

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS
Thursday, March 1, 1990.

TIME — 8 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Edward Helwer (Gimli)

ATTENDANCE - 10 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Derkach, Enns, Hon. Mrs. Hammond
Messrs. Ashton, Burrell, Cheema, Helwer, Plohman, Rose, Ms. