, Local 50021

Mr. Philippe Trottier, Private Citizen

Ms. Heather Grant, Winnipeg Labour Council

Mr. Jorge Maldonado, Private Citizen

Mr. George Harris, Private Citizen

Mr. Gill Gagne, Private Citizen

Mr. Bob Desjarlais, United Steelworkers of America, Local 6166

**WRITTEN SUBMISSIONS:**

Mr. John Triplett, Teachers for Excellence in Education

Ms. Yvonne Campbell, Public Service Alliance of Canada, Local 50021

Mr. Jim Silver, Choices

**MATTERS UNDER DISCUSSION:**

Bill 26–The Labour Relations Amendment Act

\* \* \*

**Mr. Chairperson:** Good evening, ladies and gentlemen. The Standing Committee on Industrial Relations will now come to order.

This evening the committee will be resuming considering Bill 26, The Labour Relations Amendment Act. Before the committee can proceed with business before it, it must elect a new Vice-Chair. Are there any nominations?

**Mr. Ben Sveinson (La Verendrye):** I nominate Mr. Laurendeau.

**Mr. Chairperson:** Are there any further nominations? Hearing none, Mr. Laurendeau is elected as the Vice-Chair.

I will now read aloud the names of the persons who preregistered to speak to Bill 26. Number 1, Brian Walton, 2. Robert Lindey, 3. Dan Lemieux, 4. Eduard Hiebert, 5. Patrick Martin, 6. Thomas Henderson, 7. Jim Silver, 8. Brian Hunt, 9. Peter Olfert, 10. Albert Cerilli, 11. Deb Stewart, 12. Mario Javier, 13. Cy Gonick, 14. Yvonne Campbell, 15. Kenneth Emberley, 16. Darrell Rankin, 17. Kelly Logan, 18. Barny Haines, 19. Reg Cumming, 20. Peter Magda, 21. Heinrich Huber, 22. Caroline Stecher, 23. Iris Taylor, 24. Robert Ziegler, 25. Carolyn Ryan, 26. Mark Sahan, 27. Victor Vrsnik, 28. Claudette Chudy, 29. Alex Puerto, 30. Ken Nickel, 31. Cindy Garofalo, 32. Jack Samyn, 33. Buffy Burrell, 34. Brian Burchat, 35. George Anderson, 36. Bernie Perreault, 37. Philippe Trottier, 38. Leigh Blackwell, 39. Emile Clune, 40. Anthony Joyce, 41. Heather Grant, 42. Bernie LeBlanc, 43. Jorge Maldonado, 44. George Harris, 45. Gill Gagne, 46. Michelle Deneka, 47. Maureen Jordan, 48. Joanne Daly, 49. Bob Desjarlais, 50. Brenda Portree.

\* (1835)

If there are any other persons who wish to speak to the bill and whose names do not appear on the list and have not been read out, please register with the Chamber Branch personnel at the far end of the room. Just as a reminder to those presenters wishing to hand out a written copy of their briefs to committee members, 15 copies are required. If assistance in making photocopies is required, please see the Chamber Branch personnel at the rear of the room or the Clerk Assistant. I would also like to remind all present that the time limits of 10 minutes for presentations and five minutes for questions and answers will be used. In addition, the first time that a name is called and the person is not in attendance, the name is dropped to the bottom of the list. The second time that a name is called and the presenter is not in attendance, the name is dropped off the list. There is a designation on the list of presenters which indicates those names that have already been called once in committee.

Does the committee wish to hear from the out-of-province and out-of-town presenters first? What is the will of committee?

**Mr. Jack Penner (Emerson):** Yes.

**Mr. Chairperson:** All right. Any discussion? All agreed? So ordered.

Did the committee wish to indicate how late it is willing to sit this evening? I heard some preliminary discussion and perhaps it would be valuable to have a consensus on the record.

**An Honourable Member:** Hear them all.

**Mr. Chairperson:** The proposal is to hear them all.

**Mr. Daryl Reid (Transcona):** Mr. Chairperson, I think the other night when this issue was talked about, this committee had agreed that for the sake of the presenters that we have here before us once again this evening that we would, for the sake of those presenters, reassess at midnight and that after midnight we would have those so wishing to remain behind as part of the voluntary presentations take place and that any other presenters after that point their names would not be struck from the list and we would have committee hearings follow up the next day, if necessary, for any presenters that may be remaining. I believe that was the will of the committee at that time, and I think that should be the will of the committee here today as well.

**Mr. Chairperson:** I believe this is the only day that the committee has been called for to date, just as a point of clarification. Are there any further comments?

**Mr. Penner:** I concur that there are times when we should pay a lot of attention to ensuring that people are able to present, first of all; secondly, that they are accommodated in a manner that is suitable. However, we all know that the time element is going to be a constraint because of agreements that have occurred previously, and I would therefore suggest that we give due consideration to ensuring that everybody that has registered has the ability to be heard, and it is my contention that we should as a committee give due consideration to that and therefore accommodate all of those that have indicated that they wish to present. Because this committee has not

been scheduled for another day, I would request of you, Mr. Chairman, that you consider and that this committee consider that we allocate adequate time tonight or earlier tomorrow morning that we hear all of those who have indicated that would wish to present.

So I would ask committee members to give due consideration to those that want to be heard and that we allot enough time and if it need be till tomorrow morning that this committee be asked to sit till the time that we have heard them all.

**Hon. Vic Toews (Minister of Labour):** I essentially agree with the point raised by Mr. Penner. I would also point out, just in respect of the people who have been added to the list since the last time we sat here, there have been people who were not able to make presentations the last day. They were put off the list. Now I understand that the committee wants to hear people from out of town before the people who were registered here first. Now I think that is just not acceptable.

\* (1840)

I think we should be going in order of the list here and we go in the order that they are whether they are from out of town or not, because that is the fair way to do things. There have been people who have sat here one entire evening already, and now to put them onto the back of the list—and with all due deference to people who have come from out of town, they did not sign up the first time; they have signed up subsequently. I agree with Mr. Penner's motion. I think we should also read in order of the appearance here.

**Mr. Chairperson:** Just as a matter of clarification, I did not record—I have you recorded, sir, thank you—I did not know, Mr. Penner, that you were making a motion. I thought this was just discussion.

**Mr. Penner:** I would, Mr. Chairman, if it be the will of the committee, move a motion that we hear all of those that have indicated today that they wish to present.

**Mr. Chairperson:** We have a number of other speakers who wish to speak at this point. Perhaps we will continue canvassing them then in light of the fact you have made a motion, or are you making a written—will you be presenting a written motion to this effect?

**Mr. Penner:** Just a verbal one.

**Mr. Chairperson:** I see. All right.

**Mr. Stan Struthers (Dauphin):** Mr. Chairman, many of the things that the member for Emerson (Mr. Penner) says I agree with. I think what my colleague here from Transcona has proposed fits the bill for the concerns that the member for Emerson has put forth. I think it makes perfect sense to canvass the House at twelve midnight. I do not want to see people dropped off after that. If they are voluntarily willing to make presentations after twelve midnight, I think that is fine. It covers all the complaints, I think, that the member for Emerson has put forth. I just want to speak in favour of what has been proposed. It was a deal that seemed to be okay last time, and I do not see the difference now.

**Mr. Oscar Lathlin (The Pas):** The point I was going to make is a problem that we in variably run into whenever we have these hearings. When legislation is proposed in Manitoba in the Legislature here, it affects all of Manitoba, and it has always been our position that for every piece of major legislation that is being proposed by the government that we put our money where our mouths are when we say we want to accommodate people, but so far in this session here we had Bill 49 and other major pieces of legislation and we have yet to go out into the other parts of Manitoba in order for us to hear other citizens of Manitoba, other than those who reside here in Winnipeg and close by. Therefore, I take exception to the notion that we are not going to recognize out-of-town presenters.

I do not know if we have that many anyway. A lot more people from out of town would have been here, would have been able to appear before the committee had we gone out to places like Thompson, Flin Flon and The Pas, so I really do not endorse that notion. I think that because we are not able to go out into other parts of Manitoba, even though the legislation affects all of Manitobans, we should perhaps accommodate the people who come from out of town.

**Mr. Reid:** Mr. Chairperson, I need some guidance from the Chair here because I have a motion here that is in writing that I think, if I understand correctly, will be the rules of this committee and this House in that we need to

and require a written motion to be spoken to or debated and also voted on by members of this committee.

So I would move, Mr. Chairperson, that this committee sit until midnight and reassess at that point to allow for volunteer presentations and that no names be struck from the list after midnight.

**Mr. Chairperson:** Members of the committee, the first motion that we have to consider—we have two motions before the Chair at this point, before the committee. The first motion that reached the Chair was a motion from Mr. Penner, which reads as follows: I move that the committee hear from all those present at the meeting who wish to present as presented on the list of presenters.

**An Honourable Member:** Question.

\* (1845)

**Mr. Chairperson:** The question has been called. All those in favour of calling the question.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** The motion is that the committee hear from all those present at the meeting who wish to present as presented on the list of presenters.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the motion.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those against.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it.

The next motion that is before the committee is that received from Mr. Reid: I move that this committee sit until 12 midnight and reassess to allow volunteer presentation and that no names be struck from the list after midnight. Any further discussion?

**An Honourable Member:** Question.

**Mr. Chairperson:** The question has been called. All those in favour of calling the question.

**An Honourable Member:** We are all in favour of calling the question.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the motion.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those against the motion.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it.

#### Formal Vote

**An Honourable Member:** Recorded vote.

**Mr. Chairperson:** Recorded vote.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 6.*

**Mr. Chairperson:** The motion is accordingly defeated.

Just to let committee members know, we have received a written submission from John Triplett on behalf of the organization called Teachers for Excellence in Education. This brief has been placed on the committee table for committee members. We have also received one from Yvonne Campbell, who is listed as No. 14 on the presenters' list.

Is there agreement for these submissions to appear in Hansard? [agreed]

We will now proceed with hearing presentations. The first presenter on the list is Mr. Bryan Walton. Mr. Walton, would you come forward, sir. Do you have written submissions?

**Mr. Bryan Walton (Canadian Council of Grocery Distributors - Canada Safeway):** I am afraid I do not have enough for the committee, Mr. Chairman. Some of the points I will make, I am sure you are all familiar with,

at least the sections I am referring to. If you so desire, I can make a copy available subsequent to the submission.

**Mr. Chairperson:** All right. Thank you, sir. I invite you to proceed.

**Mr. Walton:** As you indicated, my name is Bryan Walton. I am joined here today by Toby Oswald and Lou Hogan, both of Canadian Safeway. The Canadian Council of Grocery Distributors is a national trade association of wholesale and retail grocery companies. I am about to provide to you our commentary on Bill 26, The Labour Relations Amendment Act.

In regard to The Labour Relations Amendment Act, Section 12(2) entitled Defence, we urge the government to adopt this change. Large and small employers experience misconduct in the form of unlawful activity and violence during a strike or lockout. Violence and unlawful acts must not be permitted. Legal strikes and lockouts should not provide immunity for strike, lockout-related misconduct.

\* (1850)

In a related section, 14.1, Strike-related misconduct, the unions and employees engaged in misconduct and unlawful acts must also be subject to unfair labour practices, not just employers and employers' organizations, as stated in the current legislation. Furthermore, misconduct must not be allowed during the collective bargaining process such as a lead-up to the possible strike or lockout. We believe that we owe it to society to conduct labour—

**Mr. Chairperson:** Excuse me. Mr. Reid, on a point of order.

**Mr. Reid:** Yes, I wanted to be recognized for a question. If it was a point of order, I would so indicate.

**Mr. Chairperson:** Thank you. Excuse me for interrupting. Mr. Reid had just indicated that he wished to speak at the termination of your presentation.

**Mr. Walton:** Pardon me, it was my understanding I have 10 minutes and there is five minutes for questions. In the interests of the business you have just conducted, I will try and adhere to my time limit.

I will just conclude under Section 14.1, we owe it to society to conduct labour relations in a nonviolent manner. Union and employees must be accountable for their actions during a labour dispute.

On Section 40(1), Representation vote or dismissal, on 40(1.1), Board may determine voting constituency, we support the true wishes of employees being expressed by means of a board-conducted vote. We also believe that a board determination of the voting constituency is very important in a democratic society. The occurrence of seasonal employees causing a buildup of the bargaining unit has to be a fundamental consideration to the question of the true wishes of the employees affected by the outcome of the certification vote.

We urge the government to consider the need to equip the Labour Relations Board with the resources to administer these changes. Required votes within seven days of an application being filed is good if the Department of Labour can meet these critical deadlines.

On Section 72.1(1), the minister may require ratification vote after strike, lockout, and 72.1(2), the employer may before or after the commencement of a strike or lockout require a vote to be taken, we respect the leadership of the union and the true wishes of the membership, and they ought to be recognized as appropriate in determining the acceptance or rejection of the employer's final offer. Where a dispute has continued for 30 days, for example, the true wishes of the employees may have changed either to be more determined in the rejection of the offer or more amenable to accept the offer. There ought to be a means for the employees to express these views, and so we support the proposed legislation after a period of time that a dispute has continued.

In regard to Section 111(4), Costs of mediator, where labour-management relationship at the bargaining table has deteriorated and a mediator is a last resort, then we believe the parties ought to bear the costs of the mediator. Therefore, we support and encourage a charge-back system for mediation costs.

Under Section 18(1) entitled dealing with an amendment of subsection 130(1), Referral of grievance to board, we offer a suggestion that either party, the employer or the union, irrespective of who brings the

grievance forward, may refer to the expedited process, and on grievances not covered by limitations of dismissals and suspension of 30 days or more, the government may consider an administration fee to be paid by either the union or the employer seeking mediation assistance of the department. We support the referral, reference 130(3), be made in a prompt manner and suggest that the 14-day limit in the proposed legislation, i.e., from the day on which the grievance was first brought to the attention of either party, be amended to "14 days after the union and the employer have discussed the grievance." The objective of the prompt filing for expedited mediation and arbitration ought not to remove the parties' obligation to make an effort to resolve the difference. Confirmation of a discussion by letter from either the union or the employer advising that the grievance was reviewed should be the point from which the 14-day time limit should be counted. It is very important that the period of 14 days does not result or preclude the parties' involvement to attempt to resolve the grievance expeditiously.

Now, in regard to the existing Labour Relations Act, I suggest that there is an additional area in the legislation that we believe required review. One example, we suggest, is the deletion of Section 15, Effect of refusal to facilitate a struck employer. This section of the act encourages the spread of disruption to other employers and other segments of the economy. There is no similar provision, to my knowledge, similar to this in any other labour legislation in Canada.

\* (1855)

Finally, we have some general comments. CCGD agrees with the proposal which would direct unions to consult with members on political donations. Unions should give members the choice on the use of their union dues. Such choice of donations to a charitable organization, we suggest, ought to be limited to the charitable initiatives already sponsored by the union. That may ease the administration of the donations on the behalf of the union and their members.

CCGD appreciates that the internal financial affairs of the union requires the confidentiality necessary and appropriate to the union's proper administration. We also believe in a democratic society that it is the individual members who ought to be satisfied with the

union's total administration, and, if they are dissatisfied, our suggestion is the members or the membership ought to be better informed of their right to choose a bargaining agent to represent them.

By way of conclusion, we would like to stress that unions and members who exercise their democratic rights to strike must accept accountability for their actions, the union's actions and the actions of their members. Violence and misconduct must not be condoned in the interest of enhancing peace and civility in the workplace.

Mr. Chairman, that is my presentation. Mr. Hogan and Ms. Oswald will join me for questions.

Mr. Chairperson: Thank you, Mr. Walton.

Mr. Reid: Thank you very much for your presentation this evening. I have a couple of questions because you have raised these issues in your presentation here this evening.

The first question is that, when you say that you support the legislation where the employer will have the ability to terminate employment for an employee that is, in the employer's view at least, found to be guilty, in your view, of some misconduct on the strike line or the lockout line, do you think that it is fair for a company to be able to bring in replacement workers during the course of a strike or lockout that would have the opportunity to incite those employees that are on the lockout or picket line, knowing full well that the employer would be immune from any action under The Labour Relations Act and would not in any way be subject to any of the penalties where the employee in that case would lose their livelihood? Do you think that it is fair that employees would be treated in that fashion?

Mr. Walton: Mr. Chairman, because we were not talking about replacement workers in the amendment act, we did not refer to it. The point of view on replacement workers is that is one option that an employer has, counter to the suggestion that you have made that the employees have no options.

I believe that it is important that in a labour dispute where you have misconduct and it is proven to the Labour Relations Board, that in such cases that, after the dispute is settled, to have those individuals back in the



workplace when there has been misconduct and it has been proven that it is an unfair labour practice, we do not feel that it is conducive to harmony in the workplace, and that is one of the reasons we made this point.

**Mr. Toews:** I am certain that Mr. Reid inadvertently failed to draw your attention to the proposal at 14.1 of the legislation, which indicates: "Every employer, employers' organization, union or employee and every person acting on behalf of an employer, employers' organization, union or employee and every other person or organization who or which engages in a strike-related misconduct commits an unfair labour practice." You would agree that any party to a labour dispute that engages in strike-related misconduct should be accountable for their action whether they are a union, whether they are an employer, or whether they are an employee.

**An Honourable Member:** Okay, \$2,000 versus \$35,000.

**Mr. Toews:** I think the question was directed at the witness.

**Mr. Walton:** Thank you for the point, Mr. Chairman. I believe this is one of the effects that this amendment act has done, that it basically has made it fair for all.

**Mr. Reid:** To the presenter, because the minister has failed to represent all of the facts by his comments here, do you think that it is fair that an employer would pay a fine of \$2,000 for an unfair labour practice where an employee would lose their livelihood?

**Mr. Walton:** The aspect of financial versus the actual livelihood issue, I think, is mixing two issues, frankly. What we are talking about here is the ability to deal with a labour dispute in a fair and reasonable manner, and I think these, on balance, what this amendment act speaks to, is openness and transparency and basically allowing the democratic process to operate.

**Mr. Reid:** You have also referenced in your presentation here this evening with respect to the issue of dues, union members' dues being used for purposes, political purposes in this case, for which the Supreme Court of Canada has already said that union members and union organizations have a right to do. Do you think that it is

fair that under this piece of legislation that the minister has tabled here that those dues—that a member of a union can request that their dues be diverted to a charity of their choice instead of back into the internal operations of a union to assist them to pay for the costs that may be involved under this legislation dealing with mediation services for which the parties are now going to have to pay a one-third share?

\* (1900)

**Mr. Walton:** A fair comment and a fair point.

**Mr. Chairperson:** Mr. Walton.

**Mr. Walton:** Pardon me for moving in ahead of you there. With regards to the comments on the ability of the individual to make a decision as to where his dues go, we kept that in the general section of the commentary because it is a little bit further removed from our day-to-day operation. Fundamentally, I do not think anyone can disagree with the ability of an individual to be consulted on how their dues are being spent. In regard to the charitable donation, I believe that what the act says is that the individual can make a choice of having those funds diverted to a charity of his choice and that donation would go each year thereafter. The point we made here is the union may already be involved in charitable organizations, whether it is the United Way or a handful of these organizations, and those donations from the charitable side from the individual could be directed to one of those six, as opposed to what could be a multitude of charities.

**Mr. Chairperson:** Thank you, Mr. Walton. That concludes the time allotted for the questions, and I thank you very much, sir, for your presentation tonight and thank your colleagues for appearing before us.

The next presenter tonight is Robert Lindey. Is Robert Lindey present this evening? Calling Robert Lindey for the second time. Robert Lindey has already been called once and was not present. We are calling Robert Lindey for the second time, and his name will be struck off the list. I am hearing no response. Robert Lindey's name is struck off the list.

The next presenter is Dan Lemieux. Is Mr. Lemieux in the audience tonight? Mr. Lemieux has also been called

once. This is the second call for Mr. Lemieux. On hearing no response, his name is struck off the list.

The next presenter is Eduard Hiebert. Is Mr. Hiebert in the audience. I heard a response. Ah, Mr. Hiebert. Thank you, Mr. Hiebert, I see your presentation is being circulated, and I would invite you to commence your presentation.

**Mr. Eduard Hiebert (Private Citizen):** I recognize a few people, or I think perhaps a few would recognize me. For those who do not, I am part of a third-generation family farm, and I want to make it clear that I am in opposition to this bill. I would also like to have you understand as to how I have come to that, because, by and large farmers, are notorious—I think Mr. Penner over here can support that quite handsomely—that farmers at least during my lifetime are notoriously against unions, believing that each one of us should simply work it as a free enterprise and our own behalf, so to say.

At the same time I can certainly vouch that I have never been part of a union, nor have I ever been a member of the National Farmers Union. However, I would like to in a sense related to this—

**Mr. Chairperson:** Mr. Laurendeau, on a point of order?

**Mr. Marcel Laurendeau (St. Norbert):** It is okay. I have it. It is just—

**Mr. Chairperson:** Excuse me, Mr. Hiebert, for interrupting.

**Mr. Laurendeau:** I did not mean to interrupt.

**Mr. Chairperson:** As a point of clarification, Mr. Hiebert, you have circulated to us—

**Mr. Hiebert:** I will be making reference only to them. That is not my brief. It is simply added material for my presentation

**Mr. Chairperson:** Okay. Thank you, sir. All right, I would invite you to proceed and sorry for the interruption.

**Mr. Hiebert:** Thank you. As I was saying, I would like to give a little bit of a history as to what my own view

has been. Certainly, when I was younger, I took on the view of the people around me, and I certainly believed that each one of us could make do on our own. There was no need for unions. It was kind of an unnecessary evil, so to say. By the time I was in high school or university, I do not remember exactly where, I had already come to recognize that unions to some extent, especially in companies, they had them if they deserved them. In other words, there was a relationship.

If companies were a particular style and they were draconian, et cetera, I saw the arise of the need for unions was something in a sense as a response to that, so, very easily and quickly and to the point, it was just simply one that companies deserved them. Since then, I have I think wandered further on this path in recognizing where we are. I believe fundamentally as I have grown older that democracy and the right to assemble with people is fundamentally important. It is one of the major tenets in our society. I also recognize, for the work that I have done as far as lobbying on a number of things—and Mr. Toews certainly knows the kind of lobbying of or presentation I gave before him as far as what has happened in the inappropriateness in another sector with The Municipal Act and how the board there is really a bit of a kangaroo court and I have not had any response—but I certainly recognize that it takes a significant amount of effort, for example, for union people to organize.

There is some reason why people would go ahead and do all kinds of organizational work instead of just fooling around and enjoying their life, et cetera, to go against the grain. I think that is part of the essence as to why we need to recognize further what is going on because clearly they have to do much more work in order to organize than the company because the individuals that are within the union are exactly that, they are a bunch of individuals who happen to only work for one company, whereas the company already has a lot of resources and organizational strength directed in that particular direction. So the odds for the workers to really want to spend all that time organizing each other, I think, suggests that there must be deeper problems within that relationship between company and workers for them to go to that added grief, and I think that needs to be recognized.

It is for that reason that I have come to believe that unions—perhaps in line still with my earlier position that in an ideal world we should not have unions; however, in

the practicality of our day's age, it is absolutely fundamental that people have to get together in a larger group in order to have their rights, et cetera, known. This is really not an issue that is really that foreign to this government because that is exactly the kind of thinking that this government thinks about, for example, when they encourage the relationship with the U.S. through the NAFTA and other trading blocs. It is the aspect that we are better if we work together in larger groups so that, for example, working together in NAFTA, we are stronger as a nation in order not to get wiped out by the competition from, say, any of the other larger global centres. So it is really not an argument that is all that foreign. It is just a question as to who is doing the organizational work and who is pooling together and for what purpose.

I would, however, also want to bring forward a reservation as to what I believe to some extent and I fear what may be going on here, and that is—and I make reference to the first two pages that you were handed out—it is a letter to Mr. Newman. It is in response to an earlier committee hearing that I was on and Mr. Penner was there as well. Very quickly to just simply bring it to a point, I had made my presentation in response to what I heard in the media. I came; I left. Someone who liked my presentation walked out with me. We had a chat. Someone from that particular committee then came out, made an offensive remark to that person, and then attacked me basically and said, now I know basically where you are coming from, that is all I need to know, and wrote off my entire presentation, was not willing to entertain any discussion whatsoever, and then went on to say that I was part of some kind of a big gang plan to come here—and that was on Bill 49—and I had come on my own volition.

I bring this forward. It is apropos to this particular proceeding, because I think—and having been before court proceedings—it is absolutely fundamental that the people such as yourselves making decisions must make decisions in a balanced way. Mr. Chairman, the person to your left having been someone in the Justice department, he clearly knows what I am talking about here. It is not just simply that you can go ahead and march through your process and act as if you are doing the things that ought to be done and then making a decision that you made up your mind beforehand.

The reason I say that, just now at the same time today for the very first time, Bill 67 is being heard in a committee stage. It has not been passed, and yet a broker called another person tonight saying that within 10 days after it is passed that is the absolute length of time in which Manitobans have the priority of chance of buying it and after that it will be opened up. That letter and this letter say one and the same thing. To a certain extent, you are simply walking through the motions. I would much appreciate that you take it at hand because fundamentally at the end of the day if all you are doing is walking through the motions, I believe a court action could strike down what is happening here today.

I would like to maybe just close off on one little other part where I can give you a bit of word of advice, and I say this gently. For example, when it happened—and you know where I am coming from, at least some of you know where I am coming from politically—however, I certainly think it was a very bad day for us when we had that rout a few years ago at the federal level where there are only two Conservatives left. I think that was an absolute travesty what happened. I also believe, to some extent, two points related to this; Felix Holtmann, for example, during that election the first time around, no one could have been able to challenge him amongst the Conservatives. However, now that he tried to run again—he was out one term—he now lost his nomination to someone. Although I live in that riding, I had never heard of that person before.

The point I am making, maybe many of you really have to toe the line in order not to get thrown out of cabinet or have to toe the line in a certain sense to have Mr. Filmon give you whatever you think is necessary. However, remember at the end of the day you need to focus on at least two things: one is the things that you are supposed to do here, but many of you—and I believe, Mr. Penner, the way you got turfed out before for saying some of the things that you felt perhaps you ought to be, but the Premier did not—I think that is an example of the kind of intimidation that is spoken about in the next letter.

In the bottom right-hand paragraph, it certainly says—and this is the nice way of putting it: “Premier Gary Filmon plans to conduct a major Cabinet shuffle soon after the session ends in early November. Any Minister who underperforms”—that is a beautiful way of putting it—“underperforms during the current session will likely

be warming a Government back-bench seat." I suggest that is a type of a threat. However, despite the threat, I want to point out—[interjection]—one minute, okay, thank you. Despite the threat that is implicit there, I really encourage those of you who, through the goodness of your heart, believe that you have something to contribute, that you also need to recognize that perhaps it may be better for you to, in the short term, take a little bit of pain and look at the long term because Felix's history personally is gone, I think. I certainly would not want you people who have and believe in the good fundamentals of democracy to exercise it in that way. I encourage you to take that longer term view—is also very much part of what is present here today, and I encourage you to look at that. Thank you for my opportunity to make this presentation. I am certainly more than willing to answer questions.

**Mr. Chairperson:** Thank you, Mr. Hiebert, for your presentation. The first member of the committee is Mr. Reid. The Chair recognizes Mr. Reid.

**Mr. Reid:** Thank you, Mr. Hiebert, for your interesting presentation. I want to ask you one question because you referenced the fact that there is a potential or some likelihood of a court challenge as a result of this legislation, which in your view would do serious political damage to the party which I take it that you support, which is the government members here. Do you or would you support the government referring this piece of legislation to the United Nations International Labour Organization to let that body, which is an independent body, review this legislation to find out whether it does or does not conform to the code to which Canada is a signatory, and whether or not this legislation contravenes that particular code?

**Mr. Hiebert:** Perhaps two things. First of all, the assumption—Mr. Penner could certainly correct it. I myself have run as a New Democrat. However, as to the legal question that you are asking, I do not want to get—I mean, I really do think that we need to deal responsibly in terms of international law, but I am really not up to speed on that particular one except to say this process, as the letter indicates—to which I have not received a response from Mr. Newman, not even acknowledgment—means that, if the process does not run through properly from A to Z here in Manitoba itself, the laws can challenge, or I believe it is possible to indicate that this

law will not have been passed properly. Therefore, I think the legal term is that it would be not passed properly and thereby struck down.

**Mr. Penner:** I want to first of all indicate, Mr. Chairman, that Mr. Hiebert and I have known each other many years and in a previous lifetime had some very significant debates and discussions on many of the agricultural issues that confronted us during the day. I think it is some 16, 17 years ago that we started into the discussion on agricultural issues.

I want to indicate to Mr. Hiebert that this committee process is not just going through the motions. We made some 60-some amendments to The Municipal Act not too many days ago based on what we heard, based on presentations that were made before this committee, and based on many of the things that were brought to our attention as members of the Legislature during the summer months when all of the bills were before the public. This is the first time, I think, in the history of this province, if I remember correctly, that all bills have been prepared for public consumption early in the spring of the year and left all summer for public consideration. So this is not just an exercise in futility or consideration.

However, I want to indicate clearly that in the five years that I was the head of the farm organization in this province, we as an organization made many, many proposals and presentations to committees such as this during that term of that government of the day, and Mr. Hiebert has probably run for that party that was in power at that time. Not once can I remember that an amendment was made to the bill based on a presentation that we made before a committee of this Legislature. So I think we have set some very significant precedent, Mr. Hiebert, in reflecting the true concerns that Manitobans have expressed on various pieces of legislation, and that is the will of this government: to ensure, No. 1, that pieces of legislation will be before the public for due public consideration; and that they will be able to appear before this committee, or will be able to appear before their elected representatives and make their views known to those elected representatives so that those elected representatives can bring those views back to the ministers and the ministers can then consider that advice in the preparation of the final bills, either through amendments or other adjustments.

So I want to ask Mr. Hiebert, during the course of time that he has spent in agriculture and on agricultural issues, in his presentations before committee in the previous government and in this government, has there been a difference, in your view, in how we have respected the views of the public in regard to the presentation on legislation?

### Point of Order

**Mr. Reid:** Mr. Chairperson, I think it is important that, while Mr. Penner does have the right to ask questions as a member of this committee, Mr. Penner should confine the questioning that he asks specifically to Bill 26 or in some way how it would be related to Bill 26 and how this is going to impact on the people.

It is my understanding, listening to the comments and questions that were made by Mr. Penner, that they are more applicable to the field of agriculture and that, in this sense, have little to do with Bill 26 or the provisions in the clauses that are contained within that bill. So I would ask you to call Mr. Penner to order and confine his questioning of the questioner, if that is his option to do so, to Bill 26 and not to the field of agriculture, for which is not a topic that we are talking about here today.

**Mr. Toews:** On the same point of order, Mr. Chair, I listened very carefully to Mr. Hiebert's presentation, and there was clearly an indication that he felt some concern about the specific process that was occurring here in respect of Bill 26. So I think Mr. Penner very, very clearly stated his position and the concerns that were expressed by Mr. Hiebert, and it is essentially asking him, and I believe it has a direct bearing on the hearings that are going on with respect to Bill 26.

So the point of order, I think, is not a valid point of order, given that the question relates exactly to the validity of this process that Mr. Hiebert, for the reasons he has outlined, feels is in question. I think, he having raised the issues of the validity of the process, Mr. Penner, in asking for certain clarifications on that process, is quite within the scope of the presentation that Mr. Hiebert gave.

**Mr. Chairperson:** Mr. Reid, thank you very much for your point of order. The Chair finds that this is a dispute on the fact, and that it is not a point of order.

\* \* \*

\* (1920)

**Mr. Chairperson:** Mr. Hiebert, you are over the time limit, but I will exercise the prerogative of the Chair at this point. You may be responsive to Mr. Penner, if you so choose, but you are not obliged to respond and I leave the initiative in your hands, sir.

**Mr. Hiebert:** I do not have the official word of how you have people in cabinet—you cannot buck the party line, so to say. I am not really restricted in that way. I would be happy to answer the question from a number of perspectives.

On the aspect that you have tabled the information in the springtime, I think that is an excellent improvement. That is something you mentioned the last time around, and I think that is an excellent improvement. However, as I already mentioned in relationship to that, for example, with the MTS one, even though the bill has not passed, to go ahead and have all these things put in place as if you are doing it already, that, I think, is inappropriate.

To answer the other part of the question, as far as what happened in the earlier sessions, I only availed myself once of the opportunity to appear before that, and that happened to be for the infamous legislation whereby you ended up becoming president of KAP for remuneration afterwards, and I must agree with you. I think it was inappropriate at that time as to the kind of process that was going on, but I am also willing to say that whether they did it wrong and that you are now doing the same thing does not justify it. I brought it forward at that time internally to the party that it was wrong. I say to it now again that it was wrong, and, in a sense, to add to the credibility of what I am talking about—and here, Mr. Penner, you can certainly vouch for this—during the early '80s, before KAP, I came forward and brought to many farmers' attention that there was a tremendous amount of abuse in the purple fuel, the pricing of it. You are affirming that.

I tried to bring that forward publicly. I did it appropriately, and after much time of stalling, in a certain sense, I finally at some point in time, not because it was my wish but simply because the government of the day was not listening, I ended up then publicly embarrassing Mr. Schroeder into acting on what he should have been acting a long time ago.

It is also that same sense that, because the government has changed afterwards, I have not taken as loud a profile because I think it is more appropriate that our own people speak to ourselves as far as the difficult lines, and that is also the same reason why I mentioned before that I think many of you people are at risk for not being able to continue as a good elected MLA because you are taking too strong a step. I am encouraging you to listen to your own people more clearly because I think there is a tremendous risk that you are going too far.

For example, a simple way of putting it as far as this particular bill that is before us, unions are a democratic process. Large corporations are not part of a democratic process, yet you are suggesting through this bill that unions do not have the right to go ahead and—[interjection] Yes, I will finish the point. I am rambling on, but I will just finish the point, and that is under this bill unions, though they have a democratic position held, they may not or shall not continue to express their views, and yet corporations, which are not a democratic process, but are just simply a function of who has the most money making a decision, will continue to be able to.

It is this kind of stuff that I think is so blatant that needs to be recognized, but, again, thank you very much. I hope that I have answered your question, and I would be more than happy to move on as you so wish me at this point in time. Thank you very much for the cordiality of this evening.

**Mr. Chairperson:** Thank you, sir.

The next presenter is Patrick Martin. Is Mr. Martin in the assembly? Good evening, Mr. Martin. Your presentation is being circulated. I would ask that you commence with your presentation.

**Mr. Patrick Martin (United Brotherhood of Carpenters and Joiners of America, Local 343):** I am making the presentation on behalf of Local 343 of the carpenters' union, the United Brotherhood of Carpenters, and it seems to me that a great deal of Bill 26 is based either on naivete about what unions are and what they do or some overt malice. If you are knowledgeable about unions, some of the aspects of Bill 26 are so damaging to unions that you cannot help but question the motives.

By way of introduction, I want to tell you something about our union and the way that it operates. Local 343

was chartered in Manitoba in 1887. Since that time, our local has set the industry standard for wages and working conditions for people working in the craft trade of carpentry. Whether they ever choose to become members of our union or not, our union has always been of the belief that what we want for ourselves we wish for all workers, and to that end we work to represent the interests of carpenters and related trades everywhere.

We are proud of the achievements we have made over a 109 years in this province. We have made our industry a better place to work and a good career choice for the young people who choose a career in the craft trades. In this, we have done an excellent job. It is no small task to represent a transient workforce with no fixed workplace, and it took many years to negotiate standard collective agreements and portable benefit plans for carpenters that may work for many different companies within the course of one year.

The building trades unions provide a necessary service to the industry as a whole, as well as to the members that we represent. As a result, the organized sector of our industry is more productive, it is more efficient, it is more highly skilled, and it provides a better value for the construction dollar invested than the nonunion sector does.

In our industry, a high degree of unionization is a desirable thing. In our opinion, the many aspects of Bill 26 are designed to hamper the ability of unions to function effectively and will almost certainly reduce the degree of unionization for our sector. Union carpenters in the commercial, institutional and industrial sectors of this province are the most productive carpenters in North America. Local 343, in partnership with our unionized contractors, has played an important role in this fact by keeping the standards high in terms of skill development, training, safety, wages and working conditions. We could set these standards only because we represented a significant amount of the industry, of the market. Bill 26 will undoubtedly change that. Our ability to keep the standards high is linked to the degree of unionization. Bill 26, by its very design, will reduce the percentage of the unionized construction market.

In terms of organizing, the mandatory vote provisions of Bill 26 have the effect of making employees vote twice on whether they wish to have a union represent them or not. It gives the employer an advantage by letting them

have one more crack at convincing them to vote against the union, even though they have already indicated their support for the union by signing a union card. This is unfair and it gives yet another advantage to the employer who has an interest in keeping the union out.

First of all, there is a historical imbalance in the power relationship between the employee and the employer, and this should be recognized and steps should be taken to preclude the abuse of this power. Bill 26 only compounds the room for abuse. The mandatory vote, and the time in between the application and the vote, provides a further opportunity to the employer to coerce and to intimidate employees. The union has nothing to use to coerce the employees. The employer holds the ultimate threat, the ultimate power, the economic hammer of losing your job.

Employees have already indicated their support for the union by signing a union card. They usually will only do this in anonymity for fear of reprisals from the employer, and it takes courage to sign a union card. I personally have sat at the kitchen table of many employees and listened to their fears of being fired or punished for signing a card, even though they wanted a union and the benefits that it could bring to them and their family. Making them go through it all again in a supervised vote, often on the employer's premises and in front of Labour Board officials and scrutineers from the company, is very, very difficult for an employee. Some will inevitably lose their courage and change their vote. It puts them in a double-jeopardy situation.

The automatic certification at 65 percent at least recognized some of these concerns. Even at that, we argue that a simple majority of union cards signed should result in certification. If the intention is to determine the actual wishes of the employees, then the only amendment that should be made would be to recognize the union if over 50 percent of the employees indicate a support by signing cards. The proposed amendments are, therefore, unfair.

Are you worried about losing a quorum here as people leave, Mr. Chairman? No.

**Mr. Chairperson:** Thank you for your concern, sir. No, I do not believe so, but it is very solicitous of you to inquire.

\* (1930)

**Mr. Martin:** Financial statements of the union. The requirement to file financial audited statements with the Labour Board is one of the most offensive aspects of Bill 26. This provision is obviously designed to harass and to inconvenience a local union, to tie them up with administrative nonsense and additional costs so that they will have less resources available to serve the interests of their membership. At best, it is cheap and petty. At worst, it is malicious and an abuse of power.

The declaration of our assets does not bother me personally at all, and I would like to tell you a bit about how our local union runs so that you will be aware that is certainly nothing untoward here. I think we are typical of the 14 building trades unions when I say that our local is bound by our constitution to read the complete financial statements out loud and in full at a general union meeting every quarter, four times a year. This includes all assets in all funds and accounts, all investments, all expenses, all salaries, benefits, et cetera, as audited by our trustees. Each month all bills are read and a motion must be made to pay the bills if found correct, and often a member will question why the phone bill was so high or why the business manager may have submitted a lunch bill for Rae and Jerry's. We are accountable to the whole membership every month, and we would never get away with stunts like the Deputy Minister of Natural Resources and his recent hospitality budget.

In our local union, every expense over a hundred dollars must be made by a notice of motion. The notice is served at one monthly general meeting. A written notice is sent out to all members to inform them of the proposal to spend money, and the motion is then seconded and debated and either passed or defeated at the next monthly general meeting. This gives members a full month to lobby for or against and to get people out to the meeting to either pass or defeat the motion, and most local unions that I know of operate the same way. So natural justice is a major tenet of the labour movement, and in that way we are probably the most democratic organizations in the world.

An annual audit is completed for our local by the chartered accountant firm of Hemenway, Silver each year, and it is read to the membership in the first quarter of each new fiscal year. Our members already know the

salaries of their staff and officers because we make the same wage and benefit that they do. Whatever wage we negotiate on behalf of the carpenters in the field is exactly the same pay that the staff officers of the union make. The only difference is that our members outside get paid at overtime rates for anything over eight hours a day, and we do not get paid for that time at all. Having to file this info with the Labour Board is an infringement on our rights to privacy, but is no big change in the way that we conduct our affairs.

What is offensive to me and to most Manitobans is the consequence for failing to comply properly with the new rules. The suspension of the compulsory checkoff is in no way a fitting penalty for some administrative oversight. Now most of us already have the checkoff in our collective bargaining agreement, so, again, it is not going to change the way that we do business, but if it were, it would be the employers in our industry who would be most disadvantaged in that the business agent for the carpenters' union, which would be me, would have to go to every job site all throughout the province and collect union dues from each member and make sure that each carpenter working was in good standing on the job. It would be a disruption in productivity, and if, in fact, we found a member was not in good standing, they would be removed from the job just like the old days. It goes back 40 years to the way our industry used to run, and I do not think that the contractors would appreciate it any more now than they did then. We would know who to blame for the interruption. We would give them the Minister of Labour's phone number.

The use of union dues for political purposes. The courts have consistently upheld the rights of unions to use dues revenue as they see fit in the best interests of the union as a whole. Because unions are democratic organizations, union members who disagree with the use of union funds have ample internal remedies to make their concerns known and to argue for a change in policy. It is not practical to consult with each member of the bargaining unit on every decision around this type of cost, nor is it practical to allow any individual to opt out of the decisions of the union.

It is basic democracy that the wishes of the majority should prevail. Unions have a right and a obligation to do what they can to represent the interests of their members and others in the bargaining unit, and this may

mean political lobbying or campaigning. If any individual does not like it, they can get active in their union, and they can garner support from the other workers, and they can have the practice stopped. Unions should take part in political lobbying on behalf of their members. Given the neoconservative political agenda being foisted on working people, it would be negligent for unions to take workers' money in the form of dues and not try and stop this or any other assault on trade union rights and freedoms. Our thought is that perhaps some sort of penalty should be applied to unions which fail to criticize and condemn this Tory government. That would be more to the point.

A free and democratic trade union movement is one of the basic elements of a just society, and one of the things to be curtailed first in a corrupt and fascist regime. It is our obligation to working people to fight those who would deny free trade unions and who would limit their ability to move society forward. If that means spending dues money to raise public awareness for our concerns, then that is what we will do.

**Mr. Chairperson:** Thank you very much, Mr. Martin. That concludes the time that we have allotted for the presentation. Mr. Reid, do you have a question of the presenter?

**Mr. Reid:** I do, Mr. Chairperson. I have a couple of questions. I would like to thank Mr. Martin for his presentation, and I will read the remainder of your comments and take them into consideration. But I want to ask Mr. Martin—because I believe he referenced the fact that he has quite an extensive way of communicating with his members in his organization and that through this Bill 26, once again, as we saw with Bill 70 a few years back where this government interfered with contracts that were freely negotiated between employers and the various union organizations throughout the province—what are your thoughts, Mr. Martin, with respect to this government's once again interfering with those freely negotiated contracts whereby you may have, through your negotiations with your employers, negotiated the Rand Formula into your contracts and that this government is now intent on interfering with those contracts that had been negotiated?

**Mr. Martin:** My feeling is government should butt out of the collective bargaining process and only put their



noses in when asked to come in for a conciliation or a mediation sort of role to play. They certainly have no role to play in interfering with the contractual agreements made between employers and employees through the free collective bargaining process. It opens the door. It is a thin edge of the wedge to all kinds of interference and limiting the rights of the free trade union movement to do exactly what they were cut out to do, which is move the role of working people forward in our society. So I see it as a major intrusion, and certainly we would speak against it.

**Mr. Reid:** Since the Minister of Labour (Mr. Toews) has indicated in questioning in the House last week that he has consulted with a dozen or so people, organizations around the province about Bill 26 prior to bringing it forward, I want to ask you, Mr. Martin, had you or any members of your union, to the best of your knowledge, ever been consulted by this Minister of Labour prior to his introduction of Bill 26?

**Mr. Martin:** To the best of my knowledge, no member of mine, no member of building trades unions has been consulted by the Minister of Labour.

\* (1940)

**Mr. Chairperson:** Thank you very much, Mr. Martin, for your presentation tonight, sir.

The next presenter tonight is Thomas Henderson. Good evening, Mr. Henderson, you have some copies of your brief to circulate?

**Mr. Thomas Henderson (Canadian Auto Workers):** I do.

**Mr. Chairperson:** While the brief is being circulated, ladies and gentlemen, I would remind the members of the audience that the custom in the Legislature is to make no acknowledgment of the presenters' briefs, either pro or con, and in fact we have found that, when there has been response or clapping from the audience, it in fact interferes with the running time of the presenter and only serves to detract from their presentations. So I would ask for everybody's co-operation and consideration in this matter.

Mr. Henderson, I would ask you to proceed with your presentation. Good evening, sir.

**Mr. Henderson:** We present this brief here tonight on behalf of not only the 10,000 members of the Canadian Auto Workers union in Manitoba but also the 200,000-plus members across this country, because benchmark legislation like Bill 26 can spread through the provinces like an epidemic. These proposed changes to The Labour Relations Act are unprecedented in Canada. Not even the right-wing governments of Harris and Klein have introduced these types of changes to the face of labour relations in this country, although it is clear that Bill 26 shows a startling resemblance to Ontario's Bill 7.

Manitoba changes are intended to do more than just balance a piece of legislation. They are another step towards making Manitoba a right-to-work province. Right-wing groups have pursued some of these issues as far as the Supreme Court of Canada with no success. Now, the Conservative Party of Manitoba, urged on by antilabour organizations, are proposing legislative changes which are tantamount to union busting.

A small group of promanagement union members has stoked the fires and given to the Tory government and the community of business the public excuse to propose and promote Bill 26. The Manitoba government should be saying to these disgruntled persons, whoever they are, that they should be expressing their views within their unions because most of Bill 26 deals with the internal operations of unions.

The changes contemplated in Bill 26 are not reflective of good labour relations in the province of Manitoba and are contrary to the style and mood of government, which we in Manitoba are accustomed to. It is both unfortunate and unhealthy for the labour relations in this province that the Filmon government chose not to accept the recommendations of the Manitoba Labour Management Review Committee, a body truly representative of both labour and management in Manitoba. With the exception of a few changes to a vote-based system in regard to the certification of a union, all other proposals were rejected on the grounds they were not needed and would do nothing to enhance labour-management relations in Manitoba. It is a sad commentary on our government that the minority view of the committee was adopted.

The preamble to The Manitoba Labour Relations Act states: It is in interests of the province of Manitoba "to further harmonious relations between employers and

employees by encouraging the practice and procedure of collective bargaining between employers and unions as the freely designated representatives of employees." Harmonious relations between the parties necessarily requires both labour and management to be on an equal footing. If passed in its present form, this labour legislation will seriously weaken the union's ability to organize, weaken the union's ability to take political action and weaken the union's ability to survive a strike. Progressive labour legislation makes for good labour relations. When the rights of both parties are respected, the workplace is a better place.

The amendment substitutions for subsections 12(2) and 14(3) concerning strike-related employee misconduct at first glance appears to be a step towards the maintenance of a peaceful, democratic society. However, realism is that picket lines are naturally confrontational places. Strikes, lockouts and picket lines are not, will never be and have never been—and will never be business as usual. The striking employees can be confronted with any number of volatile instances: riot police, as we saw at Boeing this summer, employee-paid security enforcers, surveillance equipment, replacement workers, company vehicles, just to name a few, all initiated by the employer.

The existing subsection entitled Defence is actually the calming breeze in a stormy gale. Its design was to prevent the extreme possibility of picket line cruelty initiated with extreme prejudice. If the Manitoba government is sincere in furthering the intent of the subsection, it would serve itself far better to drop the proposed amendment or add measure to the amendment such as replacement worker legislation, which would reduce the chances of picket line brutality. Neither union nor employer wants to go back to a labour relations climate when fear and frustration drove individuals to acts of violence and lawlessness.

The proposed amendments to the bargaining unit certification process are in the CAW's opinion indicative of the true feelings of the present government's total disregard for the human dignity of its working constituents. Previous legislation had been adopted to prevent the animosity routinely experienced during the certification process. The present language was designed to avoid the immediate and, in most circumstances, outright humiliation of pro-certification employees by the employer, as well as the intimidation and coercion of the

workers in the workplace and the ever-present dismissals that characteristically result during a certification campaign.

The present legislation was an obvious declaration of The Manitoba Labour Relations Act's intent to recognize and protect the human rights and social dignity in the workplace. It accomplished this by providing the opportunity to minimize animosity in the expeditious manner of a certification.

The amendments proposed relative to the representation-certification vote will only serve to prolong and ultimately magnify the animosity between workers and employers. Removing the automatic certification of over 65 in favour will delay the process and unnecessarily tax the already limited resource of the board.

Although the government will undoubtedly allege these amendments are an expansion of democracy, it is in fact an expansion of an employer's opportunity to harass workers.

The CAW has grave concerns regarding the proposed additions to subsection 72.1 which give the minister the right to decide when an employer's offer is good enough for the bargaining unit to vote on. This decision can be made before or after a strike or lockout begins but will certainly be after the employer has threatened all manner of retribution if the employer's terms are not met.

This is nothing less than alarming for the labour movement considering our present Labour minister defines the proposed amendments to the act as making The Labour Relations Act consistent with Conservative Party values. The amendment will greatly restrict the union bargaining committee's ability to achieve the best possible agreement. This is not in the best interests of the membership. It undermines the collective bargaining process and removes from the union the ability to exercise its collective wisdom regarding tactics and timing.

We all know, unions, government and employers, that the union bargaining committee is less likely to blink than the membership. We can only surmise that ultimately every employer will design a bargaining strategy to ensure a strike or lockout, expecting the

Labour minister to call a vote at the most opportune time. We all must consider this chilling proposal to be in direct contravention of The Manitoba Labour Relations Act preamble that I referred to previously concerning harmonious relations between employees and employers and encouraging the practice and procedure of collective bargaining between employers and unions.

The CAW strongly opposes the additions to subsection 76.1 that democratic principle of majority does not appear to apply in the political conscience of the author of this obviously prejudiced proposal.

We fully anticipated Gary Filmon's portrayal of this amendment as his crusade for the rights of individual union members to a measure of accountability. It is nothing less than spite over the blistering criticism Filmon and his bottom-feeding Tory hacks took over the union-sponsored media campaign raising questions about the wisdom of Tory government policy on health care.

There is absolutely no relationship to the labour relations of Manitoba within this amendment. The sole motivation of this atrocity was Gary Filmon's spite against trade unions for questioning his policies resulting in this attempt to keep the labour movement out of the political arena and to shut up all the unions.

Neither The Manitoba Labour Relations Act nor our society can tolerate dubious minds that lend themselves to spiteful acts. I urge the government to see this amendment for what it really is. Portrayed as a measure of accountability, it is really a measure of hate. Similar measures have been tested up to the Supreme Court and appropriately judged for what they really were.

The CAW research concluded the process presently in place in subsection 1.11 was a procedure that was equally accessible to parties of employer/employee regardless of the demographics of the party. Reviewing the proposed changes can lead only to the conclusion that the implementation of the additions to subsection 1.11 would result in prohibitive accessibility to groups involved in labour disputes.

Based on the cost of mediation, the opportunity for smaller unions to utilize the mediation process would be nonexistent. The concerns of the perceived possibility of abuse by a hostile government could also be forecast by

the inherent costs on smaller unions. Restrictions imposed, financially or otherwise, would only serve to deteriorate labour relations in the province.

\* (1950)

The CAW not only opposes the addition of Part VII.1, Disclosure of information by Unions, but is shocked by the government's blatant arrogance in presenting such a proposal. The proposal was not even endorsed by their own Manitoba Labour Management Review Committee. The CAW is an ardent subscriber of financial disclosure to its membership with semiannual audits being a requirement in accordance with our constitution. Some local unions go even further and provide the membership with quarterly or monthly reports at membership meetings. Wages and salaries of officers are specified within the constitution and readily available for the membership.

**Mr. Chairperson:** Thank you very much, Mr. Henderson. That concludes the time available for the presentation.

Mr. Reid, with a question.

**Mr. Reid:** Thank you very much, Mr. Henderson, for your presentation this evening. I will read the remainder of your comments.

But I want to ask you a question with respect to Bill 26, and there are many questions that I could ask, but, of course, we are limited by this government's intent to limit questioning to just five minutes, even though you may have noticed that there seems to be a lack of interest on the side of government members here.

I want to ask you, sir, have you or any member of your organization—

**Mr. Chairperson:** Order, please.

#### Point of Order

**Mr. Toews:** On a point of order. I just do want to indicate clearly for the record that I paid the appropriate attention that the presentation was worth.

**Mr. Reid:** Mr. Chairperson, I know we are not allowed to reference that the minister was out of the room for 20

minutes and I will not put that on the record, but I wanted to ask the presenter here this evening that since there are government members who like to move in and out of this committee at will and putting, I think, some undervaluing of the presentations that are made here, I want to ask you, sir, have you or any member of your organization—

**Mr. Chairperson:** Excuse me, I think then Mr. Reid, if you will not be addressing the point of order, I will make a finding on the point of order and then I will start the clock again and allow you to address the question to the presenter.

I find that there was not a point of order, there was a dispute on the facts.

\* \* \*

**Mr. Chairperson:** Mr. Reid, I would invite you to proceed with your question, sir.

**Mr. Reid:** I may be interrupted again on this, and I apologize for it because the minister has been sensitive when other presenters have come before committee, but in the House last week the minister referenced the fact that he consulted with a dozen or so people or organizations with respect to—

**Mr. Chairperson:** Order, please.

#### Point of Order

**Mr. Toews:** On a point of order, I think it is clear that the member is again misleading the witnesses, and, in fact, those were not my statements. We have made this very clear. It is not so much, Mr. Chair, the statements or the inability of the member to follow appropriate parliamentary rules but, in fact, is his insistence that the process be subverted for his own ends.

Now, that may well be good, but as long as the record provided—that in fact indicates the errors of Mr. Reid's very faulty memory. If your Chairmanship rules that there is no point of order, I will abide by that.

**Mr. Chairperson:** Thank you.

**Mr. Reid:** On the same point of order, Mr. Chairman. That is why I referenced my comments to the presenter

because I know the minister is sensitive to the comments he made in respect to questioning from the Leader of the Opposition (Mr. Doer) last week, but I will let the record of Hansard speak very clearly for itself.

**Mr. Chairperson:** Fine, then I would find then that there is not a point of order.

\* \* \*

**Mr. Chairperson:** I would invite you then if you are about to put another question to the presenter, to proceed with your question, Mr. Reid.

I would let the record know that while we were discussing the point of order, I had stopped the clock, and so I am letting the clock rerun.

**Mr. Reid:** Through you, Mr. Chairperson, to the presenter, Mr. Henderson. Since the minister said quite clearly in response to questioning in the House last week that he had consulted a dozen or so people in the province of Manitoba with respect to Bill 26, I would like to ask you, sir, were you or any members of the CAW consulted by the Minister of Labour (Mr. Toews) with respect to Bill 26 prior to its being tabled in the Legislature?

**Mr. Henderson:** Not to my knowledge.

**Mr. Reid:** Can you tell me, Mr. Henderson, because this government plans through its legislation to allow individual members of a union to divert any monies that a particular organization may be choosing to use for political action, which you referenced in your presentation here, perhaps you can share with me your thoughts on whether or not it is fair for the government to take the steps to financially penalize a union by saying that a union member, or a member of a company for which there is a union, would be allowed to divert their dues to charity opposed to that money being used for political activities, advertising, et cetera, for the benefit of all your members instead of having that money turned back into the internal operations of the union to be utilized for mediation or conciliation processes in the future which would be to the benefit of your members?

**Mr. Henderson:** The government should keep their nose out of the business of our unions. Our unions are

dealt—the business is run at membership meetings monthly and the decisions are made whether we give money to charities, political parties, at those meetings. The discussion is done there at the meetings. The vote is taken. Some cases, we send money to political parties. In many other cases, we choose not to.

**Mr. Reid:** Can you tell me, sir—

**An Honourable Member:** It is \$108,000 to the NDP.

**Mr. Reid:** Mr. Penner references a certain figure. I am not certain if he was referring to the fact that Westfair Foods donated \$40,000 to his party's political campaign since 1988. I am not sure if that was the figure he was referencing for the record or not, and that is why his Minister of Labour (Mr. Toews) will not appoint a mediator to deal with that strike currently.

I want to go back to the presenter here and ask him if it is fair, in your mind, for this government to bring forward legislation that would allow a company to dismiss an employee for strike-related misconduct in the employer's mind when there are no sanctions available other than a \$2,000 fine that would be applied for an unfair labour practice. What are your thoughts that the employee would lose his job and that the employer found in contravention of the act would only pay a \$2,000 fine?

**Mr. Henderson:** Clearly, our union does not condone violence on the picket line, but the way the legislation is worded, if you were caught spitting on the sidewalk, the employer could fire you. If you were caught throwing away a paper cup, the employer could fire you. So it is clearly not fair. The alternative to that is replacement worker legislation. If you do not want violence on picket lines, then do not let scabs go in there and steal our jobs.

**Mr. Chairperson:** Thank you, Mr. Henderson. That concludes the time allotted for presentation and questions. I thank you, sir, very much for appearing before the committee tonight.

The next presenter is a Mr. Jim Silver. Mr. Jim Silver has indicated that he is unable to attend in person tonight and has submitted a written proposal. This is now being photocopied as we speak. Is it the will of the committee to receive the proposal and receive it as if read into the record of Hansard? [agreed]

The next proposer is Mr. Brian Hunt. Is Mr. Hunt in the audience?

\* (2000)

**Mr. Brian Hunt (United Steelworkers of America):** I am.

**Mr. Chairperson:** Good evening, Mr. Hunt. As your presentation is being circulated, I would ask you to commence with your remarks.

**Mr. Hunt:** Mr. Chairperson, I am the area supervisor for the United Steelworkers of America, and in that capacity I am also a member of the Manitoba Labour Board. I sit as a member as well of the Labour Management Review Committee of this province.

The United Steelworkers of America represents members in every geographical area of the province, in offices, in schools, hospitals, mines, steel mills, foundries and manufacturing operations. The government has said that it wishes to democratize unions and that with the very changes contained in Bill 26 will do just that. Nothing could be further from the truth. Firstly, they would set the tone by having workers vote twice before becoming entitled to be represented by the union of their choice. This scenario presents some interesting and puzzling circumstances. We have been told that management wishes this change to occur. If, as the law now stands, 65 percent is the threshold for an automatic certification, what is really being said here? I believe that managements want time to coerce and intimidate their employees to such an extent that the employee will vote not to be unionized or, at the very least, have had the opportunity to weaken the initial support the union had, all to the benefit of whom? Management.

I have encountered abuses in the past whereby lawyers would seek time to respond to applications for certification and be granted such additional time, only to then find out, as the new date to file approached, that the very same lawyer now had a conflict and needed more time to locate another lawyer who had no conflict. Another incident occurred at a plant and serves to heighten my concerns as it relates to the unionizing of minorities. A young aboriginal woman was fired during an application for certification period. The reason? She had asked for her chair back from a supervisor who did

not like her tone. She was subsequently reinstated with compensation, but although she had been a keen organizer at the onset, soon stepped aside from the union and ultimately left her job. The message had got across. The government inspector of the day told me that he expected she would quit as she had told him she had never expected such a blatant attack on her rights, especially after that same supervisor had told her what a good worker she was and how pleased he was that she had decided to stay with the company only two weeks prior.

Only on Tuesday of last week, we read about the need for more immigrant workers in the province. With this type of change to The Labour Relations Act, we can only expect that newly arrived citizens will ponder if in fact they have bettered themselves by a move to this province. The government says that their proposed changes will give workers more say in how their unions spend their dues dollars. In my capacity, I cannot move a motion to spend money; I cannot second a motion to spend money. The members of a local at their local union meeting make these determinations.

Often I am asked if they are correct in doing certain things, and I answer. An example of this occurred Wednesday evening last, where the local wished to update their local union by-laws as it relates to per diems paid to members who do work on behalf of the local. I pointed out that our constitution requires such changes to be in the form of a notice of motion and that after being moved and seconded, debated and passed, must be read out at the next three meetings and posted in the plant that the changes had been proposed and are to be finally voted on at a third meeting. This certainly gives the membership ample opportunity to make an informed decision on the subject. Our membership has no problems with the system they have chosen. If they did, they could change it. They tell me the government does not have any foundation for concern in this area as it relates to the democratic process used by the Steelworkers.

You should also know that in the area of collective bargaining, you are proposing changes that mean the company can have the upper hand in the negotiating process by requiring votes to be held on any and every offer management puts forward. I can show you management positions numbered one, two, final and

final-final, and you should also be aware that the final-final position was not the last position that was recommended to and accepted by the membership. Under your proposed legislation an agenda set by the membership for goals it wishes to gain in negotiation can be manipulated by management such that the best possible settlement will seldom if ever be achieved.

Whose purpose will be served by limiting access to expedited arbitration? I think neither party to a collective agreement benefits. Expedited arbitration has a feature that allow the parties to use the Conciliation department of the Labour department prior to the actual arbitration case going forward. This often resulted in settlements that both sides could live with and meant that neither side could claim victory, thus avoiding an I-told-you-so mentality which does little to keep the harmonious relationship present at a workplace that The Labour Relations Act presently contemplates it will create.

There are other proposals contained in this bill which our silence on at this time should not be taken as in agreement with. In fact, we do not agree with them. You have heard and will hear more from other labour organizations on these sections and, through our associations with these organizations and our affiliation with the Federation of Labour, know that you have heard what labour and the Steelworkers feel about these proposed changes.

I want to speak now with respect to a book that I have read, and the editors of the book, which is entitled Unions and Economic Competitiveness, Lawrence Mitchell, research director of the Economic Policy Institute, and Paula B. Voos, an associate professor of economics and industrial relations at the University of Wisconsin in Madison, have drawn upon a number of highly respected contributing authors to address the issue which is the very title of the book.

I want to now read to you the conclusion they drew: We increasingly see evidence that a system based on collective bargaining and a strong independent voice for workers is not only important to our democratic institutions but also may make a positive contribution to our economic future. We have a choice, we can continue to try to compete based on mass production at ever lower wages, but that is not the industrial or the industrial-relations system that is most appealing to us or to most

Americans. Apparently, we can try to enhance productivity through more investment in highly skilled and motivated labour, people who are willing to be utilized flexibly by their employers because they are economically secure and have an independent voice in their future. However, this more appealing scenario requires that American employers stop fighting collective bargaining and instead work with unions to make productive choices that will enable this country to compete in a world market without lowering living standards.

Unions and other mechanisms, to empower and involve workers, need to be enhanced rather than hindered. As the MIT commission in 1989 recommended, business leaders should support the fusion of co-operative industrial relations by accepting labour representatives as legitimate and valued partners in the innovation process. American managers must recognize that unions are a valued institution in any democratic society. Resources traditionally devoted to avoiding unionization need to be reallocated towards promoting and sustaining union-management co-operation. The challenge is to construct an economic future that ensures both a high and rising standard of living and a high quality of working life through workplace participation and simultaneous economic representation through collective bargaining. This is possible through an economic strategy that stresses high quality, high value-added production, by a flexibly skilled workforce. The future can be high waged and it can be union. Indeed, the two go together.

It is those changes to The Manitoba Labour Relations Act that would serve to stifle the organization of nonunion workers, weaken the collective-bargaining process and ultimately make for weaker unions that I ask the government to rescind the proposed legislation, and the stand firm that the current system really is more of a level playing field than they first envisioned.

In closing, let me say, there is a saying that an injury to one is an injury to all, and the Conservative government proposal of Bill 26 is viewed by our members as an injury to their rights. Thank you.

**Mr. Reid:** Thank you, Mr. Hunt, for your presentation this evening. One of the things that struck me by the various labour organizations that have come before this committee last Thursday and again this evening is the

almost extreme democratic nature in which the organizations function where the body itself, the union body itself, bends over backwards to make sure that their members have every opportunity to see the finances of their organization and to participate, through the democratic process, by voting on the issues that are affecting the various labour organizations, and it causes me to wonder why the minister has brought forward such a regressive piece of legislation.

But I want to ask you, sir, with respect to the LMRC, Labour Management Review Committee, which you indicated in your opening comments that you are a part of, do you see that, with the knowledge that is available to you, the LMRC, or the Labour Board, I should say, has the resources necessary to conduct the votes, the secret ballot votes that this government is going to demand within the seven-day period that this minister is saying. Are the resources available at the Labour Relations Board to deal with a vote within seven days, and has the board itself in any way indicated to the Minister of Labour (Mr. Toews) that there may or may not be resources available?

\* (2010)

**Mr. Hunt:** Yes, as a matter of fact, the minister in a meeting that I attended at the request of the chairperson of the Labour Board, where there were three members representing the employees and three members representing employers, the minister, his assistant, the chairperson, some vice-chairs—I do not think all—and believe it was in late April, probably April 26, because it got moved from its original date. At that onset, he had indicated that the chairperson of the board had in fact been doing a good job in lobbying him to ensure that there were funds in place, and I gathered from his words that in fact there may not be funds in place to have the speedy vote done. He had indicated that that had been conveyed to him by the chairperson and that the members present should know that he was looking into that.

**Mr. Reid:** Can you tell me, Mr. Hunt, that as a member and a representative of one of the major unions in Manitoba, the Steelworkers, how is it that—and can you convey to this committee the thoughts of your members that after the hard work that labour put into the Labour Management Review Committee to review their recommendations for Bill 26 that were sent to that

committee and that the committee held the hearings and made recommendations back to the minister which this minister has not accepted, what are the thoughts of labour now that those recommendations have been rejected by this Minister of Labour?

**Mr. Hunt:** We are saddened by the fact that a process that has been around for a number of years before my time, that has been used by all parties, I believe, and has shown a lot of flexibility and a lot of innovative approach, is just not listened to. It saddened me to be here at the previous committee meetings when a representative of the chamber rose and said that his side had not supported the amendments that the Labour Management Review Committee had been able to come forward with because his group, the Chamber of Commerce was not a dissenter to that. They supported it. I questioned him after about it, so it does sadden our members to think that—I have used my time where it could be spent assisting them to be involved in this process to find out that they are not listened to.

**Mr. Toews:** I assume that, Mr. Hunt, you were around when the NDP was drafting the massive amendments to The Labour Relations Act in 1985 when I was counsel to the Department of Labour, when all of the amendments in fact were kept under wraps even though they were in many hands of the government people, were kept under wraps, not presented to anyone in business, and two days before these massive changes in 1985 were presented in the House, it was given to LMRC, and that was the extent of the public involvement on those massive, massive changes that changed The Labour Relations Act.

I think you will recall the numerous court cases that had to be brought to try to release that information, and the government steadfastly said no. I recall I was the lawyer who defended the government's right to say no at that time, but you will recall that the government chose not to consult with the employers, with employees, and you will recall that I had been consulting in respect of every single one of my amendments over the past year in respect of any organization who have said that they have wanted to listen.

**Mr. Hunt:** I was around in 1985 and I was a member of a committee that sat down with business and labour leaders. I would be erroneous if I said it was that same

forum that you talked about, but I can tell you at that point in time, and I believe it to be prior to the legislation being tabled, and we sat on a Saturday afternoon and listened to management complain and whine with respect to the changes that went forward. They seemed to have some knowledge of it, Mr. Minister.

Now, I stand to be corrected, that is a long time ago, but I can check diaries and see just when that was. I think they had some knowledge. It may not have been done in the same public forum that you are suggesting that you have done, but I believe they had it. I can tell you that I sat today with the member from the Fashion Institute who was on that committee and we were reminiscing about the fact that I was going to be here tonight and that he was not because he is now retired, but he indicated at that time that he recalled that 1985 meeting. So perhaps our memories are not exactly the same.

**Mr. Chairperson:** Thank you very much, Mr. Hunt, that would now conclude the time for presentations and questions on your presentation. Thank you very much, sir, for coming before us tonight.

**Mr. Hunt:** Thank you.

**Mr. Chairperson:** Colleagues of the committee, we have a presenter who has come in at the last minute, an individual by the name of Theresa Ducharme who is requesting to be added to the foot of the list. What is the will of the committee as to whether this presenter should be allowed to present? May I have the will of the committee on this issue? [agreed]

I would instruct the Clerk to put Mrs. Ducharme's name on the list.

**Mr. Reid,** do you have a recommendation to make on this issue?

**Mr. Reid:** No, I do not. Mr. Chairperson, I do not want to inconvenience any other members of the public but knowing somewhat of Mrs. Ducharme's plight, perhaps it would be in the best interests if we could afford the opportunity to Mrs. Ducharme to present, and I do not mean to inconvenience other presenters but I think in fairness to her and the conditions that it would be in the best interests of this committee to hear her at this time.



**Mr. Chairperson:** I think, colleagues, that Mrs. Ducharme may have some impediments with regard to transportation and so therefore, if it is the will of the committee, Mrs. Ducharme, I would welcome you tonight before the committee.

**Mrs. Theresa Ducharme (Private Citizen):** Thank you, Mr. Chair, minister and all those present.

My name is Theresa Ducharme. I am here as a private citizen as well as a representative and president of People in Equal Participation, Inc. We are very pleased to see that amendments are being made, but we are very displeased to see that they are being made without much public input and also private citizen input and the fact that Bill 26 does not include those such as myself, severely disabled, who wish to be employed, who wish to be part of the employment category and the labour force in the fashion that all institutionalized and people who wish to be taken care of under the Home Care program cannot be taken care of or cannot offer their services such as myself in being employed under The Labour Act because we cannot have employment for nurses that must offer us a little bit of assistance in the place of employment, so that the medical services do come in.

I am not sure if this is where it is going, but everybody said it is not the Minister of Health, it is the Minister of Labour. So you go to the Minister of Health, he tells you one thing; you come to the Minister of Labour's office, the labour relations, and they say, go back to the Health department.

Now I hope I am under Bill 26 where they have not included home care to expand their services under The Labour Act to community care services. If you need a nurse or if you need an attendant, if you need an orderly, if you need anything under the union act or under The Labour Relations Act, they should be taking care of all of us because we have a right to be here and we are citizens of Manitoba. Now, I would like to know where I go and what we have to do because at the same time, everything is becoming privatized, everything is being washed away from us and removed from us without asking or even offering us a chance of reality, that we are here for the purpose of employment and to be taken care of and also so that we can offer our ability to the best of our mobility.

Now I would like to ask under Bill 26 that the short notice of everybody coming out—even at the utilities

board they said if we do not hear them tonight, we will move them, we will bump them to the last, we will do this, we will do that. Thank God I found this public hearing for Bill 26, because the Conservatives have done everything behind closed doors and with less than 24 hours notice, they are going to pass and push everything through because they are in a majority. My problem with that is constipation because I cannot be everywhere at the same time, and at least if you do not give any notice to anybody to be any place at any time, you can make the decision yourself and carry on. That is exactly the pain that I have right now, because I have to pay \$60 just to come to the utilities and I said, well, I will kill two birds with one stone even if I am not there for the right purpose.

\* (2020)

So they said, take it to the labour, they are changing the bill. I said, well, we cannot wait to hear the answer and the response because everything is being taken away from us and I hold shares in Manitoba. Under the MTS act, I hold shares, and I have every bill and every purpose and if that is privatized or even this labour relationship or all these—right now consumers such as myself do not have a union. We are not smart enough to have a union, I guess, or we do not have the finances to have a union. So we all have to take what is given to us on a daily basis and if nothing is given to us, that is exactly what we receive. But a union is the strong voice that makes the foundation for a purposeful, profitable, productive workforce so that people can have a good place to serve their family and also offer to the community.

So Mrs. Ducharme is here for you to concentrate openly and with your hearts, not only your heads, and remember, I came here with a very contagious illness called love. I love to live and I live to love and I want to continue to do that to the best of my ability. So remember there is no cure for me, honey, and you are stuck with me now. So you vote the wrong way, my wheelchair is not covered with Autopac so I can run it over anybody and use it as a weapon. So watch out for me.

**Mr. Chairperson:** Thank you very much, Mrs. Ducharme.

**Mrs. Ducharme:** I am here to sell each one of you a—

**An Honourable Member:** I knew that was happening.

**Mrs. Ducharme:** Yes, I am here to sell a ballpoint pen to everybody for \$3, no tax, and if not, you have to take me home. I will be your roommate, and your wife will ask questions.

**An Honourable Member:** How about chocolates?

**Mrs. Ducharme:** No, chocolates are fattening, sir. You are right on with the pen. Are there any questions, dear? You can have my vital statistics. Come on, gentlemen.

**Mr. Chairperson:** No, thank you, Mrs. Ducharme. Thank you very much for coming out.

**Mrs. Ducharme:** Are you going to change the name of home care to community care so we can have care within the community and have the labour relations move from institutions out to the community? We have to change home care to community care.

**Mr. Toews:** Thank you very much for your comments, Mrs. Ducharme. I know that you are a very active, very concerned Manitoban. We are proud to have you as a Manitoban, and I appreciate every time you come by and give us advice, because I truly believe that every time you come by, you give us advice and you give it with a genuineness that we in government appreciate. Thank you very much.

**Mrs. Ducharme:** Mr. Minister, I have one last question. We held a private meeting with the noble honourable Minister James McCrae, and there was a private meeting. He said no media, please, and I said, okay, no media. The first question was from my loving husband who said, Mr. Minister, could you tell me if home care is like all other contracts from banks, mortgages or anyone that if they want to come in and close up shop, take your account or anything, they have the right to do that. James McCrae, the honourable minister, in the company of all the private citizens that were there and political people as well, he said yes, home care is like any other contract. It is not worth the paper it is written on. I was shocked out of heck. That is why the NDP are moving close to me. At the same time, Sunshine, we will have to conserve our energy, because no hair will grow on top. So I am asking you, is the labour relationship act the same as that, that it is not worth the paper it is written on?

**Mr. Chairperson:** Thank you, Mrs. Ducharme.

**Mrs. Ducharme:** I am asking you that question.

**Mr. Toews:** Mrs. Ducharme, it certainly is the product of the thought of many people, many efforts here, including members from the opposition. Legislation is certainly more than a piece of paper; it is the rules by which we govern our society. I know that you realize that, and I appreciate your concern.

**Mrs. Ducharme:** We helped in the strikes at the nursing home, and it was wonderful to be there co-operatively working with everybody, but strikes are very hurting and damaging, so before they hurt the health care of all our people, and you will be in that position one day, Sunshine, because you cannot be without me, because I will outlive every one of you, so you better be ready for no more strikes and negotiations and compromise with common sense. See? That is where it goes.

**Mr. Toews:** Thank you.

**Mrs. Ducharme:** Ballpoint pens, \$3 each.

**Mr. Chairperson:** Thank you very much, Mrs. Ducharme.

**Mrs. Ducharme:** Mr. Minister, have you got any ballpoint pens?

**Mr. Toews:** I have one in my office with the red maple leaf that you sold me a few weeks ago, yes.

**Mrs. Ducharme:** Well, this is a new day, a new start.

**Mr. Chairperson:** Our next presenter tonight will be Mr. Peter Olfert. Is Mr. Peter Olfert in the—yes, I see Mr. Olfert. Good evening, Mr. Olfert. I see your presentation is being circulated. I would ask you to proceed with your remarks.

**Mr. Peter Olfert (Manitoba Government Employees' Union):** Mr. Chairman, committee members, thank you again for the opportunity to be here tonight.

The labour relations being considered by this government represents a significant and dangerous break with tradition in Manitoba's labour relations. Instead of

attempting to establish a level playing field on which labour and management can engage in meaningful collective bargaining, this government is tilting the field in favour of management. The objective of this legislation aims to create fewer unions, weaker unions, quieter unions. There is no balance in the government's approach.

Secondly, these amendments represent a significant and completely unwarranted extension of government's intervention into internal union activities. To a significant degree, it will no longer be the delegates to union conventions or the union members who attend union meetings who give direction to Manitoba unions. The Manitoba government apparently believes it knows how unions should be run. It will determine when unions are to vote on contract proposals, it will determine what information unions will provide to nonmembers, and it will allow nonmembers to dictate how union officials spend much of their time. This is big government invading the territory of democratic institutions. It is interesting to note that this same government would never contemplate placing similar restrictions on private enterprise.

I will now turn to some of the major changes in the act and make some comments on those. Firstly, increase employer's power to fire. Section 12(2) increases the employer's ability to fire workers if they are convicted for strike-related activities. What is the point of this change? Is there a widespread problem with picket line violence in Manitoba? We just went through a near record year for strike activity, yet there was only one major outbreak of picket line conflict, and it was when the police attacked workers with pepper spray. So what is the problem that the government is trying to solve? The answer, it is simple. It is trying to frighten workers who are thinking of taking strike action. The government believes that workers are going to think twice before voting for a strike if they know they are at risk of being pepper sprayed, charged with resisting arrest after they have been sprayed and then fired. This is an attempt to undermine union bargaining power and place workers in double jeopardy. Workers who break the law should be punished by the courts, not by their employers.

2. Increase employers' ability to intimidate unorganized workers. Section 40 of the act is being amended to require that there be a vote held every time a

union applies for certification. This is the second time the government has amended this section. Originally, unions were granted certification if they had signed up over 55 percent of the members. This government changed that to 65 percent. But unions were still winning too many certifications, so the government is moving the goal line again. There will be no certification without a vote, which means there will be a lengthier period of time in which employers will have the ability to intimidate and even fire union supporters.

While such workers may get their jobs back, the damage will have been done. It should be noted that while the government is providing employers with more opportunities to commit unfair labour practices, it is not increasing the fines for committing such practices.

3. Increase employers' ability to control negotiating process. Section 72(1) will allow the employer to request contract ratification votes and allow the minister to order such votes. This cuts at the basic principle of collective bargaining. The employer is supposed to negotiate with the bargaining agent selected by the workers, the union. The workers elect the union bargaining team, and that team determines the union's bargaining strategy, including when a ratification vote is to be held. Employers, particularly government employers, have been through some tough negotiations in the past year. They want to by-pass the union bargaining team and place their offer before the members on a take it or leave it basis.

\* (2030)

The present system allows for plenty of membership input and plenty of opportunities for members to give direction to their bargaining team. This measure will create unnecessary votes. It will encourage employers to mount expensive campaigns to attempt to alienate workers from their unions, and in the end it will prove to be an expensive waste of time because the government will discover that union bargaining teams are doing what their members want.

4. Reduce workers' ability to be heard on important public issues. Section 76(1) requires unions to consult in advance with every union member prior to using union dues for political purposes. It should be noted that the amendments do not provide a definition of political

purposes, although it would include nonpartisan advertising during an election campaign. This open-ended definition would appear to include much of the ongoing activities of a union such as ours. Taking out advertisements opposing the contracting out of home care is a political activity. Even appearing at a legislative committee hearing such as this one is a political activity.

This law would mean we are committing an unfair labour practice every time we engaged in such activities without first consulting all of our members. This would make it impossible for us to act on political issues in a timely fashion. Members have the ability to determine the political policies of this union through convention. This measure strips the union officers of the ability to act on those policies in an effective manner.

There is no fairness in this bill. It does not require employers to consult with workers, customers or shareholders prior to their undertaking political action.

5. Reduce workers' access to speedy arbitration. The amendments to Section 130(1) strip workers of their right to expedited arbitration unless they have been dismissed or suspended for a period of more than 30 days. This is eliminating a worker's right to a speedy resolution of a grievance. It means that hundreds of Manitoba workers will now see their grievances dragged out for months or years. Justice delayed is justice denied. With this amendment, justice is being denied. This amendment also strengthens the employer's position since under our system of workplace law a worker is considered guilty until proven innocent and must live with the discipline imposed by the employer until the grievance is settled.

6. Disclosure. There is a new section to the act. Section 132 deals with the disclosure of union information. First of all, I want to make it clear that my union provides all delegates to our annual convention with annual financial statements. We provided such information this past weekend. Copies of these statements are available to any member who wants them; however, we do object to the way this amendment opens the door to allow nonunion members to conduct unrestricted fishing expeditions.

Under the amendment, unions will lose the right to automatic dues checkoff if they do not provide satisfactory answers to requests for further information.

In the United States these provisions have allowed nonunion members to bombard unions with an endless series of frivolous and vexatious requests for detailed breakdowns on financial matters. Instead of servicing membership needs, union staff are required to spend their time responding to these requests. Nor is there any fairness in this amendment. Employers are not required to file financial information with the Labour Board. They are not being required to answer an endless series of unlimited financial inquiries. Many Manitoba companies receive subsidies, loans and other benefits from the Manitoba government. Why does the government not require them to submit audited financial reports and allow taxpayers to request any financial information they want to from these firms? Labour is being singled out. Workers are the only ones who are having these restrictions placed on their organizations.

In conclusion, I would urge the government to abandon these amendments. They are unfair and ill conceived. They will simply serve to drive down wages, reduce workplace democracy and increase anxiety throughout our society. The government should recommit itself to the principles outlined in the first sentence of The Labour Relations Act, namely that it is in the public interest of the Province of Manitoba to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and unions as freely designated representatives of those employees. The amendments under consideration today have turned those fine words into a hollow joke. Thank you for your time.

**Mr. Chairperson:** Thank you, Mr. Olfert.

**Mr. Reid:** Thank you, Mr. Olfert, for your presentation. It has dawned on me here, and I admit to being somewhat slow in grasping some of these issues, but this Minister of Labour (Mr. Toews) and this government have been very reluctant, as members of the public and perhaps members of the audience here this evening know, the minister has been reluctant in appointing mediators to deal with disputes, whether they be strike or lockout in the province.

How, in your mind, Mr. Olfert, do you see this government reacting as both an employer and a Minister of Labour who is responsible for the appointment of mediation under this legislation Bill 26, wherein the

Minister of Labour will determine when the employer's last offer will be placed to the employees, knowing full well that the Minister of Labour has the final determination of deciding when that vote will take place and also acting as the negotiator on behalf of the government since the minister is responsible for the Civil Service Commission?

**Mr. Olfert:** It is going to be a problem, and that is why we made mention of it in our report. The fact that at any point in time—I mean, the membership puts proposals forward for collective bargaining at local meetings. Those proposals are put together, and there is also an elected bargaining committee struck from the appropriate bargaining unit. Those people are charged and those members are charged with and entrusted by the rest of the membership to go to the bargaining table and get the best deal possible. We see the ability of the minister to call votes on offers during the collective bargaining process as a real interference in the collective bargaining process, because it is really up to the bargaining committee and the bargaining team who have been elected to go out and achieve what they are able to achieve at the bargaining table on behalf of the members, not to be frustrated and time spent on voting on offers that indeed may not be final offers at all. When is an offer a final offer? I think that is the concern that we would have in terms of that voting process.

**Mr. Reid:** Then you see there is a possibility of the minister being both the person who will decide when the employer's offer will be sent to the employees for a vote over top of the heads of the union negotiators so that the minister, in this situation, as both the employer or the officer representative of the employer for the public sector, can be in a conflict of interest situation in determining when that offer would go to the employer, since he is ultimately the employer in cases of negotiations involving the government.

**Mr. Olfert:** Well, that presents certainly a perception of a conflict of interest for our membership in a number of bargaining units. Some of our bargaining units are not directly tied to government but those that are, certainly that does present a concern when the minister is also able to ask for a vote to be conducted and, at the same time, a member of government, a cabinet minister, who is at the same time negotiating on behalf of the government.

**Mr. Reid:** Can you tell me, Mr. Olfert, have you or any members of your union, to the best of your knowledge, been consulted about the provisions of Bill 26 prior to its being tabled, given that the minister said that he has consulted with a dozen or so people or organizations in the province of Manitoba prior to it being tabled? To the best of your knowledge, have any of your members, or have you, sir, yourself been consulted with about this legislation prior to its tabling?

**Mr. Olfert:** To the best of my knowledge, the Manitoba Government Employees' Union, nor any of our members, have been consulted in the process.

\* (2040)

**Mr. Chairperson:** Thank you very much, Mr. Olfert. I do not think there appear to be any more questions tonight. I would thank you very much for your time for coming before us this evening.

The next presenter is Albert Cerilli. Is Albert Cerilli in the crowd? I would call Albert Cerilli's name for the second time. Albert Cerilli. On hearing no response, Mr. Cerilli's name will be struck from the list.

The next person presenting on the list is Deb Stewart. Is Deb Stewart in the Assembly? Deb Stewart, for the second time. On hearing no response, Deb Stewart's name is struck from the list.

The next name on the list is Mario Javier. Is Mr. Javier in the room. Aha. Good evening, sir. Good evening, Mr. Javier. Do you have—yes, I see you have some copies of your presentation being circulated. While these are being circulated, I would ask you to commence your remarks, sir.

**Mr. Mario Javier (Private Citizen):** The note that you have there actually is just part of my presentation. I would not be repeating it word by word, but my talk will be revolving around it and Bill 26. If you feel that I am very foreign here or very alien looking it is because I am alienated in the way this government is going ahead with all the bills that are going on, because this is not just Bill 26, this is a group of all the bills that are now being passed in the Legislature.

I am not going to go on Bill 26 article and paragraph because it will sound very redundant. I will just go ahead

and I will talk about how this labour amendment will affect us. As a private citizen I can only consider myself as a worker, and Bill 26 actually is a labour amendment, and anything that pertains to labour should affect workers. All of us are workers. As elected officials, whenever you touch the labour bill you should be looking after the workers. Bill 26, actually, if you will look at it, just look and focus itself on the union. The union is an organization of workers. So actually this bill is not really working for this organization of workers, although the amendment is supposed to be for workers.

I probably would call now the minister that I think this bill is unnecessary and to the extent I think it might be dangerous. It might be very brutal or very pessimistic, but then I will try to prove my point. If the government now thinks this bill will change the way the union is behaving, I do not think so. It will only infuriate them. You see, the union for the past few years, as I know, has been a little bit misunderstood, but the inner function of it is truly democratic, and I am a living proof to it.

Maybe two or three years ago I was calling the chair, since he is in my riding, about my union. I cannot get any help then. Now I run my union, and that is how it works. If everybody in the union will know and will be advised on what is happening, they will soon realize and, as Mr. Hilliard was talking here before, if you want to have a career in the union you have to work for your members and for the workers. Otherwise your career will be too short.

Now, what I gave you here tonight is actually something that was a study during the Trudeau regime. You see, after the oil glut of 1973, there were three nations that seemed to fare well enough in their economy but, during the time around 1977-78, Mr. Trudeau seemed to wonder why Canada does not seem to go along with West Germany and Japan and the growth of the economy when his country actually has more resources than the other two. So he called for a tripartite conference. He called the labour organization, called the business community and the government, and they had a talk. This talk is supposed to be what we may call now an industrial labour relation. During that time the Canadian Labour Congress actually walked out of this meeting, and if you should excuse me—perhaps you will jump on me as to why the Canadian Labour Congress walked out of this meeting. You see, during that

conference, labour seems to be agreeing with the government and the business communities, except for one thing: the wage and price control. So after that, Mr. Trudeau just became frustrated. He asked then-Secretary Cartier, I think, to have a study to see why Japan seems to be shooting up in its economy and Canada is lagging behind, and Mr. Connaghan was commissioned to do this study. What you have now with you is the last chapter of his book "The Japanese Way."

You see it is very hard to implement some of those factors, The Japanese Way and the Japanese' labour relations and West Germany's labour relations to be applied here in Canada. They have a different culture and a different historical background. In West Germany, it is the ownership of the corporation being allowed. The employees are being allowed to own part of the corporation. It gives them an incentive. In Japan, there is another thing. It is the personal importance that they get every six months. They have the bonus system. We never have that here in Canada. So it was recommended during that time that Canada should have labour relations of its own, run by the federal government. One problem about that is that here in Canada you will have 11 labour relations because all the other provinces seem to be going independently with each other. It does not really have a real boss.

\* (2050)

Since that time, there is no real labour relationship here in Canada. The Conservative government normally goes along with business. The Liberals sometimes lean a little bit towards the left of the workers. The NDP government, who have never had a chance in federal politics, is the only one that really moves on the side of the worker. Now going back to Manitoba, over here in this province, we only have the Conservative and the NDP, and the NDP, of course, will have to go on labour and the Conservatives will go on business. Now we are in an economic crisis.

This is an aftershock actually of what happened to us in the early 1980s. While Trudeau was hoping that this study be implemented here in Canada, at least part of it, the Canadian people have a different idea. They elected a Conservative government after him, and while they were so enchanted by the baritone voice of Mr. Mulroney, they fell asleep, you know, and while they were sleeping,

Mr. Mulrone signed NAFTA, and when the Canadians woke up, he still had another gift for them, you got the GST. Now the labour relations were forgotten, everything will have to depend on our rich neighbour in the south, and everything that our neighbour in the south wants is business from us.

Now the Manitoba government, in conjunction and to go for the NAFTA agreement, will have to have some tools. Bill 26 is one of them; Bill 49 is one of them; and most of the bills that are being passed now are actually part of the package.

What I can call now here in Manitoba, after you guys review all these suggestions and these papers that I gave you, is that you probably can throw away this bill; this is dangerous. If you can really create a true business and labour relation here run by the government, then we can move forward and have our economy moving because, if you guys try to put the burden on all the working people, which is the foundation of this province—and this province is founded by labour and not by the Hudson's Bay investment—we can move forward. We probably can still do it if Mr. Toews here will only drop this bill. I think we can call for the labour and business communities, together with the government, to find the proportion to move forward.

**Mr. Chairperson:** Thank you very much, Mr. Javier. That concludes the time for presentation tonight. Mr. Reid, with a question.

**Mr. Reid:** Thank you, Mr. Javier, for your presentation here this evening. I am intrigued by your comments, and the thoughts that you shared with us that Bill 26 is but the first step for this government in allowing it to operate more freely, I take it from your words, under the North American Free Trade Agreement.

Can you describe for this committee, sir, the impact that you see this bill will have on working people in the province of Manitoba vis-à-vis or with respect to the working people in both the United States and Mexico? What do you see on the horizon for Manitoba working people once this bill—if it is passed, what will the impact be?

**Mr. Javier:** The design, the way NAFTA is made is like this: Canada, we are considered to be a very highly paid

country here in the world, and NAFTA actually includes Mexico. The United States, in the middle, will have to balance it out. Actually, the United States will continue in their business. They will just go to Mexico because the wages there are very low, but technology is much better here in Canada, so the United States will have to bring in here for quality.

Now, since our wage is very high, we have to adopt a system in which we can lower our wages. I can see it in Bill 26; I can see it in Bill 49. It is all hidden between the lines.

**Mr. Reid:** So then you see that Bill 26, as the first step, will be a lowering of the wages for working people in our province, and that, I take it, as a result of the lowering of those wages, you see in the future that there will be a lowering of the standard of living conditions for the people of this province as a result of this Bill 26. Am I correct in that assumption?

**Mr. Javier:** This is also the reason why I call this bill dangerous. You see, you lower the wages of Manitobans, and we can accept that as we are accepting now. Just last week we signed a tentative agreement to lower our wage by at least 3.2 percent. The problem is I can lower my wage down up to \$8 an hour, but I want to make sure that you lower the Autopac to the minimum of at least 30 percent, your water bills, your telephone bills. It just has to go on proportion. If I am going to lower my salary, for crying out loud, lower my bills.

**Mr. Reid:** Mr. Javier, as a member of the public, as a private citizen, have you been consulted by the Minister of Labour (Mr. Toews) or anyone in his department with respect to the minister's tabling of this bill? Have you been consulted prior to him bringing forward these amendments?

**Mr. Javier:** I had a brief conversation with the Chair once, and we discussed Bill 26, and we were both unaware of it then. I had not seen the paper yet when we talked. As far as I know, no one in my union has been consulted about this bill.

**Mr. Laurendeau:** Mr. Javier, I was wondering, as the head of your union, have you had a chance to bring this legislation before the people you represent?

**Mr. Javier:** I did, and I actually explained what will be the aftereffects of this bill. Since this is actually in conjunction with other bills, I know that this bill, if we have to remove the labour factor on Bill 49, this bill will compensate the loss of it.

**Mr. Chairperson:** Thank you, Mr. Javier. That will conclude the time for presentation and questions tonight, and I thank you very much for coming before the committee.

The next individual named on the list is Mr. Cy Gonick. Is Mr. Gonick in the assembly? Good evening, sir. Do you have written copies of your presentation for the committee?

While your presentation is being circulated, Mr. Gonick, I would invite you to proceed with your verbal presentation.

\* (2100)

**Mr. Cy Gonick (Private Citizen):** My name is Cy Gonick. I am an instructor in economics. My specialty is industrial relations. I am also co-ordinator of the Labour and Workplace Studies program at the University of Manitoba, and so I speak to the amendments to The Labour Relations Act in that capacity. Some of you might know that about 25 years ago I was a member of this committee debating amendments to The Labour Relations Act, but that was a long time ago, and I am in a different capacity today.

According to government spokespersons, these amendments to The Labour Relations Act are required to make trade unions more accountable to their members and to ensure that they are more fully representative and responsible in the way they function. These are goals which nobody is going to quarrel with, yet they presume that unions in this province currently violate these principles of democracy and responsibility and therefore must be regulated and restrained. What is the evidence for this presumption?

There are six amendments in Bill 26. For lack of time, I will only comment on three of them.

A secret ballot will now be required in all applications for certification. This sounds reasonable and democratic,

but so was the procedure that had been in place in Manitoba and most of the rest of Canada over the last 50 years. This procedure required that a large majority of eligible employees sign union membership cards. Only where less than a majority sign cards or where the majority is slim or questionable would a vote be held.

What was wrong with this procedure? Is there evidence of systematic or frequent abuse, falsification and manipulation? Aside from occasional anecdotes, no such evidence has been submitted in Manitoba or anywhere else in Canada.

What will be the effect of the new, so-called more democratic procedure? Employers will now have an opportunity to intervene in all campaigns to intimidate employees into voting against certification. How do we know this? Because it has already happened in Ontario which brought in a similar procedure last year.

In the first instance, the number of certification applications received in Ontario fell by 43 percent in the period following adoption of Bill 7, a period of expanding employment which should otherwise have resulted in a rise of certification applications. Second, the percentage of applications in which unions were certified fell from 77 percent in 1994 to 60 percent in the period following adoption of Bill 7. Thirdly, applications for decertification increased by 91 percent over the same time frame and the rate of terminations granted increased by 48 percent.

Assuming this pattern prevails over the next few years, the impact on trade union representation in Ontario will be nothing less than catastrophic, and there is no reason to think that the same result would not occur in Manitoba. Instead of a third of the workforce having union representation as at present, only 12 percent to 15 percent will have a collective voice that union representation provides workers. This is already the situation in the U.S.A., whose certification procedure is now the basis of Ontario law and the proposed amendment to Manitoba law.

Industrial relations experts in both countries have examined why unions in the U.S. now account for only 12 percent of all workers compared to 33 percent in Canada. There is widespread agreement, rare indeed within the economics profession, that the difference in



certification procedure has been a major cause in the union density gap that exists between the two countries. The voting system gives employers far more opportunity to use their acknowledged power to blocking unionization than the card system which, until now, has prevailed in Canada. Granted, Manitoba's amendment requires a quick vote, within seven days following application, but such is also the case in Ontario. The combination of delayed votes and very limited resources available to the Manitoba Labour Relations Board will provide employers with all the time and opportunity they need to defeat unionization drives.

A second amendment requires the Minister of Labour to conduct votes on the latest offers of an employer when the vote is so requested by the employer. The assumption underlying this amendment is that union leaders are strike prone and therefore deliberately withhold information from their members so as to produce the strikes they are so determined to hatch. If their members had an opportunity to vote on the employer's last offer, so it is presumed, they would vote to accept and therefore the number of strikes would be dramatically reduced.

Where is the evidence that Manitoba labour leaders mislead their members to promote or prolong strikes? Where is the evidence that Manitoba labour leaders are strike crazy? The government can offer no evidence, because Manitoba is famous in this country for the moderation of its leaders. Manitoba's strike incidence has always been among the lowest in the country. It is true that this pattern was upset this past six months, but this has more to do with the altered workplace environment, largely a product of government fiscal austerity, than it has to do with the sudden transformation of labour leaders, responsible and moderate one day and irresponsible and militant the next.

Moreover, the proposed amendment amounts to a substantive interference with the collective bargaining process. The very first clause of most collective agreements asserts that the union is the sole representative and voice of the workers. Inserting government into the picture, acting in response to requests from the employer, is a direct violation of this relationship. It smacks of the kind of paternalism that rulers have historically imposed on their subordinates, presuming they cannot be trusted to act in a rational and responsible way.

A third proposed amendment requires that, to spend dues money on political and social causes they support, unions must obtain permission from each employee they represent. Employees who refuse permission will be allowed to direct unions to donate the equivalent portion of their dues to a registered charity. This, again, is put forward as a measure to make unions more accountable to those they represent.

On first reading it might sound reasonable. On reflection, however, this amendment challenges the very notion of social unionism, which is the tradition in Canada, while favouring the business unionism that is more widely practised in the United States. Recent court decisions in the U.S., for example, distinguish between core union services like collective bargaining and grievances and all other union activities. By allowing union members to opt out of paying for these specifically sociopolitical activities, the amendments are saying in effect that supporting a political movement or social cause is not a legitimate, or at least not a regular, part of what a union does. It would be the equivalent of allowing taxpayers the option of not paying for say, health care or subsidized daycare because it is not held to be a core activity of government. The biased nature of this revision is easily evidenced by the lack of equivalent measures preventing shareholders of corporations to divert to say, the NDP, or the Green Party or the CLC or the National Action Committee on the Status of Women their portion of corporate donations currently given to the Liberal or Conservative Party.

These are only three of six amendments being considered. By taking them all together, they have the effect of significantly altering the industrial relations landscape. They are presented on the basis that unions are undemocratic, unaccountable and irresponsible and therefore need to be controlled and constrained by government.

These charges are not new so it will be of no surprise that they have been thoroughly researched in both Canada and the United States. The most highly regarded such study was conducted by Harvard University professors Richard Freeman and James Medoff. On the basis of the most extensive research ever performed evaluating the behaviour of unions, they say that, quote, the picture of unions as nondemocratic institutions run by corrupt labour bosses is a myth. Most unions are highly

democratic with members having access to union decision making, especially at the local level, end of quote.

After looking at every indicator from wages to benefits to productivity and to the impact of unions on non-unionized workers and the general public, these authors conclude that, quote, on balance, unionization appears to improve, rather than harm, the social and economic system, end of quote. Which is not to say that unions, like every other social institution, could not be more democratic and more inclusive.

The results of this research, confirmed by most other studies done by industrial relations experts, are well known to our Minister of Labour (Mr. Toews). Yet, his amendments are being driven from premises that are not supported by, and in fact contradict, these findings.

The minister can say that the amendments he proposes could go much further. Some are challenging the Rand Formula, which is one of the key elements of the carefully balanced compromise that our post World War II industrial relations system was founded on.

But these amendments, and I have only commented on three of them, will definitely result in a situation where even fewer workers will have the benefit of trade union representation. Existing labour law makes it extremely difficult for unions to gain certification in small service workplaces where most workers are employed, receive extremely low wages and few, if any, benefits, and experience poor working conditions. The current amendments under consideration by the Manitoba Legislature would make it that much more difficult. Nor will these amendments improve the lives that much of the small minority that may still be served by collective agreements. On the contrary, they will weaken their bargaining strength and weaken the capacity of their unions to voice their concerns and represent their interests.

These amendments may well improve the ability of Manitoba business to compete in the global economy. Surely this government could find ways to achieve this goal without damaging working conditions and reducing workplace democracy which will clearly result from these amendments.

**Mr. Chairperson:** Thank you, Mr. Gonick, for your remarks tonight.

\* (2110)

**Mr. Reid:** Thank you, Mr. Gonick, for your presentation here this evening and for your comments with respect to Bill 26. Knowing somewhat of your history, sir, and in your comments here, you have dealt with labour relations from an instructional point of view for a number of years. I want to ask you, sir, do you see as a result of Bill 26—and you reference that there is going to be a weakening of unions and their voice in the province, do you see, sir, that this legislation that this government has brought forward in any way, that you may be familiar with, would be contrary to the international labour organization which is a body of the United Nations? Do you see, as a result of this legislation, the possibility of any court challenges arising that may be in contravention of any code?

**Mr. Gonick:** I think there is certainly the possibility of a court challenge on the basis of requiring unions to consult with each and every member of the union with respect to the expenditure of monies as this I believe contravenes the Supreme Court of Canada decision. I would not be surprised if there could not be a challenge on that basis.

**Mr. Reid:** Do you see, Mr. Gonick, because this government likes to talk about being democratic in giving union members the opportunity to vote on internal affairs of their union, do you think it would be in the best interests of working people of this province—and I am talking here specifically about the nonunionized workforce of the province—to give those people of this province the opportunity to vote perhaps once a year on whether or not they too would like to become members of a union organization? Do you think that that should occur perhaps on an annual basis, to seek out the opinions of the nonunionized workforce?

**Mr. Gonick:** Well, I think that is a splendid idea, quite novel. I am not sure that that exists anywhere, but as the minister seems to be wanting to be a pioneer in industrial relations efforts, he might want to give consideration to that suggestion.

**Mr. Reid:** With your extensive experience in labour relations, Mr. Gonick, has this government, has the Minister of Labour (Mr. Toews) consulted you prior to the tabling of Bill 26 and the provisions contained therein?

**Mr. Gonick:** Not myself, nor any of my colleagues that I am aware of.

**Mr. Reid:** What would be your recommendation to this minister with respect to Bill 26, Mr. Gonick?

**Mr. Gonick:** Well, my recommendation is that the minister should withdraw the legislation and should consider the suggestion that you have made as an alternative.

**Mr. Chairperson:** There appearing to be no other questions, I would thank you very much for your time tonight, Mr. Gonick.

The next presenter was Yvonne Campbell who has submitted a written submission as indicated earlier, so we will proceed on with the calling of the list. The next individual on the list is Kenneth Emberley. Is Mr. Emberley in the assembly tonight? Good evening, sir. Your presentation is being circulated or your written remarks are being circulated. I would invite you to proceed with your verbal address.

**Mr. Kenneth Emberley (Private Citizen):** Did you say for me to wait?

**Mr. Chairperson:** No, would you please proceed, sir.

**Mr. Emberley:** I have too much material, but I will try and summarize it, so do not try and follow the written part, please. You will just be mixed up.

Until workers can join a union as simply and easily as a middle-class man can join the Chamber of Commerce or as an affluent man can join the Business Council on National Issues or a wealthy person can join the association of chemical manufacturing industries or join the U.S. business industry and the steel industry manufacturing association and take part in their lobbying efforts, we do not have a democracy. This legislation that is in place in Manitoba is a part way towards having a democracy and giving some balance for unions and some balance for the power of business.

One of the main papers I want to talk to you about is Alex Carey's manuscript and Susan Hart Falundi's book, War on Labor and the Left. She starts out by describing that North America has a unique history of labour

relations, absolutely different from all the social countries in western Europe, Japan and Canada. The companies started out being used to slavery until 1850, and then, after a brief six months or so after the Civil War, they reinstated 90 percent of slavery up until Martin Luther King led his revolution in 1960. At that time women were getting pretty vociferous and environmentalists were getting pretty vociferous and they were demanding all kinds of rights. The Trilateral Commission had a major conference, Nelson Rockefeller's Trilateral Commission, and they said, democracy is getting completely out of control.

The Alex Carey manuscripts, which I will give you a copy of tomorrow when I deliver all my papers, which I delivered previously on three occasions in this House and all across hearings across Canada, the Alex Carey manuscript details 80 years of efforts, organized activities by the National Association of Manufacturers in the U.S.A., and they created Chambers of Commerce to help them. They started in 1880 getting worried about the power of business to control government when governments were giving the vote, and they concluded that we can give people the vote as long as the power to control policy is in the hands of business.

There has been an 80-year war, and that 53-page manuscript describes it in detail, and the 250-page book of Susan Fuludi of Patricia Cayo Saxton, the War on Labor and the Left, details it completely. They were spending a billion dollars in hate propaganda against unions by the time the 1970s were drawing to a close. They created the Business Round Table in the U.S.A. in 1972 and asked them, how long will it take to elect our kind of government?

They put our kind of government in power for two terms in 1980. They created the Business Council on National Issues of Tom D'Aquino in 1976, and that group of 150 mostly United States transnational corporations in Canada elected Mulroney in 1984 for two terms, and in 1988 businesses contributed \$56 million to elect Brian Mulroney and put in free trade, and the businesses were refunded their \$56 million that were spent by legislation of Brian Mulroney. The 100 citizen groups that opposed and fought for an independent democratic Canada with their own constitution and their own empowerment to run their own country, the money they spent was not allowed to be tax deductible.

You people are proposing legislation to control the unions' intervention, which possibly amounts to one-third or one-half or one-quarter of a percent of what business spends every year in hate propaganda against unions.

\* (2120)

Now, the literature is in here. It is written down. I have given you excerpts from the books and I have given you the full manuscript. It is not an imaginary story, but it is all secret. It is all secret because our mass media own—there is a Black man in Toronto, I think, owns the newspaper, big Black man, Conrad, and if there is any time I had race hatred that was it. I have never had it any other time, but the mass media—I have studied Chomsky's book. I have studied 40 books on mass media, on propaganda, and there is a darling little quote that I have for you in here, and it mentions the fact that, in the Alex Carey manuscript on page 32, it describes the many business-funded think tanks which promote the neoconservative agenda. They spend billions yearly without shareholder vote of approval and it quotes this Alex Carey, an Australian friend of Helen Caldicott, and he died before his book was published. I got the manuscript from the United States and I published and distributed 180 copies in Canada with my friend David. It says, political preferences are simply plugged into the system by leaders of business and other organizations in order to extract what they want from the system. When they do a plebiscite and poll after six months or a year of hate propaganda and misleading information, then the model of plebiscitary democracy is substantially equivalent to the model of totalitarian rule, whatever that means.

The grassroots democracy of the Reform Party type in Canada is basically what we have had since 1980. So how can the state—in Alex Carey's manuscript, he says, how can the state prevent the corporations from doing things with the shareholder's money that are not the business of the corporation? Now, how about that for a piece of legislation to put in before you pass the union legislation restricting their right to have a little tiny bit of the money spent?

You see, in the United States they made a decision 100 years ago that they would not allow a social democratic party. They will not allow it, and the hate campaign of Senator McCarthy and the massive hate campaigns operated by the news media and the corporations over

time have prevented it, absolutely prevented it. Then they dreamed up the communist word, which is the religious hate word. It describes anybody that is a social activist, a nun or a church minister that is helping people form co-operatives and credit unions. In fact, the United States got so angry when Nelson Rockefeller published, took back to Nixon an 80-page report of what they were doing in South America. It is public information. I have copies of the document. He said, in South America the nuns and priests are even teaching them not only about credit unions and co-operatives, but they are talking about unions. That makes them an enemy of the United States government.

When in eight years the Guatemalan government were 60 percent born-again Christians, the whole country and a CIA-inspired fanatic dictatorship took over Guatemala and within five years the Pope had to sue for peace and cancel liberation theology. Now, with that kind of force, why are these terrible union people a threat to democracy in my country? They are the only possible force that can balance the power of wealthy men, of which we have a ghastly surplus, and of corporations, and we need some balancing.

You know, when Ronnie Reagan took power, there were 800,000 millionaires in the States. It took 200 years. He created 700,000 more in eight years and 12 billionaires in one year alone. Canada has created 30,000 new millionaires in the last 15 years, a thousand of them in Manitoba, and the unions get in their way because the only way a very rich man can keep getting richer regularly is if he has 5,000 or 10,000 or 15,000 or 20,000 people all over the world not being poor, but their poor wages cut in half and living in poverty. That is the only way the rich people can get enough to get richer every single year. So that is why they cut the workers' wages in half during the last 15 years.

This Legislature would not raise the minimum wage of workers, would not raise the social allowances. The minimum wage should be \$11 an hour right now today and the poor people are revolting and mad because they know the rich people are stealing \$8,000 or \$10,000 a year from each poor working person in every little restaurant and shopping centre.

**Mr. Chairperson:** Thank you very much, Mr. Emberley, for those remarks. That now concludes the time allotted for the principal presentation.

**Mr. Reid:** Thank you, Mr. Emberley, for your presentation, sir. You referenced a ghastly surplus of wealthy people in this province. I am intrigued by that comment. Perhaps I misquoted you there, and I apologize if I did, if it was not just the province you were referring to, but perhaps you, sir, can describe for us your thoughts on why you think it is that this Minister of Labour (Mr. Toews) and this government have brought in Bill 26. What do you think the end result will be as a result of their tabling of Bill 26?

**Mr. Emberley:** I think John Ralston Saul in the Massey Lectures answered that question very correctly, sir. In his book *The Unconscious Civilization*, \$15, he described what he calls a century of corporatism, and the best example was Mussolini's Italy and Salazar's Portugal. The whole system of government and business is concentrated in transnational corporations. Hardly any little businesses have any power. The transnational corporation is an authoritarian structure from top to bottom, particularly in North America. That is a reason they cannot compete with Japanese and German industry, because they have a more democratic structure, and Europe has a more happy, peaceful workforce, and they outproduce the United States right, left and centre.

One of the quotes I will give you from the War on Labor and the Left shows that in one year when the United States raised their standard of living by 4 percent, the Japanese raised their standard of living 16 percent, because their businessmen are more honest and more unselfish and pay higher taxes and treat their workers better in the factories, and they produce better.

**Mr. Chairperson:** Thank you very much, sir. That would appear to conclude the questions tonight, and I thank you very much for taking your time, sir, to present to the committee this evening.

**Mr. Emberley:** Thank you, Sir. I just wish the public had been allowed to see this on cable television. It is such a shame, the secrecy of these back-room meetings at the back of the Legislature. The public is excluded. Twenty years of cable television, and you people will not allow this discussion to get outside this House where people might find out what is going on.

**Mr. Chairperson:** Good evening, sir.

The next presenter tonight is Darrell Rankin. Good evening, Mr. Rankin. While your remarks are being circulated, Mr. Rankin, I would invite you to proceed with your verbal presentation.

**Mr. Darrell Rankin (Communist Party of Canada - Manitoba):** Thank you. On behalf of the Communist Party of Canada - Manitoba, I would like to thank the Standing Committee on Industrial Relations for the opportunity to present our views on Bill 26, The Labour Relations Amendment Act.

I represent the Communist Party which for 75 years has been in the struggle for jobs, unemployment insurance and other social programs, collective bargaining rights, peace and disarmament, a democratic solution to the national question in Canada, Canadian sovereignty and socialism.

The Conservative government, with its proposed amendments in Bill 26 to The Labour Relations Act is single-handedly responsible for uniting the labour movement in Manitoba. That is something we have been trying to do for decades, and we must give the Conservative government credit for uniting the labour movement against it.

Bill 26 will weaken the trade union movement politically, organizationally and financially. The Communist Party is opposed to the restriction of democratic rights for labour, finds the proposals in Bill 26 to be unacceptable and calls for their withdrawal.

Bill 26 represents the main effort this fall by the Conservative government to create the conditions for more privatization and for the further erosion of public services, health care, social programs and job security. Since this bill was introduced in the spring, it has done little to hinder strikes involving thousands of workers. The labour movement is ready and able to strike against concession demands in the private and public sector.

Clearly, the labour movement is trying to find ways to oppose the relentless drive by corporations and their governments to demand wage-and-benefit concessions and to boost corporate profits, but the bill has still created a chill in collective bargaining and would, if passed, severely limit economic bargaining and other rights. On the other hand, the bill has compelled the

labour movement to unite, and because of that the bill has already backfired against the Conservatives to an extent.

\* (2130)

Many of the amendments in Bill 26 are antidemocratic and restrict the rights of labour and union security. These unacceptable amendments include: forced financial disclosure including the names of individuals receiving compensation from a union and other small details designed to involve trade unions in endless bureaucratic exercises at the expense of their ability to defend their members' interests; creation of a penalty of loss of automatic dues checkoff, or the Rand Formula, which has operated since 1945, a serious attack on union security; a ban on political expenses on behalf of any union member who disagrees; an end to automatic certification; what amounts to a zero tolerance policy for so-called strike related misconduct, for conduct which can be perfectly legal but can cause severe penalties including the loss of a striker's job or the jobs of certain strike leaders; forced votes on an employers' so-called last offer, which opens the door to trickery and threats from management behind the back of a democratically elected union bargaining committee.

Bill 26 intends to keep the trade union movement both shackled and docile. This bill aims to cripple labour's ability to defend and improve its conditions of life and to put the huge profits of the biggest Manitoba corporations beyond the reach of labour.

Clearly, these amendments shackle not only the labour movement generally but aim specifically against the labour movement's only ability to influence employers economically, namely its ability to withdraw its members' labour power. The legal restrictions in this bill on the right to strike favour the employer exclusively.

The bill also intends to keep labour from entering the political arena now dominated by procorporate parties and the corporate media, to restrict the ability of trade unions to move from economic to political activity during or between elections. The corporate drive for maximum profits requires a docile labour movement.

The intent and means of the bill to stifle the democratic rights of labour to participate in the political process are futile, ridiculous and reactionary. As the economic and

social crises of capitalism continue and grow deeper, the political domination of the capitalist class will be challenged by labour in the years ahead, and no law will hinder that struggle for long.

The Communist Party would, however, like to congratulate the Conservative government for trying to democratize the workplace as a stated intention of Bill 26 but, because the Communist Party cannot find a single democratic effect of this bill, here are some helpful alternatives to create real workplace democracy: ban scabs or replacement workers during strikes; strengthen and guarantee the right to organize and bargain collectively; promote equality for women and people of colour; strengthen pay and job equity laws; strong plant closure laws to save jobs at the expense of corporations; the right to strike during the life of a contract over noncontract issues; strengthen and enforce health and safety laws; raise the minimum wage to two-thirds of the average industrial wage; the provincial government should demand that the federal government restore UI benefit access and duration to the 1987 standards immediately; raise benefits to 90 percent of former wages; expand UI to cover everyone seeking work; stop looting the UI fund for privatized training programs; a legislated 32-hour work week with no loss in pay as a key way to create jobs; a massive publicly funded job creation program; and, finally, curb the power of transnational corporations, demand the federal government to scrap the free trade deals and defend Canadian sovereignty.

All of which is respectfully submitted.

**Mr. Chairperson:** Thank you very much, Mr. Rankin. Are there any questions of the presenter?

**Mr. Gerard Jennissen (Flin Flon):** Thank you for your presentation, Mr. Rankin. With regard to your suggestions about creating some alternatives, some real workplace democracy, one of the suggestions was to raise the minimum wage to two-thirds of the average industrial wage. Previously, Mr. Kenneth EMBERLEY suggested \$11 per hour. What would that two-thirds figure be for the average industrial wage?

**Mr. Rankin:** I do not have a calculation of that, I am sorry. It has been years that we have had this as a standing policy in our party, and in terms of updating our data with current Statistics Canada data, we have not

done that, but I would imagine it would be significantly higher than the current minimum wage.

**Hon. James Downey (Minister of Industry, Trade and Tourism):** Just one question, Mr. Rankin. Would you be prepared to disclose how many members you have in the Communist Party of Canada and also those members in Manitoba?

**Mr. Rankin:** I am prepared to do that. I have already spoken to the media about this. In Manitoba, it is approximately 50.

**Mr. Chairperson:** Thank you very much, Mr. Rankin, for your presentation tonight. That would conclude the presentation. I thank you for taking the time to come before us.

The next presenter tonight is Kelly Logan. Is Kelly Logan in the assembly? Calling the name Kelly Logan for the second time; the name Kelly Logan will be struck off the list as there is no response. The next presenter is Barny Haines. Is Barny Haines in the assembly? Calling Barny Haines' name for the second time and there is no response, the name Barny Haines will be struck off the list. The next presenter is Reg Cumming. Reg Cumming, are you in the assembly? Are you Mr. Cumming, sir? [interjection] Great. Good evening, sir, and welcome.

**Mr. Reg Cumming (Canadian Auto Workers, Local 2224):** Good evening. To all honourable members of this Manitoba legislative committee who really think that this bill in any way, shape or form will advance democratic representation in my workplace, I salute you. To the rest of the committee, I say shame on you on behalf of all workers.

These changes that are being proposed to further our collective voice are a sham. I stand before you representing the workers of my CAW local and apologize if I seem nervous. Obviously, the end results of Bill 26 are geared up to make all organized workers nervous. The Minister of Labour (Mr. Toews) claims that a large number of workers have approached him asking for these particular changes. I would suggest most of these workers are wannabe management people who failed at that endeavour and were allowed to return to the

workshop floor through a democratic process within their union.

A friend once told me that the first step to a fascist state is the devastation of the labour movement. I checked this out and this proved to be true historically. In the past eight years, you as the government of the day have worked toward this goal. The Minister of Labour confides to the press that he is being branded a communist because he does not speed up this process. As a worker, I can attest to speedup in a workplace where more and more workers are injured due to lean and mean production. Why does the Minister of Labour not truly speak for the workers of this province and rectify the physical carnage being promoted against workers? As organized workers, we do not need any government telling us how to conduct our business democratically. Ten years ago, when we only had an association instead of a union at my workplace, we had to settle for crumbs from our company such as a cent-and-a-half an hour raise, which works out to 60 cents a week, instead of a dental plan. No wonder we became unionized.

We do not have any full- or part-time staff paid by our local. Most of our work is done after hours. Everyone who represents us is democratically elected. Just because the public is beginning to understand your true agenda, you figure all you have to do is change the rules. It does not work like that. All you are doing is lighting fires. How dare you say that there will be votes on contracts when the public interest is deemed to be at stake. This is brought forward by the same Minister of Labour who says he believes in collective bargaining. This is very contradictory. We already have a democratic process in place in our local where every member has a vote whether or not to accept the company's proposals. We in our local recognize your changes for what they really are, more ways to weaken the collective voice and strength of organized workers. Bill 26 undercuts the representative type of democracy of our union and local. The results will be weakened unions, not more democracy, but that is the true nature of the bill, is it not? This is not the norm in our great country. What happened?

In conclusion, I am optimistic that no matter how, when or where you attempt to stifle our collective voice, we will not be silenced. The main agenda at our local is education oriented. Perhaps because of these draconian changes that are being proposed, we should focus more

on being more politically active. The more you tell workers how to conduct their affairs, the more confrontational and adversarial we shall become.

\* (2140)

**Mr. Chairperson:** Thank you, Mr. Cumming.

**Mr. Reid:** Thank you Mr., Cumming, for your presentation. I want to ask you, sir, some questions with respect to the CAW which you have indicated that you are a member of. Because the minister is leaving the impression or trying to leave the impression with members of the public that union organizations do not act in a free, open and democratic way, can you describe for me the process that you have within the CAW, of which I believe you are a member, dealing with issues that you may encounter, whether it be financial matters or issues regarding contract negotiations? Can you describe for us your operations, please?

**Mr. Cumming:** I am not sure which issues you are regarding to, but if you are regarding to, like, financial issues, our local has a meeting every month. Any penny that is spent on behalf of our local is voted on by the members. There is nothing hidden, no hidden agenda. Everything is discussed.

**Mr. Reid:** Can you describe for the members of the committee the process that CAW follows, as you may be familiar with it, dealing—

**Mr. Chairperson:** Mr. Cumming.

**Mr. Cumming:** He did not finish.

**Mr. Chairperson:** I beg your pardon. Mr. Reid.

**Mr. Reid:** I know it is getting late, Mr. Chairperson, but I still have my statement to make first.

**Mr. Chairperson:** I heard a pause, and I thought that was the termination of your question, Mr. Reid, and I would invite you to continue and complete the question.

**Mr. Reid:** The Chairperson apologized. We will accept that. Thank you.

I would like to ask you, Mr. Cumming, can you describe for us the process that the CAW follows with

respect to negotiated items, because as you are aware, Bill 26 will allow the minister to cause votes to be held on the employer's final offer, whether it is the final, final or the final, final, final offer is something to be yet determined? Can you tell me the process that you go through, describe for us hopefully the democratic nature of your organization in arriving at positions with respect to negotiations?

**Mr. Cumming:** The collective agreements reached at my workplace are reached on a tripartite agreement with the national and the local, which are elected representatives of the local and the company for which we work. When one talks about the collective process I cannot help but wonder how the government is going to know when to call for a vote. Obviously, if the companies are so to speak in their back pocket, they will know when to do it. They are going to be crying for it.

**Mr. Reid:** Can you tell me, Mr. Cumming, does the CAW negotiate with private sector employers, and if so how do you and perhaps your members feel about the government's intention to involve themselves in the internal affairs of a union by forcing the employer to withhold the Rand Formula dues that would be owing to the union as a result of failure to file financial statement? How do you feel about the government's involvement in those affairs?

**Mr. Cumming:** The CAW negotiates with private and public sector organizations. As far as withdrawing the Rand Formula, I am to understand it went to the Supreme Court and they said it was okay the way it was being done. If there are more challenges coming, let them come. I mean, how many times can you go to the Supreme Court? They talk about fiscal responsibility. Let us get straight here. Why do you keep dragging this thing through the courts? If they said it once again, why would they change their minds?

**Mr. Reid:** I do not want to put words in your mouth, Mr. Cumming, but perhaps it is to create financial difficulties for the unions, trying to drag this through the courts, but I will leave that for you and your members to decide. I want to ask you, sir, have you or any members of your organization, since the minister said he has consulted with a dozen or so people in the province, been one of those 12 people that the Minister of Labour (Mr. Toews) has consulted prior to his tabling of Bill 26?



**Mr. Cumming:** Definitely not. Not out of my local, none that I am aware of. The only one that I saw was a CAW person from Boeing, and it is a real joke because everybody knows, like I said in my presentation, he is a person that tried to be management, could not make it at management. He was lucky enough to be in a unionized workplace where he was allowed back on the floor. A lot of them would not even do that.

**Mr. Chairperson:** Thank you very much, Mr. Cumming. That would conclude the time allotted for the questions tonight, and I thank you very much for your presentation.

The next name on the list is Peter Magda. Is Mr. Magda in the audience tonight? Mr. Magda, for the second time. There being no response, Peter Magda will be struck off the list. The next presenter is Heinrich Huber. Is Mr. Huber in the audience? Good evening, Mr. Huber. Do you have a written presentation?

**Mr. Heinrich Huber (Private Citizen):** Yes.

**Mr. Chairperson:** While the Clerk is circulating your presentation, I would invite you to proceed, sir, with your verbal presentation.

**Mr. Huber:** As a concerned young Manitoban, I would like to urge the minister to drop the amendments to The Manitoba Labour Relations Act proposed in Bill 26. I feel they threaten our future and, in particular, the future job prospects of young Manitobans. Bill 26 is just one of the proposed bills that I feel is detrimental to the future of young people in the province of Manitoba. It will increase not curb the exodus of young people from this province.

I am currently a student at the University of Manitoba studying economics in the labour studies program. Like most students, I must find employment during the summer to afford to continue my education. For the past two summers I have been employed in northern Manitoba planting trees. The company I was employed by, Waugh's Woods, is unionized by the IWA and I received considerably higher wages than I had when I worked in a nonunionized company doing the same job. Therefore, this year I can support myself financially and attend school while many of my fellow students are forced to supplement their summer earnings with part-time jobs

and student loans. I owe this entirely to the fact that during the summer I was able to gain employment in a unionized company. I consider myself very fortunate. If I had chosen to stay in Winnipeg and if I had found work, I could have expected little more than the provincial minimum wage of \$5.40 an hour. What kind of incentive is that?

\* (2150)

I, like most young people I know, associate unions and the trade union movement with high wages, safe working conditions and secure, full-time employment. It is a frustration to me and many young people that good unionized jobs like mine are so scarce. The proposed changes will make it even harder for young Manitobans to gain collective representation and the privileges and benefits that come with collective bargaining.

The majority of young people are currently working in the service sector or in small workplaces, both of which are very difficult to organize. The work patterns of young people further hamper the ability to organize younger workers, high unemployment, a large turnover, low wages and mostly temporary or part-time work. Youth and the lack of experience often result in no employment in these periods of high unemployment.

The bill does not solve any of the problems but instead assaults the collective rights of workers. Wages will not rise and working conditions will not become fairer if unionized workplaces become a harder task to accomplish. Bill 26 will assure that these problems will continue to plague young Manitobans.

Companies should inevitably get the unions they deserve. Bill 26 ensures the opposite. It makes organizing harder and will make it easier for the unscrupulous employers out there to dismantle union drives. In the workplace, the employer dictates most of the terms of employment. The formation of a union imposes limits to the powers by seeking an end to the arbitrary treatment of workers. Thus, a union is hardly ever a welcome addition to an employer's workplace. Employees who strive to organize a union take large risks and gamble with their future in order to attain benefits that come from collective bargaining. I think these benefits can pass as unchallenged. Under the current Manitoba Labour Relations Act, Section 40(1)(a) gives

organizers the ability to act autonomously both from the government and their employer. Certification of a union making an application becomes mandatory when 65 percent of the bargaining unit has signed a card. Mandatory certification allows the union campaign more time to go undetected by the employer and thus decreases the risk of discharge from employment of the organizers.

The quick vote system, on the other hand, will be a more stressful process for the employee. It gives the employer more time to apologize, attempt to woo, coerce or importune the bargaining unit and change the outcome with their sizable influence. Forming a union often goes directly against the wishes of employers. This places a considerable pressure on employees to conform to their boss's appeals.

Bill 26 will also infringe upon the ways unions allocate their dues, in particular on the way they are spent on political activities. I believe workers and their organizations should have the right to work toward the social goals by aiding the election of politicians who represent their best interests.

If a union's constitution, which has been voted on by delegates selected by the membership, gives elected representatives a mandate, a union should be allowed to spend the dues accordingly. While individuals have a right to voice their opinions and are consulted at local meetings on how dues are spent, their dues are currently spent according to the wishes of the majority. Under Bill 26, individuals will be able to affect the majority's decision on how dues are spent. Consulting individuals in an organization brings accountability to a level which is not yet present in other parts of society. Why must unions be more accountable than others? The implementation of this clause will be a bureaucratic nightmare for unions and will undoubtedly impede their ability to function efficiently. This, I assume, is the minister's goal.

I have touched on but two of the amendments proposed by Bill 26. For the record, I would like to add that I also disapprove of the bill because it interferes with the rights of workers to determine their own bargaining strategy. It interferes with access to an expedited grievance system. It gives employers the power to discharge employees for picket line infractions, substitutes the term "union members" with "employees" entitling nonmembers the

privileges of the membership, and it also forces unions to disclose private financial information to a public board or face removal of the Rand Formula.

None of these amendments do anything to improve the situation of young people in this province. You will simply divide workers. The amendments of Bill 26 implement changes to the way unions conduct their businesses. The ideology behind the bill is that unions do not represent their workers and therefore must be strictly regulated and monitored. I believe the amendments of Bill 26 were intentionally designed to weaken the position of working people. The long-term effects of Bill 26 will be to encourage more young Manitobans to leave this province in search of a better future.

Mr. Minister, I hope you will consider reviewing Bill 26 as the Minister of Education (Mrs. McIntosh) has done with Bill 72. Thank you, Mr. Minister.

**Mr. Chairperson:** Thank you, Mr. Huber.

**Mr. Struthers:** Mr. Huber, in my previous life I was a schoolteacher and school principal and I dealt a lot with young people. My ears perked up at the end when you were making your comments about the future of young people.

I would like for you to expand on that, knowing that if this legislation goes through and this government's agenda is followed, we would end up with a very low-wage, low-benefit type of economy. Being a rural MLA, I have a lot of young folks who cannot get education because of monetary reasons. I have a lot of young people who cannot find a lot of jobs because this government has not been providing them. I would like you to be a little more specific in what future you see for yourself and for other young people around in a low-wage, low-benefit economy that this government is trying to set up.

**Mr. Huber:** Well, I think that question pretty much answers itself. I plan to continue on with my education, and that probably means leaving this province as soon as possible.

**Mr. Chairperson:** I believe Mr. Jennissen is next.

**Mr. Jennissen:** Mr. Huber, I was very interested when you said that you worked for a unionized—or you were unionized this last summer so you could make enough money to carry on with your education, something that other students were not as fortunate at achieving.

I am wondering, could you give me a rough estimate of the number of students, the percentage, that would have unionized jobs and thus could afford to pay for their education for the year?

**Mr. Huber:** I am not exactly sure if I am qualified to answer that question, but I know not a lot of my friends have unionized jobs and a lot of them are supporting their education with student loans.

**Mr. Chairperson:** Thank you very much, Mr. Huber, for coming before us tonight and taking your time. That would conclude your presentation. Thank you very much.

The next name on the list is Caroline Stecher. Is Ms. Stecher in the audience? Good evening, Ms. Stecher. Have you a written presentation for circulation?

**Ms. Caroline Stecher (Private Citizen):** No, I do not actually. I am a university student, and it was a choice between a written presentation for the people on the committee or lunch today, and lunch won, so, my apologies.

**Mr. Chairperson:** A commendable decision, and I would invite you to proceed.

**Ms. Stecher:** Thank you.

As a Manitoban, as a member of the labour force and also as a student of workplace and labour studies, I felt compelled and obligated to be here to voice my dismay at the impending legislative changes that are currently being pursued.

Even as a young person, I fail to comprehend the logic and legitimacy behind any of the bills being passed for this session. My only deduction as to why the government is pursuing such an agenda is misguided vengeance and purely for self-interest.

Correct me if I am wrong, but I have been led to believe that this government is presumed to advance and

protect the interests of all people in this province. All the evidence that I have seen has been to the contrary. The only interests that are being protected and advanced are those of the elite in business and in government. I am truly disillusioned by all of the malevolence that I have been witness to with regard to the attacks on the institutions of higher learning and the assault on trade union freedom.

\* (2200)

This entire legislative package is being brought in under the guise of empowering the people and strengthening democracy, but I cannot help but find that ironic as it is being unilaterally imposed without discussion, without debate, as has been demonstrated through the selective silence of the minister and his colleagues throughout these committee hearings.

The actions of this government and the package that it is attempting to sell are nothing more than an onslaught directed at silencing opposing ideologies. In its attacks on education, this legislation is attempting to proscribe the agenda in institutions of higher learning, which exist to promote independent thought. It is in essence forbidding the harvest of the youth of tomorrow and in doing so extinguishes the opposing forces who believe in working for the common good and not for the corporate agenda.

In the assault on trade union freedom the government is preaching democracy and practising dictatorship. It has been professed that Bill 26 is geared to empower the rights of individual workers, yet in the climate that this neoconservative agenda has created, the individual worker has no rights. I know this because I have lived this. The only impact that this legislation will have is the creation and advancement of a tyranny in the workplace where not only my worker rights but my rights as a human being will be stripped away. Bill 26's only accomplishment will be the silencing and weakening of the collective power the workers have when they unite.

The labour movement has fought a long, hard, endless struggle for the rights of workers not only in unions but in society as a whole, life in the workplace, life at home and life in society. This legislation is directed at violating all that has been won and, in doing so, not one person in this province will escape unscathed.

The corporate agenda currently being pursued is consistent with those in practice in the south, brought on by the legacy of conservative ideologues. This country is the best in the world and, frankly, I do not think following the U.S. example is anything to be proud of.

The consequences of inequality, poverty and despair will be the legacy that this government will leave for me and for the children of Manitoba. I find it appalling that in the light of all the ramifications this legislation will have on the future of Manitobans, it is still vehemently being pursued. The motivation behind the push appears to be without integrity and without scruples, and this government has not displayed anything to dispute my own observations.

The silence of this government on this committee makes me question whether the fight is all in vain, but I know that the people of this province will not soon forget the damage that you have done and the people of this province will make sure that you never forget it either.

**Mr. Chairperson:** Thank you, Ms. Stecher. Mr. Struthers, with a question.

**Mr. Struthers:** First of all, I want to commend you on your presentation and your grasp of reality dealing with this provincial government. Could you be specific again on exactly what you think the devastation is going to be? What will this province look like once this low-wage, low-benefit type of economy is in place for any period of time?

**Ms. Stecher:** Like I said in my presentation here, I think what this corporate agenda is leading to is a province of inequality and a province of poverty, and especially, being a student, being a woman, that is specifically being geared at me. That is where I am going to end up. I am going to end up poor or in a job where I am penalized for being a woman. Without unions, I do not stand a chance.

**Mr. Downey:** Ms. Stecher, two questions: One, first of all, what right do you feel is being stripped away from you by this legislation, and secondly, if a union of which you were a member were to donate to the Progressive Conservative Party for the re-election of that party, would you want to have your monies go to that purpose?

**Ms. Stecher:** For the Progressive Conservative Party, no. But I do believe that most, especially where I work,

where I am employed—I unfortunately am not unionized at this point in time, but I know the union that does organize people in the service sector where I am employed does have that option. They give every single person in their membership the option of opting out in contributing to political activity.

I am sorry, what was your first question?

**Mr. Downey:** I was asking, what right was being stripped away from you by this legislation?

**Ms. Stecher:** Almost my right to join a union, because the way it is being brought out—sorry.

**Mr. Penner:** Mr. Chairman, I would like to ask Ms. Stecher to articulate for me, in this act the section that would prevent her from obtaining a job in the marketplace—

**Ms. Stecher:** From obtaining a job—pardon me.

**Mr. Penner:** What section of this act would prevent you from not being able to find a job? You indicated a woman could not find a job.

**Floor Comment:** A good job.

**Ms. Stecher:** Thank you.

**Mr. Penner:** What section of this act would prevent you from doing it?

**Ms. Stecher:** What section of that act? That entire bill, what that does is it weakens the collective right. It weakens every single right that a worker has. Without a union, what rights do workers have? You have the employment standards, you have workplace health and safety. Those things are not enforceable. You know it, everyone else knows it. Without unions, I do not stand a chance.

**Mr. Struthers:** Ms. Stecher, if it was the Conservative Party kicking you around for the last three years, why would you want your fees to go toward the Tory party?

**Ms. Stecher:** Hear, hear, Mr. Struthers. Hear, hear.

**Mr. Jennissen:** Further to that point, though, Ms. Stecher, in all seriousness, if the Conservative Party truly

represented what workers wanted and was willing to fight and work for workers as some political parties do, would you then want your union dues to go to the Conservative Party?

**Ms. Stecher:** I am sorry, could you repeat the question?

**Mr. Jennissen:** If the Conservative Party truly represented the worker, would you then be in favour of your union dues possibly going in support of that party?

**Ms. Stecher:** Absolutely.

**Mr. Penner:** I am still interested in what section of this act would prevent you from joining a union or anybody from unionizing. What section of this act prevents that?

**Ms. Stecher:** Again, the entire bill weakens the collective right. It weakens—

**Mr. Penner:** Tell me where.

**Ms. Stecher:** The bill. You are holding it in your hands.

**Mr. Chairperson:** I think I will intervene at this point. I believe that the presenter has made her case, and I would thank you, Ms. Stecher, very, very much.

The next name on the list is Iris Taylor. Good evening, Ms. Taylor. Do you have a written presentation?

**Ms. Iris Taylor (Private Citizen):** I do.

**Mr. Chairperson:** Good. Thank you very much. While your remarks are being circulated, could you proceed with your verbal presentation, madam.

**Ms. Taylor:** I would like to make a correction. On my second page, I called Mr. Stefanson the Minister for the Telephones, so if you just sort of think of him as Mr. Stefanson in that place. Okay.

Anyway, greetings. My name is Iris Taylor. I reside in the city of Winnipeg, and I am employed at the Manitoba Telephone System. I am a single parent of one daughter age 14 years. Having both worked in ununionized workplaces and unionized, I believe as a worker I can judge best as to which environment benefits workers and

management the most. My first work experience was at Eaton's in 1971, which was not unionized and I believe it still is not unionized. There, as an employee, you would have to work full time for five years before you would receive any sick pay. No one was paid the same rate of pay. Often there was a matter of five cents difference an hour in salary between some workers—God, I am nervous—and we were told by management not to discuss our salaries with other employees. I guess that employer did not believe in full disclosure. In most cases, women were paid the lowest salaries and the least rewarding jobs. The pension plan was very meagre.

\* (2210)

As I was interested in finding a more meaningful career with advancement, I shopped around working at Safeway, Greater Winnipeg Gas Company and finally finding my present employer, the Manitoba Telephone System. I am in the bargaining unit for the clerical workers, which is represented by the Communications, Energy and Paperworkers Union of Canada. Operator Services also falls into that bargaining unit. Together there are 2,200 workers under the CEP. We have at least 10 monthly meetings a year and at least five executive meetings and one national convention every two years. At every meeting, whether at a national or local level, we have full knowledge of the financial transactions taking place in the union.

Elections are held more often than the provincial government. I recently had to run for my position of vice-president of Local 7. Those elections for table officers, stewards, even the national president of our union, are held every two years. Voting is done by secret ballot through mail out of the entire membership. The governing body of any union is the local membership, as Tom Stefanson found out. CEP is now bargaining with MTS, so Mr. Stefanson thought he would hop a plane to Ottawa and make a deal with our president, Fred Pomeroy. Much to Mr. Stefanson's dismay, he felt the true sting of democracy when our president, Fred Pomeroy, told him that he could not cut a deal, that Mr. Stefanson would have to negotiate with the bargaining committee the local membership had elected to represent them, and it was the local membership of 2,200 workers that would decide if his offer was satisfactory.

That is what unions are about, people working together for the common good of all, finding solutions through

negotiating and reason, rather than dictatorship of the corporate bosses whose only thought is to the bottom line and not the human beings who work for them. The people of Manitoba might notice the similarities as to how the Conservatives managed this province as to how the corporations manage their workplaces. The government of Manitoba must remember that they are elected to serve and govern the people of this province, not to manage them. They are elected to do their best for the people of this province. I guess the Filmon government lacked ideas as to how to increase jobs for Manitobans or how to build the life of Manitobans, so they set out to destroy what has taken years to build.

My mother was born on a farm 15 miles west of Portage la Prairie in a strong Conservative family. Politics were discussed daily around the kitchen table. Times were hard during the '30s and my mother managed to help my grandparents hold on to the farm. Mom was a teacher and her salary was \$60 a month and that kept the family going.

Later Mom moved to Winnipeg and taught for the Winnipeg School Division. When I was in elementary school my mother became the sole breadwinner of our family. With the responsibility of four children to raise, my mother went before the Winnipeg School Board and requested to be paid the same salary as her male counterpart. At that time, even though women would have achieved the same level of education and experience, their salaries were less than a male teacher, and I will never forget that day. My mother returned very sad, as the world had not been fair to my family that day. We met the face of discrimination.

Later, through the collective action of the Manitoba Teachers' Society, this wrong was corrected and the teachers received pay equity, equal pay for equal work. It would be years later that governments would enact the same policies that unions and other organizations negotiated with their employers to provide a fair and just workplace for workers. Unions, through their work with employers, have improved the health and safety of many workers. This not only benefits the worker but also the employer, who has a healthy workforce at his disposal.

A union is as strong as its membership. Through the collective action of the membership, unions have worked to improve workplace conditions, improve social

programs such as unemployment insurance, pensions, worker's compensation, et cetera. The labour movement also plays an active role in the community, such as being involved in the United Way.

Why does this government want to cripple us? Why does it want to make us dysfunctional? Are we working too hard, too smart? What do you fear?

Listen up, Conservatives. If you are doing your job, the people of this province would have little to complain about.

Unions are fair. Equality and fairness are what unions are about. I ask you this, Conservatives: Are you treating the workers of this province fairly whether they are organized or not organized?

And I want you to note, my mother is 82 years old. She has been a staunch Conservative for all her years. She does not think you look anything like John Diefenbaker, Roblin or Sterling Lyon. My mother, I am proud to say, voted for the party that best represents working people in this province of Manitoba. My mother voted for the New Democratic Party in the last provincial election.

**Mr. Chairperson:** Thank you, Ms. Taylor. Mr. Struthers, with a question.

**Mr. Struthers:** Thank you. Good presentation, Ms. Taylor. One of the biggest myths that the Minister of Labour (Mr. Toews) today is trying to put forth out there for Manitobans to try to choke on is the fact that he says that unions are not democratic and that it takes him to come in and introduce *democracy* to the union movement. What is the best example that we can give back to the minister to prove that he is wrong?

**Ms. Taylor:** Well, say, how we conduct a local meeting. Any expenditure that takes place of the dues that the local collects from the members, all those expenditures have to be passed and ratified through the local meeting. They have to be, the executive, we are all accountable. Everything has to be done fairly and even with our elections like on the national level, local level, whatever, you campaign, there is a secret ballot, there is a vote, and you get into office and then you are accountable. Even in our constitution we have a charges and appeals process

that if you are not doing your job properly or you misappropriate funds you can be brought up on charges. You have to be accountable for everything that you do.

**Mr. Reid:** Thank you for your presentation. Your comments are quite interesting, but as I have said to other presenters here before, there seems to be quite a demonstration here tonight as there was on Thursday of the vastness of the democracy that is practised in the unionized workplace, something that I find and I hope that the Minister of Labour (Mr. Toews) is paying attention to, the presentations that have been made here this evening. That is the intriguing thing about the presentations is the vastness of the democracy that is practised and that I cannot find a single reason to this point that would even lend even the slightest amount of justification to why this minister is proposing this bill. But I want to ask you with respect to financial disclosure, because as you know Bill 26 does provide penalties through loss of Rand Formula for unions that do not comply with the financial disclosure provision even though it is part of freely negotiated private sector agreements.

Are you aware that this government, while they are going to demand financial disclosure from unions, refuses to disclose the salary that was paid to one Barry Shenkarow as an employee of this provincial government through the Jets organization over the last number of years, in fact, since 1991? Are you aware that the government refuses to disclose the salary paid to Mr. Shenkarow?

**Ms. Taylor:** I am not aware of that. If you go to my union convention, there are the expenses of all the officers in there, there are salaries, every bit of money that is given, all the dues, how the dues are divided, whether it is going to organizing, whether it is going here or going there. It is all laid out in a very thick book, and we are very accountable. The members come right up to a mike and they stand there right before the president and say, you know, Fred, what gives here. He has to be accountable. It is all there.

**Mr. Reid:** I am happy that the Minister of Finance (Mr. Stefanson) has joined us since he is the one who is responsible for disclosing or not disclosing the salary that he and his government have paid to Barry Shenkarow since 1991 and covering the losses, and I just want to

draw to your attention that the Minister of Finance was responsible for that. But I want to ask you more specifically with respect to whether or not—because the Minister of Labour has told members of the Legislature last week that he has consulted with a dozen or so people in the province with respect to Bill 26 prior to its tabling.

I want to ask you, Ms. Taylor, have you or any members of the company at which you work with, who may have been in discussion about this bill, ever been consulted about the provisions of Bill 26 prior to its tabling?

\* (2220)

**Ms. Taylor:** Being a worker at the Manitoba Telephone System, we do not get consulted about much. We usually get told. But specifically answering your question, no, I am not aware of anyone being consulted.

**Mr. Penner:** Do you believe in an employee's right to know where the employee's money deducted is spent?

**Ms. Taylor:** I guess I do. I believe that.

**Mr. Chairperson:** Thank you, Ms. Taylor, very much. That would conclude the time allotted for questions this evening, and I would thank you very much for taking the time to come before us.

The next name on our list tonight is Robert Ziegler. **Mr. Ziegler.** While your presentations are being circulated, sir, I would invite you to commence with your verbal presentation.

**Mr. Robert Ziegler (Private Citizen):** Thank you for having the opportunity to address you all this evening. I have a written handout. I do not intend to follow it exclusively with something unlike the person earlier, about two speakers ago. I did give up my lunch to write this out, but it was written only a few hours ago.

My name is Robert Ziegler. I have lived my entire life in the province of Manitoba, all 40 years. I started working since I was 15. I have worked in various jobs ever since then. For the last 16 years, I have worked for the United Food and Commercial Workers Union; of those, I have worked six years full time presenting labour boards and arbitration cases, and for the last four years I

have looked after the finances of Local 832. I am one of Bernie's boys, as they are known.

I want to speak about three issues, because unfortunately we do not have the opportunity to speak on everything because of the time constraints we have. The three issues I want to talk about are expedited arbitration, financial disclosure and mandatory votes, but before I do that, I really want to talk about the labour law changes in general. There is one question that has resounded—I was here on Thursday till one o'clock in the morning, I intend to be here for a while yet—and that is the question of why. Why are these changes here? It is very clear to me the government wants to weaken unions. It has nothing to do with democracy, never has, never will.

The reason for that is the fact that unions are one of the most democratic organizations, and that has probably hit home for those people who have been listening over the last two days. I am concerned, though, about where these changes are taking us as Manitobans. It concerns me not as a union person, it concerns me as a Manitoban as to where we are going. I have been at Federation of Labour conventions where antiscab legislation was discussed. I have been at policy conventions for another political party where the issue was discussed, and it was discussed quite loudly and quite vigorously and there were some arguments, but there was a realization in the past by labour and by that other political party that you do not want to swing the pendulum too much one way or the other, because it is going to come back.

Well, unfortunately what Mr. Filmon is doing is pushing a lot of people and is pushing that pendulum, and it is going to swing back. That issue on antiscab, next year that discussion, or next election that discussion, there will be no doubt where it is going to go. But what Mr. Filmon is doing, he is uniting all Manitobans, whether they are unionized, nonunionized, teachers, government employees, nurses, patients of health care, they are uniting them to get active next time.

I want to tell you that I was a member of the executive of Winnipeg 2000. I worked for a number of years on that organization with some of the most prominent business leaders in this community, trying to benefit Winnipeg and in return trying to benefit Manitoba. I did that because I believed it was right. I do not hate business; I do not hate employers. There may be some

employers I do not like, but I felt that was right. I worked hard on that organization, but I am starting to question those views at this point. The climate that the government is creating at this point is not good for Manitoba. It is not good for Manitoba in the short run, it is not good for Manitoba in the long run, and that concerns me.

Now, I want to move on to the three specific clauses that I want to talk about.

**Expedited arbitration.** As I indicated, I presented for six years full time, and after that I still present some arbitrations. The same question comes to me, why are you making these changes? Well, one of the things I have heard is abuse. Well, use is not abuse. Our local union has used expedited arbitration more than any local union in this province and in some years probably more than almost all the other unions put together, and there is a reason why that happens. That is because it works.

You do not know what it is like to sit with someone who has been terminated or had a two-week suspension or three-week suspension and have to explain to them, I am sorry, I cannot deal with your case for three months, four months or a year, and I had to do that in the past before expedited arbitration. I invite all of you to try and explain to someone how it is going to be more democratic for someone who has a two-week suspension to wait a year to get that matter resolved.

I had a hearing, an expedited grievance mediation today with a woman who was denied overtime pay. Clearly in the contract she had entitlement to overtime pay. In expedited arbitration, we resolved that today at about 3:30 in the afternoon. I could not have done that under conventional arbitration for probably another six or seven months. Is that democracy?

As I said, though, the reason we use expedited is because it works. Eighty percent of the cases our local refers to expedited arbitration are resolved, and that is the beauty of it—resolved. It is much better to resolve an issue between the parties rather than going to arbitration.

In regard to the issue of, is the process putting a drain on the provincial government, I can maybe understand that as being a concern and I, like Bernard Christophe, the president of our organization, would support a



reasonable cost if that is the legitimate concern of the government. Justice delayed is justice denied. I touched on this briefly, but it has never been truer. That is the benefit and the pure beauty of expedited arbitration. You are not going to take away anyone's right to arbitrate by the changes you are doing. What you are going to do is let problems sit, you are going to let problems fester, and it is not healthy for anyone. Let us get on with it.

I heard on Thursday last week a spokesperson on behalf of the Chamber of Commerce talk about least popular arbitrators, and that is what expedited arbitration gives you. Well, I wonder what Paul Teskey, Bill Hamilton, Jr., Jack Chapman, Wally Fox-Decent, those are people who are expedited arbitrators, those are the least popular arbitrators? The people on the expedited arbitration are agreed to by the LMRC. There is a representative of management, there is a representative of labour. It is a good process; it works. I doubt that those people are viewed as least popular or incapable. If parties were concerned about least popular—and I think it is another word for no good—the parties would not use expedited arbitration. In conclusion, I believe expedited arbitration benefits everybody. It benefits Manitobans, benefits unions, and it benefits companies.

The next heading I have there, I think it is the right one: Financial Disclosure of Information to Employers and Antiunion Consultants. That is really what this portion of your amendment is. It has nothing to do with disclosure to members. Our members get that information. You have heard the presentation here, and I wish Mr. Filmon would be more honest about what he was doing. As I said, for the last four years I have looked after the finances of Local 832. Every single Visa bill I initial. Every single cheque I okay. Over the last five years at every general membership meeting of our local union—I may have missed one or two because I was at a meeting or something—I have presented the financial statements to our membership. I have gone through line by line—here is what we spend, here is why we spend it. I answer questions at those meetings. As well, we have an audit committee which is rank-and-file members. It is prohibited from having any staff on there. One of them is here in the room—Shirley Lamboo. They look at the same thing. They spend days looking at every Visa bill, every cheque. They can ask any question they want, they get that information. We have an annual policy conference where we have members elected from across

the province. That is where our budget is set and approved. It is not set by me. I may do the work preparing it, but it is approved by our membership. We are democratic.

In the by-laws of our organization it says that any member has access to financial information. As I mentioned earlier, over the 16 years I have been with the union I have been at almost every general membership meeting this local union has had. Never once has anyone, member or nonmember, been denied information about the union's finances. Never once has someone come to the union and asked for information and denied it. There is no need for this legislation unless it is for what I say it is. I said the only purpose is to provide employers information about the finances of the local union, and there is only one reason for that, that is to defeat unions at negotiations time and to defeat negotiations in organizing drives. That is the only purpose for that clause. I ask, I almost challenge the Premier (Mr. Filmon) to take a polygraph on that issue to see if that is really the issue. Is it democracy he is after or is it to weaken?

\* (2230)

Moving on, because I see I am running short of time, Mandatory Votes, and I am talking about mandatory votes and certification. I have presented a number of labour board cases, and it is recognized all across Canada that the key issue in determining the wishes of employees and certification is their wishes when they sign a card and when they make an application, and there is a reason for that. It is to stop employers from trying to influence, coerce and intimidate employees. In fact, petitions are not even accepted unless they allege intimidation, coercion and fraud, and that is proper, because if a union did something wrong they should be responsible, that is correct.

What the changes you are proposing will do is it will encourage employers to break the law. It will encourage employers to do those things. I have some more comments on there for you. Talk about democracy, that a secret ballot vote is the democratic way to deal with it. Well, it is not democratic when employees have to walk by the manager of the plant and cast their ballot. The manager is right next to the ballot box. I have also seen what has happened when employees have been fired

during organizing drives. It affects that employee and I have seen Labour Board hearings take up to four months. You will never get a true expression in that situation of what the employees' true wishes were.

**Mr. Chairperson:** Thank you very much, Mr. Ziegler. At this point I would surrender the floor to our colleague Mr. Reid for a question.

**Mr. Reid:** Thank you, Mr. Ziegler, for your presentation. I want to ask you a few questions with respect to your experiences, because one of the things that is called for under this bill under Section 132.2(3) is the disclosure of expenditures out of a strike fund during the fiscal year. Can you indicate for me what impact you see that clause having on the operations of your union with respect to the negotiations that would occur from time to time with the various employer organizations?

**Mr. Ziegler:** It is clearly the same as the other issues of financial disclosure. It will do nothing for our members. Our members can get that information. They know what our strike pay is. They can have that information. All it will do is, it will facilitate employers to know exactly the resources of a union and whether or not they can afford a strike and how far they can continue a strike. It will just weaken unions. It will benefit not one Manitoban working member.

**Mr. Reid:** The government says that they want to democratize workplaces and they want to have more information into the hands of members. I stress again that presentation after presentation that we have heard here tonight and last Thursday as well has shown or demonstrated quite clearly the open and true democratic nature of the various union organizations in the province, to the credit of the unions, I might add.

Can you, Mr. Ziegler, share with us your thoughts on why it is you think that the minister is taking this step and who he may be targeting as a result of the provisions that he has in Bill 26? Who do you think that he is targeting since everybody that has come before us to this point has shown to be open and democratic organization, or is it perhaps everybody?

**Mr. Ziegler:** I think it is clear that the reason for these changes are retribution for the fact that some union members wanted to speak up during the last election and

fight for what they believed were right issues, whether it be education, whether it be health care, and I think simply it is retribution for that. There is no basis that I can see for these changes.

**Mr. Reid:** So in a sense what you are saying then is that the Minister of Labour and the government are punishing those working people of the province who, through their respective representative bodies, duly elected, decided to take certain actions in the interests of those members. In a sense you say that the government is punishing those working people and their representatives.

**Mr. Ziegler:** I would not attribute it to the Minister of Labour. I would attribute it to the Conservative government and the caucus. I do not think you can single out Mr. Toews as being responsible. He is the minister and I would wish that he would speak louder on behalf of some issues, but I think it is really Mr. Filmon and the Conservative caucus that is responsible for these changes.

**Mr. Reid:** Can you tell me, sir, what effect, because we have heard from other presenters that the Labour Board is seriously underfunded or underresourced to allow them to carry out their current duties, never mind their new duties that are going to occur as a result of this bill and several other bills before us, what effect and whether or not the Labour Board would be able, to the best of your knowledge, be able to carry out its new requirements with respect to certification votes to be held within seven days? What do you see happening?

**Mr. Ziegler:** I do not believe the Labour Board could carry out those extra duties with the resources they have now. I know how long it takes to get a board hearing. If I file an unfair labour practice, I will be lucky if I get it completed within a few months. I will be lucky in two months. It is often three to four months. So if they cannot handle the current workload with their budget, how can they add anything more, because you are looking at votes on certification and votes on contract. There just are not enough people to do it. There is just no way.

**Mr. Chairperson:** Thank you very much, Mr. Ziegler. That would conclude the time allotted for questions, and I thank you for your time tonight coming before us.

The next presenter tonight is Carolyn Ryan. Is Carolyn Ryan in the audience? Good evening, Ms. Ryan. While

your written presentations are being circulated, I would invite you to proceed with your verbal presentation.

**Ms. Carolyn Ryan (Private Citizen):** Good evening, gentlemen. Before I begin my presentation, there are a couple of things I would like to say. One is, the last time I saw this many men sitting around a table was my last job interview. When one of my predecessors was asked about her role as a woman, I would like you to take a look around the table and answer that question for yourselves.

The second thing I would like to say is that I have a general meeting of my union on Thursday. If we attempted to run our general meeting the way this committee has been run, my union executive would be strung up. Take some time to consider that.

Anyway, I will begin my presentation. My name is Carolyn Ryan. I am 24 years old and I am a full-time student at the University of Manitoba. Like many students, I have two part-time jobs. One job is unionized, one is not.

My unionized job pays me well. It gives me a chance to develop and use my skills. The job respects my education and it encourages and provides opportunity for continued learning. In the event of a disagreement between myself and my employer, there is an easy and sure grievance process which I am able to make use of with the full support of my union executive.

My collective agreement provides for protection from racial and sexual harassment. I have the opportunity to participate in committees, the health and safety committee, women's issues and the steward's committee. I can become a steward or I can be elected to the leadership of my local union. My union has bargained decent wages, a benefits package and an EAP program. All this for part-time workers, no less. All in all, this job provides me with an opportunity to participate in a progressive organization where I have a voice, a chance to make a difference in my workplace and in my community and in the Manitoba economy with my union wages.

As I mentioned before, I have a second job. This is indicative of what has been termed the postindustrial economy, our own little slice of the new world order, if

you will. I am a short-order cook. I have been at this job for more than three years, full time, part time, casual, days, nights, split shifts, weekends, holidays—you name it.

This job, to put it mildly, stinks. After three years, I am making 40 cents an hour more than the minimum wage. In contrast to some of my co-workers, my wage is in fact enviable. In three years, I have called in sick twice. Am I healthier than the average? Unfortunately not. But I know that when I call in sick, one of my co-workers is finding herself, and this is a predominantly female occupation, called in from a day off, perhaps being spent with her family or doing her homework.

My shifts are changed on a moment's notice, cancelled, shortened, lengthened. The job requires few formal skills, except for perhaps patience with customers who are often condescending and occasionally verbally abusive. My education is meaningless here. My one-year-old degree is irrelevant in my new economy job and my skills and even my personality are slowly being degraded. The working conditions are not to be envied. It is hot, greasy, slippery and, at times, dangerous. There is no benefit plan. In sum, this job is simply that, a job. It is dehumanizing, degrading and gives me little opportunity to be a contributing citizen.

\* (2240)

In my studies of changing labour conditions in Manitoba, two processes have become apparent to me as to how I could improve the conditions of my job as a cook. The first would be to hope for and encourage the government of Manitoba to improve employment standards. Historically, the driving force behind improvements to employment standards have been unions—minimum wages, health and safety, paid sick leave, vacations and so on. I am sure the committee is aware of this as I am.

Bill 26 will harm the ability of unions in this province to fight for these things. I say fight because it is a battle. Business and now government have done and are doing everything in their power to prevent further improvements. Bill 26 continues to upset the balance.

Secondly, I could take the lessons I have learned from one job and apply it to the other. I could try and form a

union. I can get in touch with the United Food and Commercial Workers or the Service Employees International Union and try to organize. What a task. I can imagine how my employer might respond. More importantly, I can imagine how my co-workers would respond. We would be scared; we would be intimidated. You are asking a group of people who are reluctant to call in sick or, heaven forbid, ask for the July long weekend off, and you would have me say to them, hey, let us form a union.

Do not make it any harder. Changes to The Labour Relations Act that require compulsory votes before certification make it immeasurably harder for people like me to get ahead to get a union. I ask that you be a government that invests in the young, the disadvantaged and the working poor by doing what you can to keep the balance fair. Repeal Bill 26. Let unions run their own affairs and let unions continue to fight for the interests of all working people without the shackles of big government.

**Mr. Chairperson:** Thank you, Ms. Ryan.

**Mr. Struthers,** with a question.

**Mr. Struthers:** Ms. Ryan, I congratulate you on a very well-done job.

What I am interested in knowing is what is going to become of you and people your age who are trying to put themselves through university and colleges and juggle a couple of jobs at the same time. Are you going to stick around in the province once you get your education and what do you look forward to landing once you get out of university?

**Ms. Ryan:** Thank you for that question; it is a good question.

If I were to continue my education, the education I got, I am currently enrolled in my second degree. If I were to work on a Master's degree from my B.A., it would require me going out of province. The education cutbacks that are being proposed in some of the other bills and education amendments would only serve to make that more difficult.

Also, as a student, I have now accumulated at last total, let me see, the money just showed up the other day,

almost \$30,000 in student loans—\$30,000, that is a lot of money. My parents bought their first house for \$30,000. Where is this going to leave me in five years with little chance for improvement? Staying in Manitoba, it is an option. My family is here. I grew up here, I would like to stay here. I do not think that that would be feasible, given the education and employment opportunities the Conservative government is forwarding.

**Mr. Struthers:** Are there others that you know of who are in the same predicament that you are in?

**Ms. Ryan:** Yes. I have colleagues, friends, who have spoken before you already. They are in similar predicaments. My student loan tally is maybe slightly above average. I know people with more, believe it or not. As tuition rates increase, more and more people will be in the same situation. As the cliché goes, the rich get richer, the poor get poorer.

**Mr. Penner:** I am bit surprised at some of the comments made, especially when one has a job. I have two grandsons, they both tried finding work in B.C. which, by the way, is run by an NDP government; they could not find work there. They came to Manitoba to work during the summer months. They were paid better than \$10 an hour in Manitoba. One of them went back to B.C., he is now working for \$6.45 an hour in an NDP-run province.

I ask you, where would you go if you leave this province to work, to find work?

**Ms. Ryan:** Where would I go? That is an issue of exploration. I am not familiar with conditions in other provinces.

**An Honourable Member:** I am.

**Ms. Ryan:** Well, then, I will be sure to consult you before I head off. If I could continue for a second, I have always liked to see the East Coast. Maybe I will head that way.

**Mr. Lathlin:** I empathize with you when you say the last time you saw so many men was when you went to your last job interview. As a young person, a native person, I used to feel the same way. As a man I used to be sitting in front of all white men being interviewed, and

I think I can empathize with what you are saying. I also want to make an observation or maybe ask you a question, whether you feel intimidated by the nature of questioning that you are receiving from government members because I notice that the government members, when young women come up, they pounce on them, and yet they will not ask questions of Peter Olfert and others. Thank you.

**Ms. Ryan:** That pattern seems apparent and what is even more interesting that this committee should consider is not only how young women are treated before this committee, but how many young women have come to present to this committee.

**Mr. Chairperson:** Thank you, Ms. Ryan. That would conclude the time allotted for questions this evening. I would like to point out to the Assembly tonight, and I have cautioned you earlier, that when you clap after an answer the clock is running and all you are succeeding in doing is diminishing the allotted time for the presenter's questions. If that is the will of the Assembly, well, then, so be it, but I just would like to point this out to you.

The next presenter is Mark Sahan. Good evening, Mr. Sahan, and welcome. Mr. Sahan, while your presentation is being circulated, I would invite you to proceed with your opening remarks.

**Mr. Mark Sahan (Private Citizen):** Thank you. In advance I would like to thank everybody for their time. I appreciate the opportunity to be able to voice my concerns on these issues.

My name is Mark William Sahan, and I have come here today to represent myself as well as my fellow workers, my union, Local 469, of the Retail Wholesale Division of the Steelworkers. As most people in this city are well aware, we have been on strike against Westfair Foods for almost seven months now.

Some time ago I was elected by the membership of my local to serve as a bargaining committee member. I have been on the front lines of a very long and painful strike, and I speak from true experience when I say to the Filmon government that we adamantly oppose Bill 26. We would like to see the Labour minister start doing what he is being paid to do. Serve the people, the vast

majority of people, not just a tiny handful of the rich and famous.

Let me give you an example, Mr. Toews, of how we meet the duties that we were elected and sworn in to carry out.

\* (2250)

Our bargaining committee consists of five union members, all of whom are fellow workers and one union representative who is our chief negotiator and spokesperson. Right from the start of this bargaining process, we unanimously decided that we would keep our members as well informed as possible after each and every meeting session with negotiation updates. This was not something we had to do. I certainly do not get paid any extra wages to have spent my free time at the computer and on the phone to my committee members putting these updates together. We go the extra distance because we are on the front lines fighting for the people who have worked by our sides for more than a decade. We are brothers and sisters who are equal. Hidden agendas do not exist, nor do lies or deceptions.

Mr. Toews, the comments that you have made to the press over the last few months have made my blood boil. You have painted all unions as fat cat hierarchies that dictate and deceive their memberships. Your comments are a slap in the face to the intelligence and integrity of myself and my union members as well as all union members across this province. Many of us put in countless hours of volunteer time working towards fairness in the workplace. What you have been describing, Mr. Toews, is the way the Filmon government itself abuses its power and thrives on deception.

Fortunately, I was immune to one of the largest Filmon deceptions of the past for I am not an overzealous hockey fan.

Let me tell you about democracy. It is a system that is alive and well in our union, and the Tories can learn a lesson from it. It is democracy in the truest and strongest sense of the word. The power to make decisions and take the steps that we believe in as union members and fellow workers has always been in our hands. There has not been an occasion that my union representative has dictated to us. He may have disagreed with our decisions

in the past but after the majority of the committee made a decision, he gave us the union's full support. The supreme power to carry out important decisions lies in the hands of the union membership, the people who the decisions affect the most. Decisions in our union are made by the people, for the people. This is true democracy.

I will not go over every detail of this disastrous Bill 26 but instead will focus on just a few. Regarding the proposed requirement for unions to disclose financial statements to nonmembers, this does nothing but deteriorate labour laws in Manitoba by giving ruthless companies like Westfair Foods an unfair advantage over their unionized employees. In relation to a labour dispute such as the one we are presently embroiled in, the company could conveniently look into our finances to find out just how many more months to keep the dispute going until they have succeeded in destroying the union's finances.

Although strike funds are a separate issue, we all know local union treasuries take a strain during a labour dispute. In my opinion, this is exactly why the Filmon government is implementing this section of Bill 26.

Our union already keeps our membership well informed about our finances. An outside auditor audits our books. At our regular monthly meetings, these are presented to the membership. Our year-end financial statement is prepared by an outside chartered accountant and is available to our members at meetings or at any time the member wishes. So where does this section of Bill 26 increase the democratic rights of workers? Again, what it does is give unfair advantage to companies like Westfair Foods who abuse their employees just as they abuse the legal systems presently in place. This is evident by the vast number of grievances that flow from our locations, which can number anywhere from 100 to 300 grievances annually. As you can see, the limitations that Bill 26 imposes on access to expedited arbitration will not help union members. It will only help a company like Westfair continue and even escalate their abusive treatment of their employees.

Regarding the provision that would allow a company to pursue dismissing an employee for a picket line violation through the Labour Board, from our strike alone, Westfair has already terminated two employees.

One was terminated for spitting at a vehicle, as well as allegedly violating a court injunction. I believe it was something minor like walking one too many times in front of a truck. The other employee was terminated for peeling flaking paint from the exterior wall of a store. I do not believe the Criminal Code of Manitoba will find these individuals guilty of criminal misconduct. However, I am certain a company such as Westfair would pursue these types of frivolous issues to the nth degree with the Labour Board. Would they succeed? I believe they would at least have a good shot at it. Imagine, losing a job you have worked hard at for 10 or 20 years because you leaned against a wall and flicked some peeling paint from it.

Does the Filmon government believe that a hard-working, tax-paying citizen deserves such a punishment? The government and lawmakers of our society should learn how to effectively punish and take away the rights of criminals. This is the area that is screaming out for strong action by strong leaders. While violent youth gangs run wild on our streets, the Filmon government spends its time and our tax dollars interfering with and weakening the rights that the essential citizens of our population have fought for years to achieve. I am referring to the civilized Manitobans who obey the laws and work hard for the food on their table.

Dealing with citizens as though they are criminals is the predestination of this provision. Which door is it the unions of our province are lining up at asking for this legislation? If the Filmon government had a genuine interest in promoting union member democracy, then it would have not repealed final offer selection. Final offer selection may have been the instrument that could have shortened our dispute with Westfair Foods, maybe even averted it. Instead, after half a year, we face offers from the company that have become progressively worse than the original final offer that our members voted down at the beginning of the dispute. This company has no interest in negotiating. They are effectively dictating their terms to us, thanks to a system already suffering a great imbalance.

Mr. Toews, it is not easy to get people to understand what it is like to work for an employer who continually intimidates its employees so it may succeed in realizing its unfair agenda. I have worked in the Westfair Foods abusive, modern-day sweatshop environment for over a

decade. In my opinion, the systems that are presently in place do not protect the workers of this province from relentlessly unfair employers such as Westfair.

**Mr. Chairperson:** You have less than one minute to go, sir.

**Mr. Sahan:** Thank you.

What labour laws in this province really need is some form of antiscab legislation that would pressure arrogant companies like Westfair to be fair. Mr. Toews, how is it that your government can come across with this apparent concern for the democratic rights of workers when we cannot even get a mediator appointed when we request one? It took approximately 20 days to receive a negative response from your office. We sent the request directly to yourself, sir, but the response came back from your deputy. Even in that response, your office chose to again insult our integrity. The letter stated and I quote: I would like to make available to the parties, if requested, the services of the Manitoba Labour Board to supervise a vote among the affected employees on a final offer of the employer or on a proposed collective agreement when one is achieved.

**Mr. Chairperson:** Mr. Sahan, that would conclude the time allotted for the presentation. Mr. Reid, with a question.

**Mr. Reid:** Thank you, Mr. Sahan, for your presentation. I will read through the remainder of your document and have almost neared that point now. You referenced in your final paragraphs the voting system that you have in place within your organization, and to me it seems very much similar to what is practised for provincial general elections and by-elections, and I am happy to see that.

I want to ask you, sir, because this government has, as a result of this Bill 26, a provision in here that would deal with strike-related misconduct, Section 14.1, where the employer would have the ability to fire an employee for what they term to be misconduct on the picket line.

I want to ask you, sir, do you have any experiences, have you had other experiences besides the one you are currently embroiled in with Westfair Foods that perhaps you can relate to committee members so perhaps our government members can get a better appreciation for things that may occur on picket lines?

\* (2300)

**Mr. Sahan:** The one incident that would probably come to mind occurred probably about two or three weeks ago when we held a mass picket at our warehouse. During that mass picket probably about 88 to 90 union members were present, and during that time everyone was following the guidelines of the present court injunctions quite closely, that being that we are only allowed to make one pass in front of the trucks. During that time, one of the security people was jumping up and down like a cheerleader trying to wave trucks through our line. The action was purposely to intimidate the picketers and to get them to break the injunction or to suck them into doing something wrong.

If anything was a picket line violation, that was. The response in this province is, the moment they thought there was a violation they called the police. The police came running, like they usually do when the company calls them, and two or three police cars spent about an hour and a half at our picket line, once again wasting taxpayers' money, getting statements off of the security people, and it came to nothing. That is about the best example I can give you of what occurs on picket lines.

**Mr. Toews:** I am curious here. In respect of the request from the union for a mediator, do you know the date of that letter?

**Mr. Sahan:** It was some time at the beginning of the month.

**Mr. Toews:** You do not have a copy of that letter here and you do not know the date of that letter?

**Mr. Sahan:** When I saw that letter, I recall it could have been the of third of the month. I cannot say exactly, because I do not have the letter in front of me.

**Mr. Reid:** Are you aware, Mr. Sahan, and perhaps I should back up a bit, so what you are saying with respect to the picket line activity was that the employer or the agents of the employer were attempting to incite those members, employees of that company who were on the picket line to do actions that would be considered under this legislation grounds for dismissal and that under the provisions of The Labour Relations Act that the employer is only subject to I think it is a \$2,000 fine, where the

employee would be subject to dismissal or loss of employment.

Do you think that it is fair for this government to have this provision in Bill 26 that would allow employers to incite such activities and only suffer a minor financial penalty when the employees themselves would suffer such a staggering loss?

**Mr. Sahan:** Of course I believe it is extremely unfair, especially because Westfair Foods can throw away \$2,000 at a time from here to eternity, and it would not hurt them one bit.

**Mr. Chairperson:** Thank you very much, Mr. Sahan, for the presentation tonight. The next presenter is Victor Vrsnik. Is Mr. Vrsnik in the audience? Good evening, Mr. Vrsnik.

**Mr. Victor Vrsnik (Manitoba Taxpayers Association):** Good evening.

**Mr. Chairperson:** Do you have a written presentation, sir?

**Mr. Vrsnik:** Yes, I do.

**Mr. Chairperson:** Good. While your presentation is being circulated, I would ask you to commence with your verbal presentation.

**Mr. Vrsnik:** I hate to crash the love-in here tonight for the crowd assembled here, but I am actually speaking in favour of Bill 26. So, everyone, wake up. I reserve these comments for the crowd. If you guys want to discuss any of my points, I would be happy to outside in the corridor if you just let me make the presentation. Thank you.

I am Victor Vrsnik, the research director for the Manitoba Taxpayers Association, which is a nonprofit, member-driven organization representing over 13,000 members and supporters. Our mandate is to act as a fiscal watchdog on wasteful government spending and to promote fiscal responsibility and democratic reforms. To begin with, I would like to reserve my presentation on Bill 26 to public sector unions and their relationship to tax-paying Manitobans. Many public sector unions are creatures of provincial statute and therefore on the payroll of Manitoba taxpayers.

Financial accountability means being responsible to those who have entrusted money to you. In the case of business, senior management must be accountable to the company's board of directors who, in turn, must be accountable to shareholders for the revenue and equity dollars they spend. Accountability is measured in terms of returns. If margins are low, shareholders will pull out their investments.

Charitable and nonprofit organizations must be accountable to their supporters for the donations and membership fees they spend. If members are not satisfied with the service, they can choose to disassociate. Like publicly listed corporations and not-for-profit organizations, public sector unions are also in the business of representing members but with less accountability. Surely, everyone at this table agrees that union reps must be accountable to the rank-and-file members for the dues they spend, everyone except perhaps Choices, a social justice coalition.

In an article denouncing Bill 26, Choices, a social justice coalition, argues that leadership elections are a sufficient form of accountability and that any other form of financial accountability represents an erosion of the democratic process. If they truly believe that accountability begins and ends with elections, why is Choices, a social justice coalition, not objecting to the holding of these hearings today? By their reasoning, today's public consultation hearings as a form of accountability must represent an erosion of democratic process. I ask the same question, why are we even having these discussions today, given that if elections are sufficient for accountability, then by that reasoning there is no need for these consultations and the government should just go ahead full steam and pass these amendments?

By arguing that elected union reps are, by definition, accountable, apologists for the status quo will have stood the principles of democracy on its head and rendered the term "accountability" meaningless. Even the provincial government recognizes that elections alone are not blank cheques and an excuse to spend like a drunken sailor. To accommodate the taxpayers' demand for some control over taxation spending, the provincial government passed The Balanced Budget, Debt Repayment and Taxpayer Protection Act. Taxpayers can now celebrate and rest assured that tax relief is at least in sight.



Now what assurances do unionized employees have over the spending of their membership dues or, if you will, union taxes? The Manitoba Federation of Labour has portrayed the government's amendment to the act as a tip in the scale in favour of business. For the Taxpayers Association, Bill 26 represents a balancing of collective union rights with the rights of individuals, minorities and taxpayers. Long overdue reforms to The Labour Relations Act will democratize certification applications and improve union accountability.

Now some people made the inference that the government is flirting with fascism or some sort of authoritarianism, and that comment is absurd.

I just want to elaborate on this point, that historically authoritarian governments were able to control unions by insuring that the official unions had a monopoly over membership. The system of union monopoly would then have more in common with today's industrial relations landscape than the proposed reforms packaged in Bill 26.

Those opposed to Bill 26 want to ensure that current unions have a lock on membership by denying its members the right to the freedom of association or the right to choose not to associate with the union. Owing to the Rand Formula or automatic dues checkoff, there can be no free association or free competition between unions. So before anyone charges the government for flirting with fascism they should take a good look at the way union monopolies are structured today.

\* (2310)

For many public sector employees, dues collection is just another form of payroll tax collected to bankroll an army of union reps and political causes. Consider the hundreds of thousands of dollars spent by public sector unions on political advertising today and during the elections. How many employees disagreed with the partisan ads but still had to pay for them? How many taxpayer dollars went in to bankroll the public sector employees? How many of those dollars were then funnelled through the union bureaucracy and then donated to a particular political party? The rights of taxpayers, individuals and minorities can easily be tread upon unless there exists a mechanism for them to opt out and redirect their dues elsewhere.

Regrettably, many unionized employees are not entitled to free access to information on how Manitoba unions spend their money and taxpayer dollars. Bill 26 remedies this shortcoming by requiring unions to disclose annual audited financial statements and a report of all union employees compensated in excess of \$50,000. One might expect that union reps would applaud incorporation of this provision into the act. By offering the option to union employees to redirect their dues during political campaigns, unions can then declare without equivocation that their political actions are actually sanctioned by the membership on occasions when there is not an exodus of union dues to other causes.

Reforms to the act also remedy some of the more objectionable and undemocratic facets of the Rand Formula without actually dismantling the law. Individual employees will be able to determine the outcome of all applications for certification by mandatory secret ballot vote. To make the patronizing argument that employers will be able to intimidate employees and scare them out of voting for certification is to presume that employees are incapable of making decisions for themselves without the guiding hand of the benevolent union leadership. We operate from the presumption that employees know what is best for employees, and that is, secret ballot vote on all certification applications is by far the best way to respect the wishes of our public servants.

The reforms favour taxpayers forced to carry out the burden of public sector spending. The costs of a mediator, appointed to settle a collective bargaining impasse, will now be divided evenly among the government, the union and the employer. For the moment taxpayers foot the bill for all mediation costs.

On balance the reforms reflect a growing public weariness over the cost of government and public sector unions on local taxpayers. The government has taken some measures to minimize its role as employer with the recent announcements of privatizations and contracting out of services. Savings go a long way for the average overtaxed family.

Nevertheless governments are too generous with taxpayer dollars when awarding settlements to public sector unions. Employees in the public sector typically earn wages 20 percent higher than comparable private sector workers, and there are a lot more benefits. For

every extra dollar awarded to a public sector union, the taxpayer is one loonie short. But governments' first responsibility must be to the consumer and funder of its services, the taxpayer. Government accommodation to public sector union pressure on matters of cost constitutes a disservice to the overtaxed Manitoban.

To level out the terrain in contract disputes and release taxpayers from the high cost of public sector operations, governments should simply minimize its role as employer and enact reforms that will create a more competitive and democratic labour relations environment. Taxpayers should then count on the delivery of cheaper and more flexible government services. It is essential that our public sector unions be as accountable as possible to dues-paying members to ensure that they cannot unduly exploit their near monopoly position which creates privilege at the expense of the ordinary working taxpayer. An accountable union monopoly can be just as damaging to the public interest as an unaccountable business monopoly.

Now to answer the \$50,000-question, which I am sure I am going to get later, no, unions are not democratic owing to the regrettable fact that the Rand Formula does not afford individual workers the freedom to choose not to belong to a union. To add insult to injury, unions are entitled by law to collect dues without member authorization and use those dues for whatever purpose they fancy. How would workers respond if a renegade union leadership started to channel dues into, perhaps, the Progressive Conservative Party? If that happened, I am sure there would be bloodshed, because there is no measure of accountability which respects the wishes of individual union members.

**Mr. Chairperson:** Thank you, Mr. Vrsnik, for that presentation. That concludes the time, and I would recognize Mr. Reid for a question.

**Mr. Reid:** Thank you, Mr. Vrsnik, for your presentation here this evening. It is quite interesting. You start off—I am not sure why you did it—attacking a particular interest group, but that is not the question I want to ask you. You said members of your organization, the Taxpayers Association, have been before members of this committee in the past. I note that you provide for members of this Legislature and members of the public a particular newspaper publishing a certain point of view which is

not one that I agree with, but nevertheless we read your comments. I am not sure how you fund that operation, sir, but I guess that is something that you may want to share with this committee.

I also want to ask you—because in the past when members of your organization have come before this committee, we have learned that your organization does not hold annual conventions, does not have the ability to have policy resolutions put on a convention floor, does not have the ability of any members, whoever they might be, of your organization to come forward and debate the issues and to bring forward issues that may be of concern to themselves. So can you tell me, sir, what has transpired since the last time when your organization came before this committee to indicate to us that you are now operating in a democratic fashion like you are saying that you want to have for unions, and tell us how that you are accountable to all of the people that you say you have as members and that you say that unions are not accountable to their members. Can you explain that to me, sir?

**Mr. Vrsnik:** I would be delighted. I will say this that the Manitoba Taxpayers Association has more in common with the unions that you profess to represent from the turn of the century than the NDP and the unions together today. At that time, unions operated under the principle of freedom of association, voluntary association. That is how the Manitoba Taxpayers Association operates. We present our principles to our members before we sign them up. All across Manitoba we have sales agents on the road, pounding the pavement, knocking on doors, presenting the work that our organization has done—[interjection] May I finish?

**Mr. Chairperson:** Order, please.

**Mr. Vrsnik:** —outlining the principles of operation and they may choose to take out a membership or they may choose not to. If they are dissatisfied with the organization they can choose to disassociate, but that privilege is not afforded to members or to employees who work in a closed shop or an open shop where they have to pay dues to a union whether they like it or not. We do not impose that condition. We do not have legislation which says that Manitobans have to join the Manitoba Taxpayers Association. It is their prerogative.

**Mr. Struthers:** Mr. Vrsnik, thank you for your presentation. I have a couple of questions. If you were to sign me up in the Manitoba Taxpayers Association, would you be collecting a commission for signing me up.

**Mr. Vrsnik:** If I did the work, incurred the expenses to go to your part of town, if I had to spend the night in a hotel, et cetera, if I incurred those expenses plus did the work to sign you up, I would be entitled to a commission, yes.

**Mr. Toews:** Mr. Vrsnik, thank you for your presentation. Mr. Vrsnik, are you aware that the largest public sector union in Manitoba, or one of the largest public sector unions, the MGEU, has been statutorily recognized, that there was never any recognition vote and that even if a person wanted to belong to another union, by statute they are prevented from associating with any other union and must be a member of the MGEU and, secondly, in respect of the secret ballot vote, are you aware that the MGEU sent an organizer to Nova Scotia to show Nova Scotians how to organize the way they do it in Manitoba, and of 147 signed-up cards, so-called signed-up cards, 100 of those 147 were forged? Are you aware of that?

\* (2320)

**Mr. Vrsnik:** No, I was not aware of the latter comment, but I think that just speaks to how democratic these unions are today and the fact that they have a monopoly over members in terms of the MGEU and in terms of the fact that they are willing to stuff ballots out in Nova Scotia attests to the fact that Manitoba unions, indeed, are democratic institutions.

**Mr. Chairperson:** That would conclude our remarks or our time allotted for questions.

**Mr. Vrsnik:** May I make one more comment?

**Mr. Chairperson:** No, I am sorry, sir, the time as allotted for questions has been concluded unless it is with the leave of the committee.

**An Honourable Member:** No.

**Mr. Chairperson:** All right. Thank you, Mr. Vrsnik.

The next presenter is Claudette Chudy. Good evening, madam. Thank you very much for appearing tonight, and I would invite you to commence your presentation.

**Ms. Claudette Chudy (Private Citizen):** Thank you. I have never been a member of Parliament. I am just someone out in the workforce trying to understand another government decision and why there will be another barrier for me to cross.

I am a health care aide at a 100-bed personal care home. When Bill 22 was implemented at our home, not only did it affect our employees but our residents as well. We are not a big facility. We are only 97 members and, because our facility is so small, we did not get days off without pay. We all lost 15 minutes a day. Some of our departments left early while others like myself could not leave the building, so management decided to extend our coffee breaks by 15 minutes, which meant our residents at our facility received 15 minutes less care each shift.

With the attack on health care, this year alone we lost all our LPNs, two full-time activity workers and two full-time health care aides. That leaves one health care aide to tend to the needs of 13 residents, and yet our seniors are told they will receive the best possible care. I cannot see how this is possible with more cuts in the future.

With all the different sectors out on strike this year, our facility included, you would think that the government would get some kind of a message, and yet we are still ignored. We the people are tired of fighting for what is rightfully ours. The cost of living keeps going up, but the workers' mighty dollar stays the same. While the employers are making a profit, we are asked to take a rollback or a wage freeze. When you ask the employer to see his financial statement when trying to negotiate the best deal and maybe try to understand the need for a rollback, he tells you it is none of your business, that he has his reasons.

Now that Bill 26 is coming into play, we already know what is in it for the employer, but what is in it for the working people? What about our rights? Every time we turn around, we are losing something and it always seems the government has the final say. I want you all to know that I want my union to speak on my behalf when I cannot. With my union, I know I have the freedom of speech and the right to my own opinions. They listen to

what I have to say and take criticism well. I know from experience that the union is on my side, and they are there to take a stand on my behalf.

I have been recently wrongfully terminated and if it was not for the union being there and working for me, I would be another statistic for unemployment. If we had no union, that would give the employer the right to terminate if they thought your smile was not sincere. At this time, I have not been reinstated, and I know if no agreement is reached it will go to arbitration, if it still exists.

Most employers still have their power. It is only controlled in a democratic way. The employer does not have the final say. We all take a vote and then it is decided. I really hope you have listened to the people who have made presentations on this bill. It is very important that you understand where we are coming from. Now it is my turn to ask you to reconsider Bill 26.

**Mr. Chairperson:** Thank you very much, Ms. Chudy. Are there any questions of the presenter?

**Mr. Reid:** Thank you, Ms. Chudy, for your presentation. Health care has been an issue, has been very much in our minds over the course of the last year, and we saw the devastating impact of the government's direction with respect to the home care situation. We would much have preferred that the government had taken the necessary steps to try and resolve that dispute in a more timely fashion, but unfortunately they were much hardened in their position.

I want to ask you, because the provisions of this Bill 26 will allow the government to give powers to the employer or the employer organizations to dismiss employees for strike or picket line related conduct, do you have any experience in those areas that you might care to share with the committee, and what would your thoughts be on whether or not this practice would be fair to allow employers to only pay a \$2,000 fine if they are found to be in contravention of The Labour Relations Act versus the loss of employment for an employee so charged by an employer?

**Ms. Chudy:** On our picket line, we did not seem to have too many problems. Like I say, we are only a 97-member facility, so our picket lines were very small. As far to the rest of your question, it is in my opinion if our employer

does have the power to do what he wants, we are all gone, because we took a stand and went out on strike.

**Mr. Reid:** This government has said that they want to democratize the workplace, and I am trying, as I have to many of the other presenters here and last Thursday, I have asked them the question, have you or any of your colleagues, as one of the dozen or so people that the minister said he has consulted on this bill, been one of those people consulted about the clauses that are in this Bill 26 prior to its tabling in the Legislature? Have you been one of those people, or have any of your colleagues, to the best of your knowledge, been consulted on this bill?

**Ms. Chudy:** I have not been approached, and to my knowledge none of my co-workers have either.

**Mr. Chairperson:** Thank you very much, Ms. Chudy. That would then conclude the questions tonight, and thank you very much for coming before this committee.

The next presenter tonight is Alex Puerto. Mr. Puerto? Calling Mr. Puerto for the second time. Mr. Puerto's name will be struck off as there is no response in the audience. The next name is Mr. Ken Nickel. Is Mr. Nickel—ah, good evening, Mr. Nickel. You are indicating, Mr. Nickel, you have no document to circulate.

**Mr. Ken Nickel (Private Citizen):** No, I will be nice and quick here.

**Mr. Chairperson:** All right. Well, I would invite you to proceed, sir, and thank you very much.

**Mr. Nickel:** My name is Ken Nickel, and I am a shop steward with the UFCW 832. For the past 10 years, I have worked part time at the Real Canadian Superstore, and I want to address Section 72.1, subsections (1) and (2). These sections deal with the minister may require a ratification vote, or the employer may request the vote.

My concern is that some employers, like maybe mine, might manipulate the contracts, the final offer, if you would, that affect the very employees that this bill seeks to protect. The example is the minority of the members. An example of the minorities would be like a substitute teacher where they make up a smaller part than the actual

teachers, paraprofessionals where there is only a much smaller group, night staff, weekend staff, temps, terms and seasonal staff. Any members that fall into the smallest category of a bargaining unit can be targeted or singled out.

What I mean by that is that let us say a company has full-time employees who make up only 8 percent of the bargaining unit. The company's final offer gives all the employees a dollar-an-hour increase, but it also asks to eliminate all full-time positions in the company. The vote could probably go 92 percent to accept, 8 percent to reject, and the contract would be a done deal and there would be no more full-time positions. Then, of course, contract after contract, the company goes after all or any of the minorities. A negotiating committee would not allow this. We stand all for one and one for all.

Unlike some of the other speakers, I do not want to change any of these sections; I want to eliminate them entirely. This legislation should be eliminated. If the party wants to help Manitobans, have every employee in nonunion companies surveyed annually and asked whether they would like to be in a union or not, and then we will see how much animosity there would be about bringing in a union. Let us allow all union members in Manitoba to vote on this legislation. After all it is those people that this bill is supposedly protecting. Is it really fair for 32 MLAs to pass judgment on thousands of its own constituents? An individual's rights are of the utmost importance. One might not always agree with their union; one might not always agree with their employer or with their fellow employees, not even with the party that is in power. But he or she can always try to change things from within. I want to thank you.

\* (2330)

**Mr. Chairperson:** Thank you very much, Mr. Nickel.

**Mr. Toews:** Are you aware of in Ontario that when the Ontario Federation of Labour asked the Ontario government under Premier Rae to repeal the vote provision, which our legislation is based on in that respect, the Ontario government under Mr. Rae said, no, they would not indeed? They then subsequently used it to send the transit workers back to work by the workers voting on the contract that their union had rejected. Are you aware of that?

**Mr. Nickel:** I am not totally familiar with that, no. What I say is always a company can make up any final offer so long as it works towards the minority, you could totally, as I say, eradicate the minority, the small individual person or people.

**Mr. Toews:** So then I appreciate the fact that you are not in favour of allowing workers to vote on a collective agreement or on a vote that has been ordered by a minister, but, as a second choice, then I clearly hear you saying that you want some clear limitation on the number of votes that could be called in any one particular situation.

**Mr. Nickel:** Well, the more votes you have, you are not really getting anywhere. I mean if you are going to fine-tune a contract, the negotiating committee should fine-tune. They are voted, by us, to do that particular job. It seems crazy, like, to nit-pick and to continuously go over and over, you know, one item at a time increasing or decreasing what you are going to get or going to have to do to get it.

**Mr. Reid:** Thank you for your presentation. Sorry you have had to wait so long to make the presentation, but we appreciate your staying and participating in this process.

The minister referenced situations in Ontario with respect to labour legislation, and, of course, we have seen what the Harris government has done there, repealing the antiscab provisions that were brought in by the previous government, which would lend to labour-business peace, and that the government there, of course, is now embarking on other areas where they are withdrawing from workplace safety and health committees. The minister referenced some time ago that his bill is modelled after the Ontario bill, the Ontario legislation that the Harris government brought in, but what he does not tell the public is that Ontario does not have the removal of the Rand Formula as one of the penalties for not complying with the financial disclosure provisions.

But, more importantly, I want to talk to you about your workplace and your experiences and how you see or do not see democracy functioning in your workplace. Perhaps you can share with members of this committee your experiences.

**Mr. Nickel:** Well, as I have said before, I have worked part time 10 years at SuperValu. Working part time is not my choice. When I first went in, I went in, I put an application in for part time to get my foot in the door, and then I asked for a full-time position and I applied the way I should. It has been 10 years in coming, and I see this contract as a big negative because they could turn around and pull the few 8 percent full-timers. There are 123 full-timers that we have here in Manitoba, and they could just have us vote them away. I mean, there should be more full-timers than less. I mean, the more part-timers looks great for unemployment figures, but part-time people only pay part-time taxes. You want full-time people paying full-time taxes.

**Mr. Reid:** Well, I agree that the objective should be full-time jobs, and we would very much like to see that. That is one of the reasons why we have been striving to bring in prorated benefits for part-time workers throughout the province. We would encourage the government to move in that direction; and, if they do not want to do it, perhaps in the future there will be an opportunity for successive governments to do that. But I am interested in your comments with respect to how your union—how you function within that body. What say do you have in the operations of that? Are you apprised of the financial matters of the organization, and do you have a chance to comment on that? Can you participate fully?

**Mr. Nickel:** They have quarterly financial statements. It is posted in every store, the dates, the times, when you can be there. I have been to a few of them. The people can ask questions. I went to the last election where we elected Bernard Christophe. To me, it is very democratic. I was involved in the counting of the votes. What they did is, anybody who got up to ask questions or to speak, if there was a dozen of us or whatever, we were responsible for counting the ballots. So it was not—it was like a surprise to us, because we were just picked, like, almost at random. But if you had negative or positive comments, we were all picked to count the votes. So, you know, I thought it was a very democratic way to go.

**Mr. Chairperson:** Thank you, Mr. Nickel. That would conclude the time allotted for questions. Thank you, sir, very much for coming to this committee tonight.

The next presenter tonight is Cindy Garofalo. Ms. Garofalo, good evening. While your text is being

circulated, I would invite you to proceed with your oral presentation. Thank you, ma'am, very much.

**Ms. Cindy Garofalo (Private Citizen):** Thank you, Mr. Chairman.

My name is Cindy Garofalo, and I reside in the city of Winnipeg. I am employed with Media Union of Manitoba, No. 191 of the Communications, Energy and Paperworkers Union of Canada as a full-time office administrator.

The Media Union of Manitoba represents approximately 800 members working in the newspaper and commercial print industry. In my capacity as office administrator I am responsible for, among other things, the preparation and presentation of all financial matters concerning my local.

I object to the proposed legislation in Bill 26, Part VII. I, Disclosure of Information by Unions, that would require audited financial statements be filed with the Labour Board because I feel that it would cause undue hardship on locals by attempting to misdirect dues from the areas that members have democratically voted to support and cause additional expenses to locals by requiring extensively audited financial statements be filed with the Labour Board.

The current method of reporting to our membership is adequate in that it is a system that our members have developed. They govern the method of reporting, and we have our own checks and balances in place that provide accurate information to our members in regard to financial condition, the operation of the union and the nature of its expenses, income and expenditures. The members of our local have not asked for these proposed changes as outlined in Bill 26.

At the beginning of each year our finance committee, made up of rank-and-file members of our union, meet with the two staff people and prepare a proposed budget of revenues and expenses. That report goes before our executive board, once again made up of up of 15 rank-and-file members, who review and discuss all areas of the budget, suggest changes and vote on the acceptance of that budget. The budget is then presented to our full membership at a general membership meeting and, again, all areas of the budget are discussed and debated at

length, and the general membership votes on the acceptance of the budget. The procedure is virtually the same for all expenditures that we incur.

The general membership votes on the groups that we are going to support through financial donations and the causes that we support through the contribution of manpower for activities that we support as the local. A rank-and-file committee reviews the employment conditions of the local staff annually and makes recommendations to the executive board on wage and benefit issues. The executive board votes and refers the matter to the general membership meeting to again be voted on at the general membership meeting.

A finance committee meets on a monthly basis and reviews every financial entry that I have made. It is their mandate to ensure that the policies of the local are being followed as they pertain to the finances of the local, and they make recommendations to the executive board on any changes that they feel are necessary. Our local secretary-treasurer, a rank-and-file member, is responsible to review the financial records and report on them. Copies of each monthly financial statement are circulated to our executive board for approval at each monthly meeting and once approved are circulated to members attending the next general membership meeting so they may be approved by our general membership.

At the conclusion of each year, the local hires a certified accountant from BDO Dunwoody to audit our financial records and prepare the local's tax returns. Copies of the audited statement are then circulated to the executive board and the general membership at the next meeting. The financial reports are also made available to our national union office for a review by our elected representatives in Ottawa to ensure that we are conducting ourselves appropriately.

\* (2340)

As you can tell, we have nothing to hide.

Our policies and procedures are developed and administered by rank-and-file members to ensure that they know that their dues are being spent the way that they have voted to spend them. It is our members, the ones who have set the policies, who determine that the information is sufficient, not an outside agency telling the

employer to stop remitting union dues collected through compulsory dues checkoff because someone has deemed that insufficient details have been provided. Compulsory dues checkoff is a fundamental trade union right, and allowing for a provision to stop dues checkoff because of noncompliance cuts the union's ability to function or to do the work that our members have asked us to do.

The process of checking off everyone's dues every month is not an easy task. It is a tedious and time-consuming process but a necessary one because some of the employers make errors in deducting dues, and adjustments are required. Sometimes our employers do not provide all the information about members that they are obligated to provide through requirements in our collective agreements. I do not see any proposals in Bill 26 to penalize employers for not providing sufficient detail such as matching the dues that have been deducted from members of our shop when they fail to provide these sufficient details.

We operate on a very tight budget. Our expenses are generally very close to our revenues every month. If an employer remits dues late, it is sometimes necessary to juggle outstanding invoices to accommodate for the lack of cash flow. Our members have agreed to pay the dues that they pay through voting in a democratic fashion, and they vote on how we are to spend those dues.

What you are proposing would misdirect those funds from the sources that members have democratically elected to do with them. This would be a disservice to those who are paying the dues as well as to the organizations that benefit from our support. You would be opening an opportunity for antiunion groups to virtually cripple our local requesting information that may not even exist by halting the financial resources that we depend on. We are in the business of member services, bargaining fair collective agreement and resolving grievances from members who pay dues because that is what they have democratically decided we should be doing with their dues money. Bill 26 would only make our internal union financial information available to antiunion interests who would make use of this information for their own purposes.

We are already wholly supporting the concept of union accountability in the way we conduct our business. I ask

that the amendment pertaining to the disclosure of information by unions be withdrawn.

As one closing remark, I would also like to say thank you to Barry Shenkarow. You see, I worked at Mr. Shenkarow's car dealership, as my last nonunion job, before starting work for the union. I worked long hours, at low wages, with no overtime. I had my vacation rescheduled at the last moment, and during the last six months I worked there, all of the employees were forced to take a 12.5 percent wage rollback. I want to thank Barry for giving me a wake-up call. Working in a nonunion shop stinks. I now have a decent-paying union job, with decent holidays and a pension plan. Thank you, Mr. Shenkarow, for showing me the light. Thank you.

**Mr. Chairperson:** Thank you, Ms. Garofalo.

**Mr. Reid:** Thank you very much for your presentation. It is quite enlightening to hear some of the things that we thought might be happening. I can tell you that I have heard anecdotal stories about Mr. Shenkarow in the past, but this is the first time that I have heard first-hand information relating to his habits and how he treats working people. Of course, as you may have heard earlier, one of the things that we have been trying to get out of this government, by way of financial disclosure, is the salary that they have paid Mr. Shenkarow as the highest-paid civil servant in the province of Manitoba.

They say they have a provision under public disclosure legislation, Bill 57, \$50,000 threshold, but it is our understanding that Mr. Shenkarow was paid over a million dollars by the taxpayers of Manitoba for his performance, control and direction for the Winnipeg Jets. Of course, he also received an expense account in addition to that, and had any losses from his own side covered by the government, but, of course, the government refuses to disclose that.

Now you can see that the members opposite take offence to that, but it is funny that they have in this bill—I want to ask your thoughts since, as regards Mr. Shenkarow, the government will not come clean about how much they are actually paying him, do you think it is fair that this government, through Bill 26, is saying to the unions, who, we have had demonstrated here time and again for the last two days of hearings, are open and democratic to the nth degree, yet we have a government

who refuses to disclose the salary that they are paying to Barry Shenkarow? Perhaps you would like to comment on the actions of this government in that regard.

**Ms. Garofalo:** Well, it appalls me that the government would not come clean. I mean, I have also attached, that I did not refer to as I spoke, a financial statement for our own local. It details all of the areas that we deal with. It details salaries and benefits, for example, and that is the grand total of salaries and benefits paid to staff people that work there. We have no problem with telling you how much we are making.

**Mr. Toews:** Well, if you are in the habit of giving advice or in the practice of giving advice, I would appreciate, perhaps, if maybe you would come over to my house sometime and talk to the people who live in my house and advise them as to the fact that the men who are standing outside of our house on a daily basis, with baseball bats, playing baseballs into all hours of the night, who stand on a public street and curse and swear, are simply carrying out union activities and that they will not harm my family and they will not harm my neighbours. If you could explain that to my family, in even a nice written letter, I would appreciate that, and if you also would, perhaps, explain to some of them, who have heard stories about gasoline bombs being thrown, that you as an individual would condemn that kind of activity whether it comes from any source, union or nonunion.

**Ms. Garofalo:** I live on William Avenue. That is also in my presentation. I am quite used to seeing people out on my front street with baseball bats. They are not always playing baseball. The woman beside me, about a year ago, was shot by a shotgun blast through the door of her house that was next door to me. You know, I also try and count on the police so that when you lodge a complaint to the police, if you think that you or your family have been threatened in some way or another, the police would react. I have to assume that if the police have not reacted, they have good cause for not reacting.

**Mr. Toews:** So, just simply for the record then, you condone people shooting in the streets, you condone people with baseball bats.

**Ms. Garofalo:** No, I certainly do not. Of course, I do not condone that kind of people being shot in the street.



**Mr. Toews:** Thank you very much.

**Mr. Reid:** Well, Mr. Chairperson, I would like to ask a question of the presenter since the minister has just attempted to insult once again one of the presenters here tonight for a—

**Mr. Chairperson:** The honourable minister, on a point of order.

#### Point of Order

**Mr. Toews:** Point of order, I think, again, the member is misquoting me. He is clearly misquoting me. I simply asked if the individual condoned that type of activity. She indicated no, and I accept that answer. I am trying to determine whether it is common union practice to do that kind of thing in front of private homes. If it is not common union practice, and this witness indicates that it is not common practice, I accept her word, and I am prepared to continue on, but for this member, Mr. Chair, to suggest that I have done anything else other than to say this is what is happening and this witness does not condone that kind of activity, I am quite satisfied with her answer.

**Mr. Chairperson:** This is a dispute over the facts. I note that the hour is advancing, and I commend all honourable members for the restraint and the discretion which they have shown in the presentations tonight. I would urge that we proceed in a like fashion.

\* \* \*

**Mr. Chairperson:** Mr. Reid, with a very short question, as we are now over the time limit.

**Mr. Reid:** Well, to the presenter, I offer you our apologies on this side for the comments that were made by the Minister of Labour. Even if he himself will not retract and apologize for those comments, we do offer you our apologies.

I want to ask you, because this government says that they believe in the right of working people, people in unions, and they want to democratize those workplaces, do you think that it is right that this government has the ability and is implementing that will, that political will, as they had done under Bill 70 a number of years back, where they will infringe upon the decisions that are made

through the freely negotiated contracts in the private sector where unions have negotiated Rand Formula? Do you think that it is right that governments should interfere with that process?

\* (2350)

**Ms. Garofalo:** No, absolutely not. It has taken us a great deal of work to get those kinds of clauses in our collective agreements, and we closely guard the small benefits that we do manage to achieve in our collective agreements. I think that would be a major step backwards in the collective bargaining process, to have legislation do away with those clauses.

**Mr. Chairperson:** Thank you very much, madam, for coming before us tonight and taking time to present to the committee.

The next presenter is Jack Samyn. Good evening, Mr. Samyn. You have no written presentation, so I would invite you to proceed with your oral presentation.

**Mr. Jack Samyn (Private Citizen):** Thank you very much.

You know, you probably question why a person that is retired comes in front of this committee to speak against the bill that is in front of us. Well, I was here on Thursday, and the government members were very much with glee when Sid Green came in and said, the Lord giveth and the Lord taketh away. Well, you people are not the Lord, to begin with, and with friends like Sid Green, who needs enemies? He believes in the rule of the jungle, the survival of the fittest.

I will speak to you about my experience in the labour movement. I worked for a Crown corporation. It was a large corporation, Manitoba Hydro. When I was 35 years of age, there was a voluntary recognized union, and you know why? Because technical and clerical people did not believe in the unions and did not want any unions. We had a union, yes, and outside, the IBW, and to prevent the people inside to organize, they recognized them voluntarily, and they drew up the agreement without much input from the members.

I will read you one article that people would be discussing with their union members if that would be

permitted, change of marital status, female: A single female employee who marries but does not wish to terminate her employment in consequence shall, on resignation, give written notice of her desire for continued employment after marriage. Approval of request for continued employment after marriage shall be at the discretion of the corporation—very enlightening. Where continued employment is approved, it shall be considered as terminable by the corporation on two weeks notice without other cause. All other conditions applying to single females shall continue for married female employees.

**An Honourable Member:** What year was that?

**Mr. Samyn:** That is 1965. That is not so long ago. I would say that the Ross Pierres [phonetic] are still alive in Manitoba.

The minister asked a member before, do you know that the employees' association was in the statutes? Yes, it was, and it was by the Conservative government who did not give them the freedom to choose what union they wanted to belong to, so do not point the finger at the union, because they were not called the union. They were called an association at that time, and it was the government who forced them into it. So do not go and point the finger at the union on democracy. I do not think that the unions have to learn democracy from the government, because I wish that the government was so democratic as the unions are.

**An Honourable Member:** With baseball bats.

**Mr. Samyn:** Yes, with baseball bats, too. They have done that. Ross Pierre [phonetic] did it. He pushed them into water. Now, Mr. Fallis [phonetic]—you probably all remember him very well—decided that there was not going to be any negotiations, whatever negotiations took place, and they were going to give the employees a 2 percent increase, and by cashing their cheques, that would have been a continuation of the contract and the extension. And Sid Green says we do not need any legislation for the employees.

So what they did, the employees, they decided that to force the employer to negotiate, they should be certified, and we had the members. The employer did not have to say what the units were because they were already

voluntarily recognized. We applied to the Labour Board and we were certified. Lo and behold, what happened? Most of the people disappeared because the ones who were in the ~~contract~~ by classification, engineers were not in it. Oh, no, they could not be part of the agreement anymore, of the certificate. They decided at that time how many people should be, yet they voluntarily recognized them before, because they had control. So, when we were certified, then they had to bargain, and we started to get a little bit more democratic. Because of the government, we did not establish a democratic union within that workplace.

The members that ran the union at that time were by the membership pushed to negotiate, and pressure was put on, not that a Crown corporation would not just fire him outright without cause because he was involved in the labour movement, but they put the pressure on enough and he had to quit. So what did they decide, the membership? After a long discussion, they should join what I will call a legitimate labour union because they need protection for the people who were going to represent the employees.

When they talk about financial situation, if the minister is so concerned that within—it does not really matter what organization you have, a labour organization, you have dissenters, and quite often they happen to be Conservatives. If they are so concerned that the financial report of the union is not available, let them come to the minister and say the union does not want to give it to them, because there is no union that I worked for that financial statements are not available. But the reason he wants to do it is because he wants the employer to know what monies they do have, and I will say this one, that the members of the government are not stupid. They may be ignorant of how the unions work, but I think it is on ideological reasons why they are doing it.

I have to remember, these members here, that the nurses, the schoolteachers were not pro labour, they were not politically active. The government made them politically active, and they have to pay the penalty by what they have done and what they are afraid they are going to do in the future. When they are talking about the political actions, I do not know how the government is going to handle it because unions that belong to a national or an international union, a lot of their finances are handled by them. How are they going to control it?

That is my question; like, they have not enough work to do already.

Why should unions not be politically involved? Good? This government on this side were very happy when the Saskatchewan, 10 or 15 years ago, when the NDP and the labour movement were not agreeing with each other, when they defeated that government, and they did the same thing not so long ago in Ontario, because they did not agree what the government was doing. But that is probably okay, because it happens to be, you know, against the New Democratic Party.

The labour movement have more integrity than you people give them credit for. When they are saying on political action that the members who do not agree with it should not have their moneys contributed there and should be contributed to charitable organizations, well, I have got news for you people. If you wanted to make sure that there are no monies going from the union to a political party, change the laws on contribution on political action, change the laws and say that only individuals can contribute to a political party. But you people will not do it, because most of your money comes from corporations. That is where your money comes from. That is who you are acting for—and Mr. Penner can shake his head all he wants because he is lying through his teeth, and I can use that language.

\* (0000)

**An Honourable Member:** But you would chastise me, if I used it.

**Mr. Samyn:** No, I will not.

**An Honourable Member:** Because I am an elected member.

**Mr. Samyn:** Yes, but you are not elected by the majority of the people in Manitoba, you are only elected by 40 percent and you are acting like you are elected by over 50 percent. That is the difference. We can even look at how the committee is formed. It is not proportioned for the members in the legislation meeting.

**Mr. Chairperson:** One minute, sir.

**Mr. Samyn:** Also, you people obviously know very little about negotiation because negotiation is a confrontation to begin with. It is not a harmonious

decision to be made. Unions are forced in the majority to exaggerate their demands, because if you do not scale them down, they say you are not giving up anything. It is a Mexican bartering, unfortunately. It is not rational. It is the employees that want to make it rational. Within Manitoba Hydro, when I was in negotiations, we had nothing to hide and we said, we will tape it and will give it to the membership. What did the committee say from management? No, because it will not be free discussions. When I talked at one time about salary increases, I was not talking about myself, I was talking about the membership, and he says, why do you need an increase? You have lots of money in the credit union. Intimidation, and that is large organization.

I just wonder what members would do trying to organize when there are only 30 employees and they are well known. The intimidation that would be put on those members is just unbelievable. I would have been afraid, if I was belonging to a small organization, to just starting to organize and get involved, because my job at the Hydro was not running for the union, it was to make a livelihood for my family—

**Mr. Chairperson:** Thank you, Mr. Samyn, that concludes the time available for the presentation remarks. I would recognize Mr. Reid for a question.

**Mr. Reid:** I was quite enjoying the experience of listening to the presenter. I am wondering, Mr. Chairperson, if there is a willingness of the committee to allow the presenter to continue his comments, to consume the remainder of the time if necessary so that he provide for us and share his experience.

**Mr. Chairperson:** What is the will of the committee?

**Mr. Samyn:** No, my only comment would be, if the government, if they are trying to say something about the labour movement, trying to move people away from it, are they going to do the same thing with the lawyers, saying the lawyers, if he does not agree with it, he should not belong to the Law Society? Are they going to say the same thing, make regulations, to say the medical doctors should not belong to the MMA? I am not advocating it, but they sure are not talking about that one.

**Mr. Penner:** Mr. Samyn, you profess that the union movement and the union communications process internally is very open. Is that correct?

**Mr. Samyn:** Yes, I do.

**Mr. Penner:** If it in fact is and if the information is as readily available on all aspects to membership, then what is so wrong with this legislation which really purports and supports a much greater degree of openness between the membership and the union itself?

**Mr. Samyn:** I am telling you if there is one member in the union that I worked with—and I can speak probably for a majority of the unions—that it is not available to them, the financial report that is made available through the union, if it is not available, then I challenge you at that time make legislation that it should be presented to the government, but not unless it is not made available to the members.

**Mr. Penner:** If the union is as supportive of labour as they profess to be, and I do not argue that they are not, why do they need legislation that forces payment of dues upon individuals that do not want to be members of the union?

**Mr. Samyn:** Okay, it is very simple. If you are going to pass legislation that you do not contribute to it, then why do the unions have to represent them, have to go to grievances, arbitration and pay the cost for it because he is just freeloading and he does not want to? He gets the benefits just as anybody else. If he does not want to pay the fare, say, fine, if you stay outside the union, you do not receive the benefits, you do not have the right of grievances nor of arbitration.

We had members who had no valid case and went to Sid Green and insisted that it has to be presented regardless if he had a case or not. He did it out of spite because they wanted to be represented, and the union has not got any choice on it, he has to proceed to the end.

**Mr. Penner:** Just a final short statement. It appears to me, Mr. Samyn, that if an organization, be it a farm organization or a union or any other organization is really worth its weight in salt, as you say they should be and are, and if they really are supportive of the individual, as they should be, it would appear to me that individuals would be only too willing to become members and retain their membership status by paying their dues voluntarily. Would you support that?

**Mr. Samyn:** No. As long as he receives the benefits for it, I think he should pay the fare. I have to pay my taxes in Manitoba, if I do not agree with it, giving money to the Jets, for the minister to take his wife to South America on taxpayers' money, I do not say that it should not be, but I say, fine, if you do an analysis with the union, do it for the government the same way.

**Mr. Chairperson:** Thank you, Mr. Samyn. That concludes the time we have available for questions tonight.

**Mr. Samyn:** Thank you very much.

**Mr. Chairperson:** Thank you, sir, for coming before the committee. The next presenter is Buffie Burrell. You have written presentations?

**Ms. Buffie Burrell (Private Citizen):** Yes, I do.

**Mr. Chairperson:** Thank you. While your presentations are being circulated, I would invite you to proceed with your oral comments.

**Ms. Burrell:** Thank you. I stand before you today as a person who has been a rank-and-file member of three different unions since 1973. [interjection] Are you two wanting to carry on a debate here, or are you ready?

Yes, I do work for a central labour body, and I spent approximately 11 years working for the members of one of Manitoba's largest unions. During this 23-year span, I have always been a rank-and-file member of a union. Today, I am a rank-and-file member of the Communications, Energy, Paperworkers Union, Local CULR 1 and am a dues-paying, nonactive member in the Association of Commercial and Technical Employees, Local 1725. Prior to becoming a member of ACTE 1725, I was a member in the Manitoba Government Employees' Association, which is now the Manitoba Government Employees' Union.

For the 23 years that I have been involved in my various unions, I have always held elected positions in my local or my union, positions I had to run for and get elected, a novel idea for a nondemocratic organization. In the 23 years I have been an active or nonactive member of a trade union, I have never needed to be protected from the union or the big union boss, as your

government is so fond of calling the duly elected members of my union or central labour body.

My union has always been there when I needed it, not when it chose to talk to me, not when some outside body decided I needed help, but whenever I asked for their assistance. Even sometimes when I did not even ask, they knew help was needed, and they were there. Does this sound like an organization that I need protection from? No. This sounds like an organization that cares what happens to me, not only at work but in society in general. My union has always been there to help when I needed them.

Bill 26 will not make unions more democratic, will not force unions to better represent its members, as the members are the union. It will not put more financial information into the hands of the members, as all financial information is already in the hands of the members. Bill 26 does make unions more undemocratic as they will force a person to select or choose a union twice before they are allowed to join a union. For me, that decision or process is a nonissue. I would always vote for the union. But to an immigrant worker who does not speak English as their mother language, who comes from a country that is torn with civil wars, fighting and very few human rights, where people are shot for doing something as simple as wanting to join a union, you and your government now want to force these same people who have fled their country to actually vote in a process run by the government, the very body in their country which ordered the elimination of persons who show any sign of being involved in a trade union or human rights activism, the very same type of body they ran from in the first place—not likely.

\* (0010)

Bill 26 also addresses the expedited arbitration process, a process that by your own labour board's statistics, works for both union worker and the employer. To please your taskmasters, your government has decided to make it almost impossible to settle disputes in an expedient manner. You have limited the access to this process to two areas. They are extreme areas, but two areas nonetheless. Just for the moment, I would like you to think of yourself or your wife or your daughter working in a work location that allows you, your wife, daughter, sister or mother to be sexually harassed or sexually

assaulted on a daily basis by a supervisor, a boss or even another co-worker. Would you not want that harassment or assault to be stopped as expediently as possible? But now, due to your shortsightedness and what I believe is your government's total lack of respect for working women, women who have to work to support their families because of the cutbacks in all the social programs your government has hacked and slashed, women will have to work in a hostile environment even longer because they are denied the right to use the expedited arbitration process. That is hardly fair or democratic.

Bill 26 forces my union to spend time and money on ensuring that my employer or business or Big Brother—and, just in case you do not know it, that is you the government—knows exactly what type of financial position my union will be in. If the union has money, you may choose to wait until another day to attack us, but if you determine that we are in a weak position financially, you may decide that it is a good day to take on the union because the financial resources required are not there for the union to fight back.

Should the union not comply with this financial disclosure, then you threaten to take away the Rand Formula. If my union and its members democratically vote to decide not to comply with your legislation, then you will punish us? I thought this was supposed to be about democracy.

Should not everyone be financially responsible back to their members, shareholders, citizens, et cetera? I do not remember the company that I invested in coming back and asking for my permission to give a corporate donation to the Progressive Conservative Party. Did they or will they lose rights because they did not have prior permission? I think not.

Should the government fall and be impeached when they do things totally opposite to what they promised in an election, i.e., the loss of the Winnipeg Jets, selling MTS, cuts in health care, et cetera? No. We elect our government in a democratic election. Give them the power to run the affairs of the province or country for a specified term. Should this government enact legislation or policies contrary to their election policies, then we the people are out of luck until the next election. That is democracy. I do not have the option of taking away your

taxes when I do not like how you spend my money, that is what the majority rule is really all about.

Speaking of democracy and majority rules, when we want to run for a position in our union we normally have to have 50 percent plus one of the ballots cast in order to be declared elected, not so our democratic government. I believe that Mr. Toews only had 35 percent. Who is really more democratic?

Is Bill 26 really about democracy? Does it really put more power in my hands as a rank-and-file member of a union? I think not. So what is Bill 26 really about if it is not democracy?

I believe Bill 26 is about controlling one of the most voiceful groups in society, organizations that are critical about government cuts, spending, programming, et cetera. It is about control of groups of people organized in a democratic manner, who express opinions different from your government, who mobilize opposition to your policy, who are openly critical about the way your government acts on their behalf. In other words, it is all about shutting down the only real grassroots opposition to the right-wing policies your government is planning to implement, a movement that jeopardizes your commitment to carry out dehumanizing of our society.

I therefore find that I must also be standing here as a descendant of a long line of Progressive Conservative supporters. Now I do not do this with any pride or any joy. I only share this with you to help clarify my following statements.

Yes, my family have supported the Progressive Conservative governments of the past, but my family also believed in the freedom of basic human rights, to decent living and working conditions, equality for all; above all, they did believe in democracy.

They believed in democracy so much they were willing to die for it. They fought against tyranny, fascism, dictatorships. They fought so that I and the rest of our family would be able to live without fear of Big Brother interference, so I would be able to choose where I wanted to go and what I wanted to do.

Bill 26 makes me wonder if we are not headed down the same path as Nazi Germany did so many years ago. History tells me that the trade union movement was the first group to be outlawed, shut down, silenced. Once the

trade union movement was eliminated or silenced, it left the door open for the Nazi government to start picking off other groups and individuals as there was no organized group to protest, to lobby or to educate the people of the great injustices and heinous crimes that were committed. There was no one to speak out on behalf of all workers, whether they were gay, white, black, disabled, sick, poverty stricken, and the list goes on and on.

Bill 26 makes me think of my grandfather and my father who fought against this tyranny. They did so to ensure that you and I would be able to live in a democracy controlled by the people. They did not fight to have the same basic rights taken away at home but fought to ensure democracy would be ours. I believe my grandfather and my father would tell you that they would not be proud to call themselves Progressive Conservatives today, as your government is attempting to change our society as did those governments of long ago.

This rank-and-file trade unionist is here to tell you that your plan will not work. I will not sit idly by while you dismantle our social programs, while you dismantle our universal education system, while you gut the economic security of women and children, while you make the poor and weak the enemies. I will not sit by while you try to destroy the trade union movement in our province. I will fight back. I will speak out, and therefore when you come for me, there will be somebody to speak out for me, my union. Thank you.

**Mr. Chairperson:** Thank you, Ms. Burrell. Are there any questions of this presenter?

**Mr. Reid:** I thought perhaps some of the government members would want to ask questions about this presentation, but as has been their practice, they pick and choose, I guess, who it is that they want to kick as presenters.

**Ms. Burrell:** I am not young enough.

**Mr. Reid:** Perhaps, as the presenter has indicated, there is an age factor that is applied here, that the government chooses to pick on young people.

#### Point of Order

**Mr. Penner:** Mr. Chairman, on a point of order, I just want to make it very clear to Mr. Reid that just a few

minutes ago he accused those of us on this side of the House of harassing women. I think we want to be very careful on this side of the House that we no further present that image that we want to harass any one of the women who are presenting here today. If we have questions of anybody from this side of the House to presenters, we will ask those questions, but we will be very careful that we will not be overzealous in asking women questions.

**Mr. Chairperson:** Thank you very much. I do not believe there was a point of order set out in those remarks.

\* \* \*

**Mr. Chairperson:** Mr. Reid, I would invite you to proceed with your question.

**Mr. Reid:** Mr. Chairperson, you have raised an interesting question and one that, to be honest, I had not thought of as being part of the expedited grievance process. I guess I should be somewhat apologetic for not realizing that this was a possibility, where sexual harassment complaints and sexual assault complaints against someone in a workplace, which include an employer or someone in the position of authority as an agent of the employer would be involved in that and that that would be part of the expedited process, that would no longer be allowed under this legislation. I find it inconceivable to think that a government would remove the ability of a worker to file a sexual harassment or a sexual assault charge or complaint against a supervisor or an owner of a company.

Can you tell me, Ms. Burrell, are there other examples that you can provide for us on the effects of this government's withdrawal from the expedited arbitration process that would lend some support to our argument that we need to continue to have that type of a process in this province, not that the issue that you have raised here is not reason enough, but I would like to expand a bit on that, if you might?

**Ms. Burrell:** I beg your pardon.

**Mr. Chairperson:** Ms. Burrell, if you wish to be—

**Ms. Burrell:** Well, I thought the gentleman over here was making a comment to me and—

**Mr. Chairperson:** Excuse me, Ms. Burrell. I am the Chair, and my job is to recognize you if you wish to be responsive to Mr. Reid's question. If you do not, you have no obligation to respond.

**Ms. Burrell:** I will respond to Mr. Reid's question. It was the other gentleman's question that I was concerned about.

**Mr. Chairperson:** I would ask you to respond to Mr. Reid's question.

**Ms. Burrell:** Thank you.

**Mr. Chairperson:** Thank you, Ms. Burrell.

\* (0020)

**Ms. Burrell:** I believe there are a number of areas, although I believe that expedited arbitration should be there for everything. Another prime example where it creates hardship, not only for the person who is grieving but also for the person who has received the job, is when somebody is appealing the appointment of a job or not getting a job, both the worker that gets the job and the worker that does not get the job and appeals it. If a normal arbitration process can take up to two to three years for varying reasons to determine who is right and who is wrong, that disrupts the whole work location for that period of time. The incumbent of the job is not sure whether they are going to have that job so many weeks, months, years down the road, and the person who is seeking the job is looking for advancement and is not sure what is happening, so it creates a lot of tension in the workplace.

The other types of issues that you need to have clarified immediately are family-related leaves. For example, I know that, when I worked for the Manitoba Government Employees' Union, I represented a mother who used the special leave to take her daughter to the hospital because she was in respiratory arrest, and the employer argued that the father could have done that if she had only notified him instead of her having that leave and denied her the right to pay under those circumstances. We fought that through the arbitration process, but it took many, many, many months to get through that and the person was finally awarded those days credited back into her vacation and taken out of her sick leave as was allowed under the collective agreement.

So there are a lot of issues, but I think the most prevalent one is the sexual harassment, the sexual assault. This government did not even consider anything like that. All they were concerned about was the length or the tardiness of the penalty that was imposed; you are either dismissed or a suspension longer than three weeks. Well, quite frankly, I think a person that has got a three-week suspension or perhaps even dismissed for some causes is a lot less stressful than somebody that is being sexually harassed or sexually assaulted on the job almost daily.

**Mr. Chairperson:** Thank you very much, Ms. Burrell. That now concludes the time allotted for the question and answer, and I thank you for coming before us tonight with your presentation.

The next presenter tonight is Brian Burchat. Calling Brian Burchat for the second time and there is no response, his name will be struck off the list.

The next name is Mr. George Anderson. Good morning, sir, and welcome.

**Mr. George Anderson (Public Service Alliance of Canada, Union of Taxation Employees, Local 50021):** Good morning, and I do mean morning.

**Mr. Chairperson:** And so do I. And thank you very much. I see your presentation is being circulated. I would invite you to proceed with your oral presentation.

**Mr. Anderson:** Mr. Chairperson, members of the committee, my name is George Anderson. I am president of the Local 50021, Public Service Alliance of Canada, and this bill we are discussing does not in any way, shape or form, concern any of my members, except as they all live in the province of Manitoba. I am an employee of the federal government. I am employed by Revenue Canada as a tax collector. In addition, I am president of our local union. Frankly, the only ways I could be more unpopular are if I was a card-carrying member of any political party or as an elected MLA or M.P.

As a Canadian living in Manitoba, I find it hard to believe why the average Manitoban is offended by government. A review of Bill 26 gives me the answer. Capital and capital investment seeks stability to ensure a long-term return on investment. To a great extent the stability rests on capital implications, long term, and

labour stability, long term. The bill before this committee does not provide the necessary long-term stability in labour law required to attract investment capital. It provokes labour unrest. A knowledgeable corporate executive reviewing the provisions of this bill would not invest in this province. A government that proposes a bill that would detract from investment is not serving the interests of Manitobans.

If this bill is passed, a competent investor will realize that a subsequent election of an NDP government will revoke the provisions of this bill, and the unions will be working hard to do so. Hence, no long-term planning or stability, hence no long-term investment, hence no job creation for Manitobans.

In reviewing any bill, the question of whose interest it serves and what possible problems can be created must be answered. The minister has stated that one of the interests is that of union members themselves. This law is a reaction to complaints received. Perhaps a review of basic facts on law would be helpful. All unions as democratic bodies have a constitution. The constitution is ratified by the members. Any individual member who believes that his union or its leaders have violated the constitution has redress within the union movement itself and access to the courts to establish if the union has acted unfairly towards its members.

This bill is saying to Manitobans that the courts will not protect individuals from organizations. Is it in the interest of Manitobans to have governments regulate organizations rather than the courts? Do Manitobans want increased government intervention in their lives? Has the PC Party come to believe in big government? Is this bill in the interests of the PC Party?

This attack on an organization and its structure can lead to intrusion by government on religious organizations and business organizations. By this government's actions, they are legitimately opening the doors to similar legislation by their political opponents. I suggest that adequate steps are available through the courts to protect individuals from both organizations and governments.

Justice Rand, in devising the Rand Formula, allowed for individual freedom within the union organization. A Rand deductee is not bound by the will of the majority



but gives up the right to vote and speak out on union issues. The deduction is then a fee for service, that of collective bargaining.

Unions, by law, must provide service to members. When governments take actions that affect wages and benefits, unions must act. They become politically active to protect the rights and benefits of its members or lose their collective certification rights.

The Supreme Court of Canada has recognized that the political actions of unions is a required obligation of the union and a justified use of dues. Does this government believe that the Supreme Court of Canada is incompetent? Is it in the interest of this government to have Manitobans no longer believe in the good of the courts and to no longer obey laws? I understand that the minister has refused to accept the recommendations of the labour-management body set up by the minister. I suggest that if the minister has no confidence, either revoke or re-establish a body that he has confidence in.

I suggest that the people of Manitoba would be better served by the minister scrapping this bill and taking the following constructive actions: 1) establish an all-party committee charged with the mandate to bring to the Legislative Assembly a new bill on labour-management relations that can be unanimously endorsed by the House; 2) convene a meeting of organizations representing unions, large business, small business, large investment firms and interested parties to bring about a consensus decision to that all-party committee; 3) using interest-based principles worked out by the Harvard school of negotiations, bring forward a new law and a new way of doing business in this province.

Conflict between governments, organizations and individuals can be resolved by caring, understanding and respecting the rights of all, or it can be resolved by authoritarian actions. The choice is yours. Make a wise one for Manitoba.

**Mr. Chairperson:** Thank you very much, Mr. Anderson.

Mr. Reid, for a question.

**Mr. Reid:** Thank you very much for your presentation, Mr. Anderson. I am sorry that there was such a long delay and that you agreed to stay with us and make your

presentation to us here this evening. I only wish that the Minister of Labour (Mr. Toews) could hear your words because I think you have some interesting perspectives that you bring to this. Perhaps he may get a chance somewhere down the road to review your thoughts with respect to the Supreme Court because what the minister is essentially doing here is overriding the decision that has been made by the Supreme Court with respect to union activities involved in furthering the interest of their members, as you so clearly point out in your document.

\* (0030)

I want to ask your thoughts, though, because the minister says and the government says that unions are not responsive to their members, that they do not provide the information to their members and that they withhold or keep secret the activities or ongoings of the union organization as made by those elite big union bosses. Can you tell me and relate for the members of this committee your experience that you have with respect to unions in this province?

**Mr. Anderson:** I have a great deal of difficulty really believing that members of this committee, with their experience in labour relations, do not realize the democratic portion and methods that unions utilize. What I can respectfully suggest, and I will tender an open invitation to any member of the PC Party to attend at our meeting on February 20, at our annual general meeting, and find out what democracy is all about. There is nothing for any union leader to gain by withholding information from his members. If he does that he is not going to get re-elected. What are we? Stupid. You have to distribute the information. You have to have support. How can I keep secrets and get support from my membership on actions that are to be based on a collective decision? It defeats any union to engage in secrecy from its members. It is your members that you call upon to go on the picket lines. What would happen if I called a strike and no one came? How do you think we get people out on the picket lines? Do you think people give up seven, eight and nine months salary because we are keeping secrets from them, or do you believe that they are really fighting for what they believe in? Unions do not call strikes; members call strikes.

**Mr. Reid:** Thank you for that information. I appreciate that. You have referenced the fact that we have raised

with the Minister of Labour (Mr. Toews), wherever he may be, because this minister has refused to accept the recommendations of the Labour Management Review Committee, which is a body that is chaired by none other than Professor Wally Fox-Decent. You have asked in your presentation here that, if the minister has no confidence in the LMRC, it either be revoked or re-establish a body that he has confidence in. Do you think the minister would be willing to accept your recommendation in this regard?

**Mr. Anderson:** I would hope the minister would try to bring about a consensus for Manitobans, to bring about a climate where all Manitobans feel comfortable with where the labour market is and we can take a common approach to attracting capital into this province. I cannot understand why this would not be done.

**Mr. Reid:** So then I sense from your comments that the minister has not built that consensus, and by the actions that he has undertaken through Bill 26 he is destroying the very body that has attempted over a number of years, since the 1960s, to build that consensus between business and labour in this province. Am I correct in the interpretation of these comments?

**Mr. Anderson:** That is correct. The only issue I could probably find when I look at why somebody would reject the advice of a body he has established is that that body is not bringing about a large enough consensus. So I would suggest to the minister that, if that is the problem with the body that he has established, if he broadens the consensus, he is going to get better formed decisions. I would like to be a citizen of the first province that can bring forward a labour bill that the left, the right and the centre can say, yes, we can support it. I would like to live in a province like that. I would like to live in a province where I can say all three political parties care about all the interests of Manitobans. We need change.

**Mr. Chairperson:** Thank you, Mr. Anderson. That concludes the time available for your presentation tonight, and thank you for coming before this committee.

The next individual on the list is Bernie Perreault. Is Bernie Perreault in the assembly? Calling Bernie Perreault for the second time. There being no response, that name will be struck off the list

The next name is Philippe Trottier. Mr. Trottier. Good morning, sir.

**Mr. Philippe Trottier (Private Citizen):** Good morning, Mr. Chairperson.

**Mr. Chairperson:** Do you have a presentation to circulate to the members of the committee?

**Mr. Trottier:** No, I am afraid I do not have copies of my presentation to circulate to the members.

**Mr. Chairperson:** Fine. Thank you, sir. I would invite you to proceed with your oral presentation.

**Mr. Trottier:** Thank you. My purpose here is twofold. One is to provide you with my story of my involvement in labour unions in this province and secondly perhaps to draw a history lesson, particularly for the Minister of Labour (Mr. Toews).

My story began with a pay deduction off my pay cheque over 30 years ago. Upon inquiry, I was advised that the \$4 that was deducted—I think it was \$4.67 actually—from my pay cheque was union dues. I was employed in a company as a glazier, and that company, the company employees were organized by the glaziers union. As a result of the Rand Formula, there was a requirement for the payment of union dues, and I was invited to join that union. The union meetings were held on the shop floor after work. I became intimately familiar with grassroots democracy in a union organization, on the shop floor, what the major issues were, what the concerns of the members of that union were, the health and safety issues and how they were going to try and improve them in the next round of bargaining.

I was a young lad of maybe 16, went on to university. My next involvement with a union organization came again as a pay deduction some 10 years later. That deduction happened to be an \$80 deduction off my pay cheque, and it was not for union dues. I worked for the federal government. The explanation that was offered by personnel was that it was to recover a one-day loss of salary because apparently I was not at work on the last day of work in one department before I transferred to another department. So the manager that I had in my area, whom I was fairly close to, was very supportive, but he indicated it was out of his hands, that it was something

that was being done in Ottawa, over which he had no control. The folks in pay and benefits, again, said, well, it was out of their hands. It was something over which they had no control. That it was something that was being done by Ottawa, and it was something that was going on between two departments.

Well, I went to my shop steward. Back in 1976, \$80 was a severe deduction from my pay cheque, particularly seeing I had a wife and two kids to support. My shop steward did not have the answer. My shop steward directed me to a union representative, and we met, the three of us, and laid out a course of action. The course of action was, rather than to file a grievance immediately, I had proof that I was there that last day of work. I had a standing travel advance back then of some \$400. I was asked to return it to the department, and I did by way of a memo. The memo was dated the exact date that I was supposedly absent from the workplace.

\* (0040)

The solution was to first write to the deputy minister involved and advise him of this fact. Indeed we did, and indeed the deputy minister saw his way clear to correcting the situation and reimburse the \$80. The lesson was: The friend that I had in the workplace was not the manager; the friend I had in the workplace was not paying benefits; the friend I had in the workplace that helped me out was my union. I went on to become involved in that union. I attended a local general meeting, and, as a result of having this solution to this \$80-pay problem, I became involved, first as a shop steward and then as an elected official. It was at that general meeting that I was elected as the vice-president of the union organization, and I have to say that it was done in a very democratic fashion.

I spent the next 10 years heavily involved in the union organization called the Public Service Alliance that represents most of the federal government workers. I have to say as a national officer of that union organization, we did practise democracy more so than we see at the provincial or federal level, where as a national officer I ran for election every three years, and my constituency was the employees in that particular department throughout Manitoba of which there were in excess of 20 worksites both in Winnipeg and in the rural areas as far north as Thompson. Every three years each

one of those members had the opportunity to vote as to who they wanted as their national officer. I was fortunate to be elected on three consecutive occasions. So I think I can speak about grassroots democracy in union organizations with some authority.

The unions are accountable. During that time I was called upon to be the chair of the finance committee on three consecutive conventions, and I can assure the minister and the members here that, with respect to financial statements of a national union organization, such as the Public Service Alliance, audited financial statements are provided and printed each year in a magazine that is distributed to some 155,000 members across the country. Last year that audited financial statement was in excess of eight pages, and, upon comparison to the audited financial statement that is presented to the shareholders of Great-West Life, it is a lot more detailed than that. It is a lot more detailed than the financial statements that are presented to the other shareholders of major corporations such as Xerox and IBM with which I have some familiarity; not only that, but it has a wider circulation. Those financial statements generally are circulated to the shareholders at a meeting. The financial statements of the alliance are circulated to 155,000 members across the country.

There is a certain amount of democracy at play, and there is a certain amount of accountability at play in union organizations. I think, as I stand here this evening or in the wee hours of the morning in this committee room and look out the window, I see the statute of our father of Confederation, Louis Riel. Dear Louis fought against big government. He fought against the abuse of power. He fought against government interference. It is the same kind of abuse of power, it is the same kind of government interference, we see in this legislation.

Riel had two lieutenants at Batoche. We are all aware of Gabriel Dumont. His other lieutenant was Charles Trottier, whose son Michel and four Sioux warriors honoured themselves at Batoche. They spilled their blood and they honoured the family. They fought against abuse of power. They fought against government interference. The lesson to be learned—and, hopefully, this lesson is taken well here tonight—is that as you increase the abuse of power and authority, so, too, you bring about the greater resistance to that abuse of power and authority. Thank you very much.

**Mr. Chairperson:** Thank you, Mr. Trottier. Mr. Reid, for a question.

**Mr. Reid:** Thank you, Mr. Trottier, for your presentation. I am sorry for the late hour and the requirement of the government members forcing this committee to run past the midnight hour. We had hoped to give members of the public the opportunity to go home and come back on another day and present at a more reasonable time, but that was not to be due to government majority.

I want to ask your thoughts about this Bill 26. Do you think that it is proper for a government to operate in a fashion that would develop a process whereby it would be a winner take all, and by that I mean where the government of the day would determine the types of policies and ignore the balance that has been struck or should be struck with respect to labour-management relationships in the province. Perhaps you can share your thoughts about this winner-take-all-style of government.

**Mr. Trottier:** I, for one, particularly am not necessarily in favour of a winner-take-all approach. I think the approach, certainly one of the previous speakers spoke to it, is one of a consensus-building approach, where you can reach agreement amongst the parties, and that way the parties can then live with the legislation or whatever the agreement that has been reached and that you would end up, with that consensus-building approach, you have the co-operation of the parties.

A winner-take-all approach, as history has shown us, simply develops a further resistance to whomever has won until such time as they are eventually overthrown, and the resistance brings about further change.

**Mr. Reid:** I take it from your comments that you would be in favour of the Minister of Labour accepting the recommendations that were brought forward by the Labour Management Review Committee when those questions were posed to them about the clauses of Bill 26. There was very much majority support on both the labour and management, and there was consensus that was built of that, so you see that that vehicle for consensus building should be one that government should, with all reasonableness, accept as a recommendation for serious consideration for inclusion in the legislation.

**Mr. Trottier:** Yes, I do have some familiarity with the recommendations of the Labour Management Committee, and I have a fair degree of familiarity with the chair, Wally Fox-Decent, whom I took a political studies courses from at the University of Manitoba. I have a lot of confidence in Mr. Fox-Decent. I think that indeed this vehicle is a very appropriate vehicle, and indeed the observations and recommendations that they have made to the minister flow from a consensus-building approach and certainly are recommendations that perhaps should be incorporated in the legislation.

**Mr. Reid:** Then with the obvious confidence that you display for Professor Fox-Decent, do you think that Mr. Fox-Decent would be the person that would be representative of public interest with respect to matters dealing with labour relations in the province, because the minister has referred in the past to having no public interest involved? Do you think that Mr. Fox-Decent has and can continue to play the role of a public interest defender?

**Mr. Trottier:** Yes, from my experience with Mr. Fox-Decent, I am sure that certainly Mr. Fox-Decent has considered what the public interest is and certainly can provide that kind of viewpoint with respect to his observations on the legislation.

**Mr. Chairperson:** Thank you very much, Mr. Trottier. That appears to be the questions tonight, and I would like to thank you very much for taking the time to come before this committee and testify tonight.

**Mr. Trottier:** Thank you. It was a pleasure to be here.

**Mr. Chairperson:** Good morning, sir.

The next name on the list is Leigh Blackwell. Calling Leigh Blackwell for the second time. There being no response, Leigh Blackwell will be struck off the list. The next name is Emile Clune. Calling Emile Clune for the second time. There being no response, the name is struck off the list. Calling Anthony Joyce. Calling Anthony Joyce for the second time. There being no response, Mr. Joyce is struck off the list.

The next name is Heather Grant. Good morning, Ms. Grant. I see you have some comments to circulate to us,

and while those are being circulated, I would invite you to proceed with your oral presentation.

\* (0050)

**Ms. Heather Grant (Winnipeg Labour Council):** The Winnipeg Labour Council represents 47,000 trade unionists from 29 affiliated local unions in the city of Winnipeg. Our council celebrated its 100th anniversary in 1994 and was an integral player in the Winnipeg General Strike in 1919. We survived that and grew stronger despite those who wish we would dry up and blow away. We will survive Bill 26 as well, and what is occurring now is the same that occurred in 1919. We will become stronger.

I must begin by asking the same question many others have asked you, Minister Toews, and still not answered. Why? I wish these committee hearings were reversed, and we had the opportunity to present and then to ask you questions, but I am still not so sure that would satisfy me either because I am not so sure I would receive the truth. A year ago, Mr. Toews, I sat in your office with my brothers and sisters from the table officers of the Manitoba Federation of Labour when you were clearly asked and we were clearly told that you felt no changes to The Labour Relations Act were required. Tell me what has changed in a year.

You talk to us about being more democratic. I do not think you have a clue of how democratic we really are. Let me give you some sense of how the Labour Council operates, and I invite you publicly, anytime, to attend one of our meetings. It will not be pleasant, I can assure you, but I think you need to see democracy in action.

I am a dues-paying union member since 1982, and first elected president of the council in 1985. I have been re-elected every two years thereafter by the delegates selected by their local unions to attend our meetings. There are two people full time, myself and a full-time bookkeeper. I have 14 people, elected again by the delegates of council, which make up my executive. We elect three trustees, four people, four of my table officers, and we hire an accountant to audit our books yearly. I, Mr. Toews, cannot become more accountable. Do I have authority to order flowers when a loved one of one of my executive members dies without table officer approval? No, I do not. I account for every fax sent, every long

distance call made, every call of my cellular phone. I travel frequently; when I watch a movie, I pay; order a Coke, I pay; make personal phone calls, I pay. When a colleague visits Winnipeg from Canada or abroad, we go for lunch, we have dinner, we have a few drinks, I pay. Why? Because it is my members' money, I have no prior approval and I am accountable. It offends me to hear you and your government say this bill is to make me more accountable, coming from your government who just last week, it was revealed—your Deputy Minister of Natural Resources and his extravagant tastes. We eat at Pizza Hut. Your government chooses Dubrovnik's and Rae & Jerry's, and you call this fair.

I have heard you talk, Minister Toews, about our members not knowing what we make. Let me tell you how my salary and benefits are set, by the members at a meeting of Labour Council with me in the chair. You try chairing one of those meetings. What a process to go through. I have nothing to hide now, and I have nothing to hide in the future, and, yes, I do make over \$50,000 a year.

At the Winnipeg Labour Council, our local unions pay an extra two cents per capita tax into our political action fund. This is a voluntary fund determined by those local unions who wish to make this contribution. Who makes the decision of where and when and to whom those funds go? The members who pay into it only, only those members. Is this not democratic? When I coached baseball in this community, which I did for four years, and I called a parents' meeting, if only three parents showed up and a decision was made, I proceeded. Were some parents angry? You bet they were. But I said to them the same that I say to many of my union members, if you cannot take the time and the effort to participate and be there, you live by the decision of those who are there at that meeting. That is majority; that is democracy. The difference here is your party is not the beneficiary of our political donations and never will be. I have been an NDP member all my life and I will be until the day I leave this earth, and nothing your government or any bill will do will ever take that away from me.

Why is it that I as a taxpayer cannot go to some government department and find out what the CFIB or the chamber spends on political action? They do so, and they do so in large numbers. Or, better yet, do they reach every individual chamber member before their money is

spent? You may be surprised how many charities would receive money. The difference is your party receives the majority of their donations.

Let us be clear here. This is not about accountability. This is not about being more democratic. This is not about fairness. It is about payback. It is about slapping our hands, you union leaders—sorry, you union bosses.

You, Minister Toews, and members of your government, I want to personally thank because with this and other legislation, you have helped politicize my members that I have not been able to do in 10 years. Members of the local community club should run their club. Chamber of Commerce members should run the chamber. Workers will continue to run my Labour Council as they should continue to run their unions, not this or any other government. I firmly believe, as much as they are going to try, the opposition will not be successful in amending or defeating this bill. That is part of your agenda. However, I do believe with all the bills being rammed through this session, one is missing, the bill to officially change the title Minister of Labour to Minister of Employers, because I truly believe the balance and the fairness has shifted.

**Mr. Chairperson:** Thank you, Ms. Grant, for your presentation. Mr. Struthers, with a question.

**Mr. Struthers:** I want to congratulate you on a very well put together and thought out brief. One of the many myths that this government likes to foist upon Manitobans is that if they not do this kind of union-busting labour legislation, we will have businesses floating out of our province, and we will discourage business from coming in and providing all the jobs that this government claims that business is going to be providing for us.

I want to know, if you agree with the statements that were made in an earlier presentation that says that, in fact, the opposite will happen, that business will not come to Manitoba when this legislation is passed through because there will not be a stable, long-term working population.

**Ms. Grant:** I do agree with that statement, and part of my whole concern with this area is, again, I am very active in this community. I have been involved in the

chamber. I have been involved in Winnipeg 2000. I have worked to bring business to this community. One of the key components of bringing business to this community is an active and a steadfast and a solid, balanced labour movement.

They do not want strife. They do not want picket lines. They do not want us out on the streets, as Mr. Toews talked about earlier, with bats, if that is the case, which I do not believe it is. Folks want some balance here, and business wants some balance in this province. We have worked hard. We continue to work hard with many, many business organizations in this community which are not afraid to come to Manitoba. We still have good labour legislation here prior to this bill. That is the type of balance that they are looking for.

**Mr. Struthers:** Is it your intention or the Winnipeg Labour Council's intention to somehow drive business away from our province?

**Ms. Grant:** No, it is not. It is not our interest. It is not to the province's interest. It is not to anybody's interest. Our goal is no different than yours, no different than business. We want to attract business to this community. We want good, full-time paying jobs for those in this province who choose to stay here, and that is a big concern for us. We want folks to be able to stay in this province.

**Mr. Reid:** Thank you, Ms. Grant, for your presentation and for staying to this early morning hour. I apologize for this late hour. You reference in your presentation here this evening, and we have heard from other presenters, as well, about deputy ministerial waste of taxpayer dollars, of ministerial trips, of trips by the Premier (Mr. Filmon), all at tax dollars, I might add, never once brought before the floor of the Legislature for approval prior to the expenditure of those funds.

I want to draw to your attention a piece of literature that the Minister of Labour (Mr. Toews) is now distributing throughout the province, talking about the labour law changes. I mean, we have before us Bill 26 talking about the changes. It has not been passed into law yet; we are still in the process of public hearings, and we have the Minister of Labour, through the funds of his department, circulating a pamphlet talking about the virtues of his bill.

Do you think it is proper for the Minister of Labour, or any government member for that matter, to put out a propaganda piece such as this prior to the approval of the Legislative Assembly passing this bill into law and having approval of this expenditure of funds, this taxpayer dollars?

**Ms. Grant:** No, I do not approve of it, and it is even more offensive when one of them arrived on my desk. I come here before you tonight with full authority from my delegates, the council. I do not come and even make a presentation like this until I have approval. I do not write a letter. I do not authorize anything. I can order office supplies without approval. That is the accountability I have in my labour council. I would expect, with my dollars, government would have that same accountability.

\* (0100)

**Mr. Chairperson:** Thank you very much, madam, for appearing before us tonight and taking the time. We appreciate your presentation, and thank you very much.

The next name on the list is Bernie LeBlanc. Is Mr. LeBlanc in the assembly? Then he will go to the foot of the list, being no answer.

Jorge Maldonado is the next presenter. Mr. Maldonado, good morning, sir. While your briefs are being circulated to the committee, I would invite you, sir, to proceed with your presentation.

**Mr. Jorge Maldonado (Private Citizen):** Thank you. I am Jorge Maldonado. I am a member of local 3005. I have never been so proud of belonging to an organization such as the Canadian Auto Workers and the Canadian labour movement. The CAW constitution and the local by-laws guarantee the democratic right of each of our members. All our leadership, local and national, are ruled by a recall procedure, and at all monthly meetings the membership get detailed reports of all financial transactions done by the executive. Right in our local by-laws, we have clauses defining the limit of spending which can be done by the treasurer. Every month union meeting notices are posted on all bulletin boards, where place and times are announced. Every local member can attend meetings, run for any position and be as passive or active in the union as his or her heart desires.

I am here tonight to make a presentation on The Labour Relations Amendment Act, Bill 26. Bill 26 deals with the plan of the present Conservative government to amend the current Labour Relations Act. After having read much of the documentation that was available, I conclude that the courage expressed by the Conservative Premier, Gary Filmon, and the Minister of Labour (Mr. Toews) must be acknowledged. Two days ago I wrote a letter to the president of the Canadian Labour Congress, Robert White, and I also wrote a letter to the national president of the Canadian Auto Workers, Buzz Hargrove, to ask them to seriously consider presenting specially to the Minister of Labour a certificate that shows recognition for your efforts to help with what in my modest opinion as a union member is the best underground action to put the fighting spirit back into the labour movement in Manitoba.

Some people see history as a tool to help us to learn from our past mistakes. History sends signals to us about the good and bad accomplishments of a society. If we learn anything from the past lessons of history, we should keep the present Relations Act in place the way it is, not tear it down. Instead, the minister has decided to repeat the mistakes of the past.

In order not to repeat the mistakes of the past, again, we must understand and respect our history first. I guess the Conservative government has been so busy trying to destroy our communities and our labour movement that they do not have time to do some labour history reading.

Manitoba has an incredible rich labour history. For example, the general strike in 1919, that just last year Manitoba celebrated the 75th anniversary of the strike of 1919, did not happen overnight. It came as the result of a long period of suffering and attacks on the working class that had started long before June 21, 1919.

I guess the first lesson we have learned from that proud moment of Winnipeg history is that you can push workers around and, without a doubt, we will take it, but not because we are stupid or unable to respond to the corporations' arrogance or unable to criticize the nonsense approach that Conservatives have been dealing with the problems of society.

It is more likely that working people are basically looking for solutions through a nonviolent and com-

promising approach. Workers differ from corporations because we always look for what is best for society as a whole. On the other hand, the corporations, as it has been clearly demonstrated at the casino, Boeing and GM strikes, the approach has always been, their way or the highway.

Corporations always asks for more and more. No matter what the level of profits workers produce for them it is never enough. Workers and their families, on the other hand, only ask for a fair distribution of the wealth.

The present Conservative government can enjoy the punches and black eyes that the labour movement has at this time. The Conservative government openly helps corporations to keep workers on strike, such as at Northern Blower, the Retail Wholesale Workers at Westfair, their own employees, the casino workers and the home care workers, and in the not too far past the workers at Trailmobile, just to name a few.

I see that one more time the leadership of our movement that has been democratically elected by our rank-and-file members have come to these hearings to try to put forward a rational argument, to try and convince the Minister of Labour to change his decision to destroy our democratic union. I ask the minister what their chances of success are. I can see that this hearing procedure is just a theatrical way to cover your dictator's soul.

In this hearing procedure, if there were really an instance where input from working people was seriously taken into account, then the group that put the most rational and more practical approach forward will have a chance of arriving at a common-ground solution with the government.

The funny aspect of this intention of changing The Labour Relations Act is that we as union members do not have a problem with the present Labour Relations Act. We did not ask the minister to save us from our unions, to come to our aid with these changes. Some union members feel that the present system could be improved to become even more democratic and more in favour of the workers and their families, but those changes we are willing to obtain through a truly democratic process, not one imposed on us through Bill 26.

To clarify what I am referring to, workers would like to see antiscab legislation, no more oppression and beatings from the police as in the case of the Boeing strike, and a better distribution of work available along with new, good jobs, actually putting Manitoba back to work. Instead, we get privatization, contracting out, lower wages and attacks on our unions, and you keep destroying the social safety net that gives some comfort to Manitobans in need in bad economic times. Bad economic times that are created by smart CEOs trying to fix the mess caused by their collective mismanagement.

There never was a worker present on the board of the corporation's decision-making meetings. Workers do not make business decisions, but every time we carry on our backs the extravagances of the free enterprise system enjoyed by few who do. Mr. Minister, you should be more concerned with the unfair level of minuscule taxes paid by corporations. You should also be concerned by the situation that many Manitobans do not have jobs, while at the same time, corporations keep a minimum number of employees working long hours of overtime because it is cheaper in insurance and benefits. We need a change in direction that will make this province a more democratic and fair place, not only for union members, but for all Manitobans. This government is not going to even try to reach a balance of justice. If the balance is broken, workers will have an opportunity to remake that balance again at the next municipal, provincial and federal elections.

Mr. Minister, workers are patient people. We destroyed the wall that corporate greed and fascism build one brick at a time. This is not meant as a threat, but as a statement of reality. Mr. Minister, do not back down an inch from your fascist agenda, because the present balance, after you pass Bill 26, is going to be tilted to the corporation side. You know that and the labour movement knows that—

**Mr. Chairperson:** One minute, sir.

\* (0110)

**Mr. Maldonado:** Okay—and you also know that we will remember.

Take the time to enjoy your momentary victory by sipping champagne and cheering. The only thing I want



you to remember is that you and the corporations will not have the final victory. You may think you have won this battle, but by far you have not won this war. After Bill 26 is passed, I personally see a new start for our labour movement not only Manitoba but all across this country. We in CAW do not take challenges lying down. GM workers took over a plant in the recent GM strike. Those brothers and sisters democratically made the decision to defend their rights and their jobs with everything that they have available to them. This type of action is not an uncommon phenomenon in present times. Similar actions were practised by the poor, since the late 18th Century, but somehow workers forgot their old ways. The bigger mistake was to believe that we are equal in front of the law.

**Mr. Chairperson:** Thank you, Mr. Maldonado. I think that now concludes the time we have available for your presentation, and I will canvass the committee to see if there are any questions. Mr. Reid, with a question.

**Mr. Reid:** Thank you, Mr. Maldonado, for your presentation and for agreeing to stay in the late hour. We apologize for having to sit beyond what would be considered to be a more human time where it would, I am sure, make your ability to communicate with this committee much more pleasant than having to stay well past the midnight hour.

**An Honourable Member:** Lots of us on the farm, we are used to working these hours.

**Mr. Reid:** Well, the member for Pembina (Mr. Dyck) says that he works long hours, but then I guess working during the months of April and August, doing the tasks that he used to do, pass for him being a full year's worth of work so we will leave that for him for his further considerations.

I want to ask the presenter—

**Mr. Chairperson:** I believe, Mr. Reid has the floor for a question to the presenter. I would invite Mr. Reid to present the question, and I would encourage all members to enable Mr. Reid to put his question to the presenter.

**Mr. Reid:** The government is saying and the Minister of Labour has said time and time again since he introduced

Bill 26 that he is doing this to protect union members, the rank-and-file members, because he tells the public that they have no say in the operations of their union. Can you, sir, for the benefit of the members of this committee, explain to us the process that takes place in your union and the nature with which and how decisions are made, both financial and other decisions?

**Mr. Maldonado:** In CAW we have, first of all, every single decision that is made is ruled by two documents, the constitution of our union and the by-laws of our locals. Every member in the leadership that has been elected to play a role must conform to those rules. Those rules are basically approved by the membership at the local level and then, through a delegate procedure at our national convention, we approve our constitution that has been basically reviewed every three years.

To me, when the minister said that we do not have a say, the only say that I do not have is if for my own personal decision I decide not to go to a meeting and not to participate in that discussion. That is the only thing that could stop me from being active in my local. In this case, you can see that I have an accent, I am an immigrant, and especially with immigrants because of problems of language and racism, CAW went even one step further. They gave us more opportunity to be part of the decision-making process by setting up our own immigration caucus and our workers-of-colour caucus, that we can put our own things that bother us and things that we want to see happen, we can put it forward to those levels of our organization.

Then in this case, myself, I cannot speak for anybody else except myself. I find that in the case of CAW, and I can only talk about that because that is the experience that I have, I can never really say that I have ever seen a more democratic organization that what CAW is all about.

**Mr. Reid:** I am very happy to hear that the CAW takes steps to fight racism. I think that is extremely important. That is one of the things that had not occurred to me. I know that it has been an issue before this Legislature, and I know my colleague the member for The Pas (Mr. Lathlin) has raised this with the government on other matters, so I am happy to hear that the CAW is actively involved in that regard.

What do you see the end result being besides uniting the labour movement in this province? What do you see as being the result of this bill and the impact on working people in this province with respect to wages, benefits, living conditions, workplace conditions, when this bill is passed, because the government does carry the majority and no doubt will ram this bill through. What do you see happening in the future to the working people of this province?

**Mr. Maldonado:** A weaker labour movement, that is 100 percent my observation that that is what is going to happen. You are right. I think the labour movement is going to come out of this stronger than ever before. I also see that whatever thing especially for us as immigrants, when you talk about being under fear, these changes in this legislation, this is what it is going to bring. Workers are just going to either—at the beginning, they are just going to step back because they know that anything that they may say or do is going to affect their chances to get a job. Even today, even where the law is not as bad today, still that fear is there.

**Mr. Chairperson:** Thank you, Mr. Maldonado. That would conclude the time we have available for the questions. Thank you very much, sir, for coming before the committee.

The next presenter is George Harris. Good morning, Mr. Harris, and welcome. You do not have a written presentation for the committee?

**Mr. George Harris (Private Citizen):** No, I do not.

**Mr. Chairperson:** All right, I would invite you to proceed with your presentation. Thank you, sir.

**Mr. Harris:** Well, I am not in a very good mood. I certainly do not appreciate being kept here until this time, and I just wanted to state that up front.

Just who I am, I grew up in a farm community just outside Winnipeg, and my first work was, obviously, working for neighbours and so on. I headed off to university and got a degree in actuarial mathematics. My first position of work was with what we would refer to as Great Waste of Life, and that was my first experience with intimidation in the workforce, intimidation in what many people in Winnipeg refer to as a good corporate

citizen. We would be kept in our place, and to this day that company is not organized. At that time, though, I was treated not badly. A lot of employees were treated badly in the organization, but I was not treated too badly because I was an actuarial student and we were privileged people. One of my fellow students became a very, very senior person in the company.

I could only take it for a couple of years, and I headed out and started to work in Africa. I worked in Africa for 17 years, and certainly saw—and there were many accounts of the horrendous treatment that workers would be subjected to in workplaces where there were no rules, where governments would just back off and employers could do what they would want. I could go into many accounts, but they were of the most disgusting nature, where jobs were assigned, were awarded to people on the basis of sexual favours granted.

This government in this province, I guess, as distasteful as I find the Harris government in Ontario, I find it far worse here. This government is—I just do not have the adjectives that I could use to describe it. When I go into Ontario, I wear my button, Harris is against Mike Harris, just so that they know what I feel about them; but, I tell you, Mike Harris is honest in some ways. This government is deceitful. They would not even announce at the last election that they were Progressive Conservatives. They hid it in small print. A lot of our corporations do those kinds of tricks, small print. Maybe in a way it works out okay, because we can assign whatever party name we want to this government. We can call them Reform Party. We can call them fascists. We can assign whatever name according to the actions that they take, but certainly watching the last election, I saw a party that was ashamed to be called Progressive Conservative because it would identify themselves with the colossal failure of their federal Progressive Conservatives.

\* (0120)

Bill 26 is an example of the deceit of this government. Bill 26 is not about democracy. I mean, that is a sham. This government is not interested in democracy. I mean, we spent a lot of time talking about it tonight, but unless we redefine democracy, this is not about democracy. Maybe one definition that I would like to suggest is that

democracy to this government means government of the wealthy for the wealthy. I did not say, by the wealthy, because this government are basically wealthy wannabes, people who go around and dip into the public coffers for all kinds of different purposes but certainly not to benefit me and not to benefit the average taxpayer.

The bottom line on this is the Tory government here should not be trusted on this legislation. You can see from all of the antiunion statements, there is no reason to trust this government on a piece of legislation. If they are antiunion, why would they introduce legislation that is favourable to unions? There is no reason. I do not even want to get into the debate about that because the government is not interested in democracy. It is a sham in this piece of legislation. It is a detracting thing. What this is all about and I think from my own perspective is it is support for a failing system and a support for a failing system that is called capitalism. Capitalism is a system in which powerful people get up there and put other weaker people down. Capitalism only succeeds—very powerful people succeed by destroying other people. That is part of the fundamental nature of the capitalist system. So we have poverty in this country, because there are wealthy people and there are super-wealthy people.

There are four ways that people become superwealthy. They already have the money to begin with, they got it from somebody else; they exploit an advantage; they get pure lucky; or they engage in a criminal or some other illegal activity. They cannot get superwealthy by working hard, otherwise the farmers that I saw in northern Tanzania would be the wealthiest people in this world, and that is a fact.

An interesting article came through in the Guardian, in July, and I took it out. I consider these as the most despicable people in the world. The wealth of the world's 358 billionaires is greater than the combined annual incomes of countries with 45 percent of the world's population, and we are encouraged to look up to these people who are billionaires. One of those billionaires is running for the presidency of the United States. We look up to these people, but they are the people who have got their wealth on the back of the workers that I believe this legislation is designed to attack. So what I want to do at this point—and I think I saw a signal. Did I see a signal?

**Mr. Chairperson:** Yes, I gave you the one-minute signal, sir, and you have now about 20 seconds to conclude.

**Mr. Harris:** Okay. I just want to emphasize in closing, there is no reason for us to trust this government here. I just repeat that statement. They are constantly uttering antilabour statements so there is no reason. If there is anything in this bill that is going to be an end result for labour, it is going to be negative.

**Mr. Chairperson:** Thank you very much, Mr. Harris. Mr. Reid, with a question.

**Mr. Reid:** Thank you, Mr. Harris, for your presentation here this evening and my apologies to you, sir, for having to stay to this extremely late hour. It would have been nice if we could have held these hearings again at another day and at a more reasonable time; nevertheless, that was the government's majority decision.

I want to ask you, sir, because you referenced at the beginning of your comments some life experiences that you have with respect to a particularly large employer headquartered across the street from this building where they practised, I take it from your comments, intimidation of employees. Can you expand on your comments to give us some examples on how that intimidation, as you referred to it, occurred, because other presenters here tonight and on Thursday past referenced the ability of employers to practise intimidation of their employees? I would like to hear some of your life's experiences.

**Mr. Harris:** It is very simple. All you have to do is let the word out that anybody who tries to organize will be blackballed, that they will not get a job in the insurance industry again. You let the word out, and we would hear on a regular basis of people either being threatened with dismissal or with being blacklisted, or whatever term we want to use for this, in the industry. That would come on just such a regular basis.

Now, I did not even have to go out and seek it. It would just be coming through from people from all around, so you would hear sometimes of a dismissal and so on. People are fearful. How many of us who have been planning and who decide that, okay, I am going to try to save up enough so that I can buy a car, put a down payment or something like that—how many of us are

going to risk under those circumstances even if what you have heard is something that they will not do?

\* (0130)

**Mr. Reid:** So then I sense from your comments that there is an employer with which you are familiar that practises the more subtle forms of intimidation—

**Mr. Harris:** It works.

**Mr. Reid:** —and that the employer is successful in keeping under their thumb, under strict control, any people who are in their employ out of threat of losing their jobs, and that the employer and the supervisors for that particular company are the ones who are releasing that information to the employees in some fashion.

**Mr. Harris:** It would not always have to be the case because people would develop a rumour and things like that. There could be that kind of possibility, but it would not necessarily have to originate with the employer.

**Mr. Penner:** Mr. Harris, judging by your comments, you served in Tanzania.

**Mr. Harris:** Yes.

**Mr. Penner:** Did you work for the Canadian government on the Canadian wheat project in Tanzania?

**Mr. Harris:** No, but I am very familiar with the wheat project in Tanzania. Secondly, I went over and I worked as a volunteer on 20 percent of the wages that I was getting here, and it was something that allowed me to get the experience directly from the perspective of people who are exploited by very ruthless employers.

**Mr. Penner:** I am pleased that you are familiar with the wheat project because we had the opportunity to visit the wheat project in Tanzania, and it was, of course, initiated by the Canadian government to provide a new technology and a new way of farming in Tanzania. I think there was a clear demonstration there of exploitation in the reverse, taking people out of the native setting that they were very fundamentally familiar with, and they provided for themselves very well according to their standards that they were used to, their historical standards. When they were brought into this new technological era, it disrupted

entire families and entire villages, and I am just wondering whether there are any analogies to be drawn between what happened in Africa and some analogy that you can use in organizational-type strategies that we should be aware of in Manitoba.

**Mr. Harris:** The question of the Tanzania wheat project, and I am not the most—I have been quoted in publications, *The Globe and Mail*, very critical of the wheat project there. It was very intrusive. It dislocated people. The purpose of my comments with relationship to Tanzania here were not to draw Tanzania into the discussion. It was basically as a bit of background. My comments are that we have a world that is in very, very serious disarray, that is fundamentally connected to a flawed capitalist system, a capitalist system that brought us the Great Depression, and Conservative governments, whether they call themselves Progressive Conservative or liberal or whatever, Conservative governments with their, what we like to call, neo-liberal policies are setting in place the conditions that are in fact going to lead us to much greater calamity than we have ever seen before. That is my fundamental belief, and I just want to emphasize that I feel that this government is one of the architects of this. You are not people who are not to be held accountable for this.

**Mr. Chairperson:** Thank you, Mr. Harris, very much for your presentation tonight. That concludes the time we have for your presentation.

The next name on the list is Gill Gagne. Mr. Gagne, good morning, sir. While the Clerk is circulating your presentation, I would invite you to commence your oral presentation.

**Mr. Gill Gagne ( Private Citizen):** I would like to thank the committee for letting me express my feelings on this proposed legislation. I will not touch on all the changes to The Labour Relations Act, since I want to keep my presentation brief.

I think the government has not gone far enough in helping the working people in this province, unionized or nonunionized. I feel the government is definitely going in the wrong direction. They care about the people in this province. I was disheartened the other night when I heard Dan Kelly from the Canadian Federation of Independent Business speak on their behalf. He stated that he worked

at Canada Safeway part time while going to university. There are approximately 845,000 Canadians who are forced to work part-time jobs because they are unable to find full-time work, and there are 3 million more that are working part time. These are forced people. This is almost the population of this province.

The point I would like to make is that Mr. Kelly was very fortunate to have a good paying part-time job while going to university. Mr. Penner mentioned his grandsons having a hard time finding work too. There are people in this province forced to work—[interjection] Pardon me? [interjection]

**Mr. Chairperson:** Order, please. I would ask the presenter to proceed, and I would invite the honourable members to allow him the opportunity.

**Mr. Gagne:** There are people in this province forced to work at low paying part-time jobs while trying to keep their families fed. Another point Dan Kelly made was he did not think he should be forced to pay union dues.

A union is a democratic system, and union members can vote on all decisions made at their monthly meetings. The Canadian Federation of Independent Business has no collective decision-making process like a union has, and I do not think the Manitoba Taxpayers Association does either.

When Mr. Kelly was asked about this, he stated that if any member did not like what he had to say they could quit Canadian Federation of Independent Business. Nobody is forced to work in a union environment. If Mr. Kelly wanted to, he could have quit, worked at a nonunion store with poor wages, poor benefits and little job protection while he attended university.

I do not know why the government wants us to consult every employee in our bargaining unit on the use of dues for political purposes. This would weaken the democratic nature of my union, and it is not practical. I remember a number of years ago the company that I worked for was giving us literature to support free trade. I would guess this would be some form of political purpose. Are the corporations going to have the same guidelines as the workers? Maybe you could pass legislation that big business cannot contribute to the

Conservative Party. The money they save can be given to a charity of their choice.

\* (0140)

I am confused why my union would have to file audited financial statements to the Labour Board. Would the company I work for have to do the same? If the company did not, would the Labour Board order the company to give the profits to the workers? This may sound ridiculous to you, but I do not think the government has any right to take away the Rand Formula.

In my union the membership, like all other unions, democratically elects the bargaining committee. Why would this government think that the employer or the government has the right to say when the membership should vote on the last set of proposals that was offered by the company? That is why we vote for our bargaining committee.

I guess there is no sense in letting the bargaining committee have any sort of strategy. Instead, why does the government not pass legislation that the company has to accept the first offer put out by the union? Why would you want to pass legislation to make it an unfair labour practice for employees who are on strike or locked out to engage in strike related misconduct? This could be used by employers as just cause to discipline or even fire employees that have been on strike or locked out, that are accused of strike related misconduct. We all know picket lines are confrontational locations, and the justice system already solves the situation. I could understand why the government wants peace at a picket line. Every workers wants peace at the picket line. That is why I would suggest you would pass antiscab legislation instead. This makes it fairer. The employees do not get their wages, and the company's operation is not making any profit.

I think the government should be looking at ways of creating employment instead of attacking working people. One suggestion I would like to pass on to you is that Canadians work a lot of overtime. Approximately 800,000 Canadians worked paid overtime. Half of these 6.4 million hours were converted into new full-time jobs that could produce 80,000 people to year-round full-time jobs. So what I would suggest to you is pass legislation so the maximum amount of overtime a year would be 100 hours annually. Any overtime over 100 hours would then

be compensated on the basis of time off in lieu at the overtime rate. This would kill two birds with one stone. It would be creating full-time employment, and this would bring in extra tax dollars for you. It might even make the Manitoba Taxpayers Association happy, not that I care about them. This would also give working people more time with their families.

In closing, I would like to say that a lot of people have faith in the system. If you truly care about people in this province, you will not pass this proposed legislation and other proposed bills that affect working people in Manitoba.

**Mr. Chairperson:** Thank you very much, Mr. Gagne.

**Mr. Gagne:** Oh, I am not done yet.

I know a lot of people who voted for this government and even people that put your signs on their lawns are very upset with these proposed bills. They see this as very antiworker, against public sector workers, health care workers, teachers, construction workers and all workers unionized and nonunionized. When I first began, I mentioned how disheartened I was when I listened to Mr. Kelly. A couple of days later, I met a student from rural Manitoba, and he was explaining to me that at school he is being taught how negative these bills are on the people of Manitoba. He also mentioned the sale of MTS.

I asked him when he turned 18, and he said, next year. I then asked Lee who he would vote for in the next provincial election, and he said it would be Gary, and it was not Filmon. This made me think back to when I was in school and I asked my social studies teacher why the people in Quebec wanted to separate. His answer was, they are taught in their school system to be separatists or Quebecois. So I would suggest to this government to stop ticking off the teachers, the nurses and the workers, sooner or later you are going to be in the same situation as Kim Campbell, I think that is what her name is.

At present, unions are run by workers. Minister Toews, unions are run by workers, not by the government, so I would ask that you keep it that way. Thank you.

**Mr. Reid:** Thank you, Mr. Gagne, for your presentation and for having to stay to this early morning hour.

**Mr. Gagne:** Thank you.

**Mr. Reid:** We have heard quite a number of presentations this evening—

**Mr. Gagne:** And mine was the best, right?

**Mr. Reid:** Without a doubt, I thought it was the best.

**Mr. Gagne:** Thank you.

**Mr. Reid:** We have heard quite clearly that the labour organizations, we heard both from what the government terms “the elite union bosses,” which the government says are in complete care control and no responsibility for those organizations. Yet we hear from the rank-and-file members, many of them here tonight and last Thursday, that it is the rank-and-file members of the unions that make the decisions and that are the ones that are charged with the responsibility of those unions, and their elected representatives; their leadership, are only just that, elected representatives there to do the will of the majority of the members. This minister has said that it is the elite union bosses that make those decisions, so I am happy to hear your presentation about being in charge.

I, too, was disappointed in Mr. Kelly's presentation from the CFIB. I know he supports members opposite, has every time he has come to this committee. There has never been once where he has come here and said something negative about this government's proposals. We also know too that Mr. Kelly works for an organization which gets their money from who knows where. They do not hold annual conventions; they do not have ability for whichever members they may have, so there is no accountability in that organization. Yet this government says and is proud of being associated with that type of nondemocratic organization. In fact, I think it was referenced that Mr. Kelly was an adviser to the Premier (Mr. Filmon), so you can see the influence that Mr. Kelly is having on this government. So we have a nondemocratic body of people, however many they may be because we never were given that information by Mr. Kelly before the government cut off our ability to ask questions.

So I would like to ask you, sir, what your members think of the government of Manitoba that was elected with less than a majority of the voters of the province

listening to a nondemocratic organization who is providing advice to the Premier on matters that affect working people and their democratically elected leaders. Perhaps you would care to share with me your thoughts on the way the government is accepting their advice because we know clearly that the Minister of Labour has only listened to a dozen people in this province, and I take it that Mr. Kelly and his organization is one of them.

### Point of Order

**Mr. Toews:** Just on a point of order.

**Mr. Chairperson:** The honourable minister, on a point of order.

**Mr. Toews:** Well, I have certainly listened to Mr. Gagne's submission along with the other submissions that were made here tonight. I found his remarks interesting, and certainly one of the many that we will have to take in mind to see whether there should be any amendments of this bill. Is that a point of order?

**Mr. Chairperson:** I do not think so, Mr. Minister.

\* \* \*

**Mr. Chairperson:** I would invite Mr. Gagne to respond to Mr. Reid's question.

**Mr. Gagne:** We do not like it at all. It is very unfortunate. I mentioned in my brief that we do believe in a system. I was also here Thursday till about—well—1:30. Finally, I went home. I do have a family, a young family. It would have been nice to see them. I am just hoping the Minister of Labour is listening to all the people from unions speaking on our behalf. My union, anyone who spoke up, we did not have a union rep, we did not have an area director speak, it was all rank-and-file members. Some of them may be shop stewards, presidents, but it was all rank-and-file members. I am a chairperson of my local, and if the government wants to see how much I make a year, it is \$250 a year, and I am not here for my health, I can tell you that, or the big bucks.

**Mr. Reid:** Are you aware, sir, that the Minister of Labour is now going around the province of Manitoba—I might add—at your expense with a document that has the

logo for the Manitoba government, Department of Labour on it, obviously printed and paid for through the Department of Labour, which is taxpayer dollars, telling the working people of this province the benefits of his Bill 26 even before this bill is passed into law? Perhaps, you would care to share your thoughts with us about the minister being so presumptuous that the bill would be passed and it is good for working people, even before he knows of any amendments or suggestions coming from the public.

\* (0150)

**Mr. Gagne:** I am going to try not to say any swear words. I was very disappointed when it first came to my attention as I was sitting in the gallery. It is my tax-paying dollars—

**Floor Comment:** Paying your wages.

**Mr. Gagne:** I am paying your wages, thanks. I am very, very disappointed. That is my money and you are using it for an election campaign, for political purposes, as far as I can see. This is just my little brain here.

**Mr. Chairperson:** Thank you very much, Mr. Gagne. That wraps up the time we have available for questioning. Thank you for coming before us this evening.

The next person on the list for presentation is Michelle Deneka. Michelle Deneka. Calling Michelle Deneka for the second time. No response. Her name will be put to the foot of the list. The next person to present is Maureen Jordan. Calling Maureen Jordan for the first time. Being no response, her name will go to the foot of the list. The next person is Joanne Daly. Calling for the first time. There is no response; she will go to the foot of the list. The next person is Bob Desjarlais.

Mr. Desjarlais, good morning, sir.

**Mr. Bob Desjarlais (United Steelworkers of America, Local 6166):** Good morning.

**Mr. Chairperson:** I presume, sir, you do not have a presentation to circulate to us.

**Mr. Desjarlais:** That is correct.

**Mr. Chairperson:** All right. I would invite you to proceed with your oral presentation.

**Mr. Desjarlais:** Thank you very much.

**Mr. Chairperson:** Thank you, sir.

**Mr. Desjarlais:** Good morning, everybody. Before I get into the nuts and bolts of what I have to say, I think it would be important for you to understand who I am and the organization that I represent. I am the president of the United Steelworkers of America, Local 6166, out of Thompson. I represent 1,328 members, steelworkers in the Inco unit and another 200 members in smaller units. Just to give you a little background also about my work history, I worked for 23 years in the plant, 12 years in the underground environment, 11 in the maintenance department as an industrial mechanic. I am also the aboriginal vice-president of the Manitoba Federation of Labour. I am extremely proud of that.

Yes, Minister Toews, I guess you are not here to hear my comments. It is too bad because certainly you need to hear what I have to say. That does not surprise me. However, I do fit the mold, if you will, of the union boss. What the hell that is, I am not quite sure what that really means. I am a rank-and-file member of the Steelworkers, came off the floor. I am now the president of the largest local in western Canada. Union boss, I am not sure what that means exactly, but, yes, I am the president of my local union and accountable to my members.

I think to say that Bill 26 is not designed to improve democracy and power for union members is a gross understatement of what this bill is designed to do. Certainly it is meant to do the exact opposite in a number of areas of this bill that certainly are counterproductive to workplace democracy, things like the required votes for new certification. Automatic certification is no longer the order of the day after 65 percent. Now the bosses get to intimidate members. They get to delay the process. We know that the Labour Board is not capable as far as manpower goes of fitting the criteria of seven days. That is not going to happen because of the staffing problems with that area of the minister's responsibility.

So we are extremely concerned of the ramifications of that situation. It is going to be very difficult for workers to certify. Certainly that is the gist of this legislation in

regard to the area of certification, so we are extremely opposed to that.

Consulting with each bargaining unit member before undertaking political action. It is absolutely unbelievable that that is part of this resolve of the Tories. It is clear that the Conservatives are attempting to circumvent important precedent established by the Supreme Court of Canada in the Levine decision regarding political actions by unions. Again, the highest court in the land has ruled on the union's ability and its right to be involved in the political arena, and this government is now going to by-pass that right. The Levine decision is very clear about a workplace democracy as far as political action, once a union has undergone a vote and a majority of the workers have decided on a political affiliation, be that Progressive Conservative, Liberal or NDP or Reform or whatever party they want to associate with. Once that process has taken place, then the majority rules.

The Levine decision is very clear about what that really means, and they drew the correlation to the taxes in this country. The analogy they made was simply this: once the taxes have been taken in by the government, how would government function if the ability for the taxpayers of this country to withhold their taxes because they did not agree with what the government was doing with any portion of that taxes? It is unbelievable. You could not function as a government if that was the case, and they drew the analogy of the same thing takes place in a workplace democracy known as a union. The Supreme Court of Canada decided that the unions were a democratic organization and could be and should be involved in the political arena, and this government has decided to by-pass that undeniable right by the Supreme Court of Canada. So we were talking about democracy. I suggest very strongly you should take a look at what you are really attempting to do here. This has nothing to do with workplace democracy. We know that. We want Manitobans to know that.

Not only is it acceptable that unions undertake political action, it is also important that we maintain our ability to do that. Bill 26, again, is an escape out of this decision since it requires consultation with bargaining union members before dues are made. It is not about democracy. It certainly is about circumventing the Levine decision. No such rule applies to employers. Some of my members are shareholders of Inco Limited.



Why are corporations like Inco not forced to ask each shareholder before they make political contributions? I believe they gave your party, the Progressive Conservative Party of Manitoba, \$25,000 last year. I guess the answer is self-explanatory. That was not rhetorical, by the way.

The loss of picket line protection during strikes related to misconduct and the ability for the corporation to fire workers, again, strikes at the heart of the ability for the union to protect itself on a picket line by manning picket lines. It is a double double jeopardy that is unprecedented in the history of this country. What it does, it is designed for one thing and that is to curtail union activity on picket lines, to make it impossible for workers to walk on picket lines. This has nothing to do with restricting violence on picket lines. There is not a union that I am aware of certainly in Manitoba that condones picket line violence. Absolutely not. As a trade union leader, we speak vehemently in opposition to any type of violence.

\* (0200)

As a matter of fact, just for the record, I think it is very interesting, we just came through a labour dispute in Thompson where we walked picket lines. We got a letter from the RCMP two weeks after this dispute commending the local union for the conduct on the picket line, if you can imagine that. So clearly, the Steelworkers run very good picket lines but this particular amendment is designed again for one thing and that is to curtail union activities on picket lines. These amendments have already had an impact on the bargaining relationship between Inco Limited and the Steelworkers, and I am referring in particular to the ability for the government to intervene in the final offer of Inco, for instance.

I just want to quickly go into what took place here in the last couple of weeks. We were in a very difficult situation. We were in a lockout situation with Inco Limited. Two weeks into that dispute, I went to my members with—we brought the company back to the bargaining table. We made some changes, certainly not what we wanted. We made some inroads into the 10- and 12-hour shift configuration, which was the nub of the labour dispute, but there was not enough there for us to recommend to our members, to 1,328 steelworkers to accept the agreement, but at the same time I had the most

difficult time I have ever had as a president of a local union. I talked to my members and I explained to them what this government was up to and what the possibilities were down the road if we in fact took this company on, what it really meant. What it really meant was the ability of this government to circumvent, by-pass the union, and go directly to my members anytime during this labour dispute and force them to vote on another offer, the last offer or any offer that the company wanted to make. That could also mean less than what we went out for. Clearly I had an obligation as a president to explain to them what that really meant.

So if, in fact, that legislation is contemplated to bully workers, congratulations, Tories, you did a real good job, because you bullied my members into signing a substandard agreement. I now have a 10- and 12-hour shift configuration in the underground environment, and I cannot protect my members in safety and health, and that concerns me a great deal.

Anyway, the Conservative agenda is the Conservative agenda whether it is in Manitoba or in Nova Scotia. Nova Scotia is the prime example of the consequences of absolute power corrupting absolutely. The Westray mine disaster where 26 miners paid with their lives, workers were forced to choose between unsafe work conditions or abject poverty, which is no choice at all as far as I am concerned. Is that what we want here in Manitoba? Because that is the type of environment that you are fostering in Manitoba and we as steelworkers are absolutely in opposition to that.

Just a few quick comments. I would like to correct a few misconceptions fostered by Minister Toews. Minister Toews did not consult with me or anyone else or in my union about these amendments. As a matter of fact, he missed a clear opportunity to do so. In September of 1995, the minister and his staff met with myself and some of my local union executive. We talked about matters of mutual concern, such as the worker advisor program. I asked him directly if any amendments were being planned. He said only minor changes to The Employment Standards Act. He said The Labour Relations Act was basically sound and a good balanced piece of legislation. I do not believe the minister was telling the truth, and outside the Legislature we have a word for that. I cannot use it here.

Less than three months later the minister revealed the detailed and wide-ranging attack on unions and union members and all working people, an unprecedented attack in Manitoba, and I cannot trust what he has to say today. I think it is a sad commentary on him as an individual. As far as I am concerned, he has no integrity with the Steelworkers and certainly with the trade union movement in Manitoba. Thank you very much.

**Mr. Chairperson:** Thank you, Mr. Desjarlais. Mr. Penner with a question.

**Mr. Penner:** Mr. Desjarlais, you indicated that Inco had made a donation to the PC Party of Manitoba for \$25,000. Have you any proof of that on you?

**Mr. Desjarlais:** I do not have that document sitting in my lap. As a matter of fact, I do not carry that kind of document around with me. I do not know, do you?

**Mr. Penner:** There have been two allegations that have been made around this table that concern me. No. 1, there was one made that Westfair Foods paid to the Conservative Party a very significant amount of money, and I believe it was \$40,000 that the allegation indicated. I would like the member opposite to lay proof of that on the table and, if not, withdraw the allegation.

**Mr. Chairperson:** Mr. Penner, I would interject at this point, and I would ask if you would address your remarks to the Chair or through the Chair to the presenter because this is an opportunity for us to examine the presenter rather than engaging in conversation across the table.

**Mr. Penner:** I certainly did address the Chair, and I make these comments and I ask these questions through the Chair to the presenter and also to the member opposite because there are allegations here that I think are very serious, and I would like the allegations to be verified in a documentable way. If they cannot do that, then I would suggest to you, Mr. Chairman, that you ask them to withdraw those allegations or present proof of the donations to our party that they have alleged were made. I would ask Mr. Desjarlais whether their union has made any significant contributions to our party in our election campaign or in between election campaigns or whether they have done so and how much contributions they have made to any of the other political parties in this province.

**Mr. Desjarlais:** That is a very, very good question. As I already alluded to, the fact is that the democratic process takes place in my union. When my members tell me, they bring a motion forward, they want to align with the Progressive Conservative Party, we will debate that and we will gut that just as quickly as it hits the floor. However, democracy will rule the roost in my union. My members will tell me exactly who we will affiliate with and who we will not affiliate with. It is that simple. Democracy.

**Mr. Chairperson:** I believe Mr. Reid is next, Mr. Penner, and then I will come back to you.

**Mr. Reid:** Thank you, Mr. Desjarlais, for your presentation here this evening. I am sorry that we had to sit to this early morning hour and that this committee saw fit, through the government's majority, not to allow the out-of-town presenters, such as I believe you are, sir, to come forward at the beginning of this evening to make your presentation. I apologize on behalf of the government members.

You say the minister consulted with you or at least travelled or you had the opportunity to meet with the minister with respect to what his intentions were as a new minister, and you say that the minister told you that he was only going to bring in minor amendments, housekeeping amendments, to The Employment Standards Act and he referenced or gave no indication that he was going to make changes to The Labour Relations Act. Are you saying, sir, that the Minister of Labour clearly misled you with his intentions and the intentions of his government?

**Mr. Desjarlais:** Mr. Reid, I think that you are being overly kind when you say "misled." Absolutely, if that is as far as we can go in this forum, then there is absolutely no doubt that he misled. I would say outside of this legislative hearing, we would call that a baldfaced lie.

**Mr. Chairperson:** I believe Mr. Penner is the next panel member to ask a question.

**Mr. Reid:** So he gets two and I get one.

**Mr. Chairperson:** I am not counting the questions.

**Mr. Reid:** Well, you should be, you are Chair.

**Mr. Chairperson:** Excuse me. I am the Chair. I am recognizing Mr. Penner.

**Mr. Reid:** How do you get two to one?

**Mr. Chairperson:** Excuse me.

#### Point of Order

**Ms. Jean Friesen (Wolseley):** Mr. Chairman, on a point of order.

I have been sitting here listening and it did seem to me that Mr. Penner had at least two questions—

**Mr. Chairperson:** Ms. Friesen, on a point of order.

**Ms. Friesen:** Thank you, Mr. Chairman, I will repeat my point of order. I have been sitting here for some time and it seemed to me that Mr. Penner was permitted two questions. It seems to me only fair as a Chairman and as a committee that we should permit Mr. Reid the same time and the same number of questions.

**An Honourable Member:** I agree with that.

**Ms. Friesen:** Good.

**Mr. Chairperson:** I would rule at this point in time that I have been recognizing the members in sequence as they identify themselves that they wish to speak, regardless of the number of questions they ask. So I will now recognize Mr. Penner. I have stopped the clock. I would now recognize Mr. Penner for a very brief last question.

**Mr. Penner:** Mr. Chairman, thank you. It will be a very brief comment, not a question.

#### Point of Order

**Ms. Friesen:** A point of order, Mr. Chairman.

Could you then indicate how you are going to proceed for the rest of this committee? Is it going to be alternated or is it going to be two or three questions from Mr. Penner now and then one from Mr. Reid? Could you give us the rules on which this committee is now proceeding?

**Mr. Chairperson:** I believe, Ms. Friesen, that I have just indicated to you the process that I have been following. If you would wish to consult Hansard, that would reveal the process that I am conducting from this Chair.

\* \* \*

**Mr. Chairperson:** Mr. Reid, on a new point of order or the same point of order?

#### Point of Order

**Mr. Reid:** A new point of order. Mr. Chairperson, I have sat in this committee for nearly some 20 hours now listening to presenters from all over the province of Manitoba from every walk of life, and you are telling me here today, Sir, that you have a hard-and-fast set of rules that you are following, because I have been here all the time and never once have you said that that is the process that you are going to follow.

Sir, I challenge you if that is your decision.

**Mr. Chairperson:** That is my decision, Mr. Reid.

\* \* \*

\* (0210)

**Mr. Chairperson:** Mr. Penner, for a very brief question.

**Mr. Reid:** I challenge that decision, sir.

**Mr. Chairperson:** All right, the rule of the Chair has been challenged. The rule of the Chair is to recognize Mr. Penner for one last question.

#### Voice Vote

**Mr. Chairperson:** All those in favour of sustaining the rule of the Chair, please indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those who are against the ruling of the Chair, please indicate by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** I believe the Yeas have it.

**Formal Vote**

**An Honourable Member:** A recorded vote.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 6, Nays 4.*

**Mr. Chairperson:** I believe that the Yeas have it, and the Chair is sustained.

Mr. Reid, for a new point of order?

**Point of Order**

**Mr. Reid:** I just want to indicate for your benefit and the benefit of the members of this committee that the operations of this committee at this point are done, in my opinion, my humble opinion, in an extremely undemocratic fashion, which is very indicative of the way this government operates with respect to the legislation that they have tabled before us and shows very clearly that you do not respect the ability of members of this committee to ask questions when they have had their hands raised.

I had my hand raised to ask a question of the presenter here, and you have denied me that opportunity and instead gone to the one of your members of this committee, which, I think, is extremely undemocratic.

**Mr. Chairperson:** Thank you, Mr. Reid, for your point. I would rule that as a not point of order, but that is rather a matter of opinion.

\* \* \*

**Mr. Chairperson:** I would now recognize Mr. Penner, for a very brief question to the presenter.

**Mr. Penner:** I would suggest to you, Mr. Chairman, in regard to the ruling that has just happened at this table, that the rules that were applied here were the exact same rules that the previous government operated by consistently while I made presentations to this committee.

The comment I wanted to make, Mr. Chairman—

**Mr. Chairperson:** Excuse me, Ms. Friesen has a point of order.

**Point of Order**

**Ms. Friesen:** I understood your directions to Mr. Penner to be one short question. Would you call him to order, please.

**Mr. Chairperson:** Mr. Penner, I believe that Ms. Friesen does have a point of order. I would call you to order and present one very brief question to the presenter to wind up his presentation. Thank you, Mr. Penner.

**Point of Order**

**Mr. Penner:** Mr. Chairman, I will certainly abide by your wishes. I believe that the honourable member—Bob, Mr. Desjarlais, just making a presentation here has demonstrated clearly how democratically their union would deal with—

**Mr. Chairperson:** Order, please.

**Point of Order**

**Ms. Friesen:** On a point of order. Mr. Chairman, I am asking you to call Mr. Penner to order again. You asked him to put one brief question, we are now into an extended statement on another issue. Please call this member to order.

**Mr. Chairperson:** Mr. Penner, Ms. Friesen has raised another point of order, and I must sustain her point of order. I would urge you to present one brief question.

\* \* \*

**Mr. Penner:** Mr. Chairman, I, again, respect your ruling, and I will make a very brief statement, as I asked for before. I said we had heard Mr. Desjarlais clearly demonstrate the democracy by which they make decisions in their union when he made the statement that when the request—

**Mr. Chairperson:** Ms. Friesen, on a point of order.

**Point of Order**

**Ms. Friesen:** On a point of order, Mr. Chairman. It is my view that this member is making a mockery of your rulings. That cannot happen. This is a parliamentary system. Your rule must prevail. This member is making

a mockery of it and he is doing it deliberately. I ask you again to call him to order.

**Mr. Penner:** It is obvious that the honourable member opposite does want to stem discussions or debate in this committee based on calling a member to order, and we believe in the democratic procedures in this committee that will allow members to ask questions and make comments and, thereby, I ask you to rule as you did before and that we continue with the rules that have been applied consistently by a government that she was a member of prior to our taking office, and these rules are maintained, and the direction that the honourable Chairman is receiving from the Clerk's Office is fair and equitable. I would suggest to you that you made the right ruling.

**Mr. Chairperson:** I would grant that Ms. Friesen has a point of order. As we are now well over the time limit allotted for the questions to this presenter, and I must tell the honourable colleagues at this time that if there has been consistently through the last two days of hearings a member of the committee who has requested an opportunity to ask a question and they run over the time prescribed that we have agreed upon, but if their hand is raised and if they commence their question before the time limit has expired, I have allowed that dialogue, that sequence of questions and answers, so just to show that I have been trying to be as flexible as possible to ensure the discussion role in a free and flexible fashion.

Mr. Reid, have you got anything further to add to the point of order because, otherwise—thank you.

\* \* \*

**Mr. Chairperson:** At this point, then, I would invite Mr. Desjarlais, if you have anything to respond to the comments of the members that you have heard right now, I would ask you to be responsive to that as time has expired, and we have no opportunity to ask you any further questions. [interjection] I am sorry?

**An Honourable Member:** You did not stop the clock on the points of order?

**Mr. Chairperson:** Yes, I have stopped. Are you on a point of order, Mr. Reid?

**Mr. Reid:** No, I am asking you if you stopped the clock.

**Mr. Chairperson:** Yes, I did, and we were over the time when I stopped the clock on the point of order. [interjection] That is correct. Yes. Mr. Desjarlais, you have the last word, sir, as it should be.

**Mr. Desjarlais:** Thank you, Mr. Chairman. Just to quickly respond, it has been a very interesting 15 minutes. It is no wonder we are in the state we are in in this province. However, I would like to make one final comment, and that is that extremely inaccurate analogy that Mr. Penner drew from my remarks. My remarks are simply this, that we would entertain any motion that a member brought forth as a democratic organization. As an institution that debates these I would speak in opposition to any affiliation with the Progressive Conservative Party in Manitoba. There is no doubt about that. However, democracy will rule the roost in my union as it always has and always will, and that is, the majority will decide on political affiliation. I can tell you that democracy in my union said that we affiliate with the NDP. That is just the way it is. It appears that the government does not agree with workplace democracy. Otherwise, they would not be passing this legislation. Thank you very much.

**Mr. Chairperson:** Thank you, Mr. Desjarlais. We have one more presenter, colleagues. Brenda Portree. Calling Brenda Portree for the first time. There being no answer, she goes to the foot of the list, and I will recall the list. After recalling the next series of names, if they do not respond they will be struck off the list. The first name is Bernie LeBlanc. On hearing no response, the name is struck off. The next name is Michelle Deneka. On hearing no response, the name is struck off. The next name is Maureen Jordan. On hearing no response, the name is struck off. Joanne Daly. On hearing no response, the name is struck off. And finally, Brenda Portree. On hearing no response, the name is struck off.

I will now canvass the audience one last time to see if there are any other persons in attendance wishing to speak to the bill that is before the committee this evening.

Seeing as there are none, does the committee wish to proceed clause by clause with consideration of the bill?

**Mr. Laurendeau:** I would move that we conclude public representations, and that we ask the House leader

to set another date for the committee to do the clause by clause.

**Mr. Chairperson:** What is the will of the committee? [agreed]

Public representations on this bill are therefore accordingly closed. Committee rise.

**COMMITTEE ROSE AT: 2:19 a.m.**

**WRITTEN SUBMISSIONS PRESENTED  
BUT NOT READ**

Chair  
Standing Committee, Bill 26

We congratulate the government of Manitoba for its review of labour relations in Bill 26, The Labour Relations Amendment Act. We wish to offer our support for all of the attached amendments to Bill 26.

It has been the experience of our members that teacher federations in many provinces have deducted mandatory dues which are used in significant part to carry out social/political campaigns and objectives which are not endorsed or supported by many individual teachers. Those teachers have no recourse under the present legislation when their dues are used for such purposes. Of particular concern are the use of millions of dollars of professional dues to support public relations campaigns to oppose significant education reforms.

We urge the government to move expeditiously to protect the rights of individual union members through the amendments proposed.

Respectfully,  
John Triplett, President  
Teachers for Excellence in Education

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Report to Industrial Relations Committee on Bill 26  
Submitted by Yvonne Campbell, Public Service Alliance  
of Canada, Local 50021

As part of the great labour movement in Canada, I am appalled with the new amendments that are to replace the

legislation we now have. The amendments will dictate to all employees; employers will have a free hand to do what they wish with no recourse for the employees. At present, the employers are at least held accountable for their actions to employees, but this new legislation will entitle them to do whatever they wish with their employees, more so now than they could before. The legislation gives employees little or no recourse at the worksite.

The union that I belong to has and always has had an open door for any one of its members to see the finances of the alliance. As in all other businesses, they have a board of directors, regulations and constitutions that we all abide by. All financial records are audited annually and these are then passed to all components and locals to be distributed as per our by-laws. I know that all our members are privy to any and all of our financial statements. All corporates do not do that unless you are a shareholder. The government does not require financial statements from these companies, so why should the unions have to? I call this discrimination.

Union dues are used for union use and if this includes some political actions, this is no different than any company who donates a large sum of monies to their political affiliates which does include some shareholders' monies. It is quite well known that labour supports NDP and corporate supports Conservative and Liberal. So I ask you, what is the difference?

We would like to keep this good country of Canada free for speech, for independent business, for negotiations and keep it fair. The unions have a place alongside all other businesses. Do not let this happen to Canada. Keep it safe from dictators.

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Written Submission on Bill 26—The Labour Relations Amendment Act

The Labour Relations Amendment Act increases the power that employers are able to exercise over workers. Workers will have more trouble forming unions. Unionized workers will see their wages and benefits reduced as union bargaining power is decreased. Unions will be limited in their ability to implement their members' policies. There are six amendments in Bill 26:

1. Votes on union certification will now be compulsory.

Employers are only required to negotiate with a union if it has been certified by the government-appointed Labour Board. Currently, certification is granted if 65 percent of an employer's workers sign cards. The government will now require that a supervised, secret ballot be conducted every time a group of workers seeks to become unionized. This apparent expansion of democracy is actually an expansion of employer opportunities to harass workers.

In the United States a sophisticated antiunion industry has developed to advise employers on how to intimidate prounion workers in the period leading up to such votes. Employers may claim unionization will cause the company to move away. In some cases, employers have mounted telephone campaigns aimed at employees' families and intended to frighten them about the consequences of a vote to unionize.

The government has argued that the requirement that a vote be held within seven days of an application for certification reduces the opportunity for employers to mount an antiunion campaign. However, there are many ways in which a company can drag out the seven-day period. Currently, the Manitoba Labour Board does not have the resources to conduct supervised secret ballots within the seven-day requirement and the current government does not appear committed to increasing the number of Labour Board employees. The bill permits extensions of time for taking a vote, and this is what will happen in many cases.

It should be noted that this is the second time the Conservative government has changed the rules regarding union certification. Prior to 1991, certification was granted if 55 percent of the workers had signed union cards. It would appear that the government has now concluded that despite this increase, unions are still enjoying too much success in attracting new members. As a result it has chosen to take new steps to make it increasingly difficult for workers to unionize.

2. All unions will be required to file full financial and compensation statements annually and provide members and nonmembers with detailed financial information.

Choices supports full financial and compensation disclosure by unions to union members. Union members pay dues and are entitled to know how their money is being spent. In fact, most unions already provide members with audited financial reports.

This new provision goes too far. It requires full financial and compensation disclosure to those who are not union members. In addition, the requirement to provide detailed financial information to nonmembers leaves unions vulnerable to vexatious requests. Such provisions in the United States have required some unions to hire additional staff to respond to these requests. This is not how union members want their dues money spent.

There is no fairness in this provision. It could only be justified if the same disclosure requirement were imposed upon other institutions—corporations, for example. But no such requirement is being imposed upon corporations.

This provision will enable not only employers, but also consulting firms specializing in "union-busting," to have full access to a union's financial circumstances. Since unions have no such access to an employer's finances, the employer gains a considerable advantage.

3. Union members must be informed by their union any time the union intends to use dues for political purposes, and each member must have the right to choose not to have her or his union dues so used.

This is another provision which, on the surface, appears to advance democracy. Upon closer examination, it erodes the democratic process. As democratic institutions, certainly more so than corporations are, unions' elected leadership ought to be able to act upon the political and social policies that union members have endorsed at union conventions. They can change the policy, and they can vote the leadership out of office.

This is how representative democracy works in Canada. If union members are dissatisfied with the political purposes to which their dues are put, they then open the question for debate within the union. As this piece of legislation makes clear, the government policy can have tremendous impact on unions, yet the

government is limiting a union's ability to involve itself in political life.

It should be noted that the government is not allowing taxpayers or shareholders to opt out of government or corporate political campaigns with which they do not agree.

4. The government can require that a vote be held on an employer's latest offer prior to a strike, or an employer can request that a vote be held on its latest offer prior to or during a strike—in both cases, irrespective of the wishes of the union negotiating team.

This provision undermines the essence of collective bargaining: namely that the employer is required to bargain with an organization which has been selected by the workers. This amendment encourages employers to negotiate in bad faith and then carry on public relations campaigns designed to split the union. It demonstrates a complete disregard for internal union democracy. Union members elect negotiating teams and determine union negotiating positions. Employers must be required to negotiate with workers' democratically elected representatives.

5. Access to expedited arbitration will be limited. Expedited arbitration ensures a speedy resolution of disputes arising from the disciplining of unionized workers. It is based on the principle that justice delayed is justice denied. It was introduced because the standard grievance procedure has, over the years, become a drawn-out, complex and expensive process. This is contrary to the original purpose of grievance arbitration, which was to create a quick and transparent means by which to resolve workplace disputes. The decision to limit the use of speedy grievance arbitration will deny many wrongly disciplined workers access to speedy justice, and thereby encourage employers to be increasingly arbitrary in their treatment of workers.

6. Any infraction of the law by an employee during picketing can be considered just grounds for dismissal.

Picket line violence is a rare phenomenon in Manitoba. Those who engage in such violence are subject to prosecution under a variety of federal and provincial laws. One is moved to ask what problem is the government trying to address? This provision is placing striking workers in double jeopardy—if convicted by the courts of a violation of the law they can be subject not only to fines or imprisonment, but also to the loss of their job.

The real effect of this legislation is to increase worker anxiety about the possible implications of strike action. For most workers, going on strike is something that they enter into with considerable trepidation. The knowledge that job loss could arise from a picket line incident is likely to cause them to vote against strike action and to decline to show up on the picket line. In short, the government is attempting to intimidate workers, not maintain order on picket lines. The right to strike is a cornerstone of collective bargaining and of trade unionism itself. Using dismissal for strike-related activities adds to the erosion of this key civic institution.

Dismissal is too harsh for minor infractions of the law. We anticipate many instances where the penalty will not fit the crime. The likelihood of picket line provocation increases, given that an employer could fire a worker for violations of the law.

The government argues that this bill advances the democratic rights of individual union members. In the name of individual rights, it erodes the capacity of workers' democratically elected representatives to act in the interests of the people who elected them. Unions protect the rights of employees by placing limits on the arbitrary power of employers. Bill 26 undercuts the representative form of democracy which characterizes unions.

Jim Silver  
Choices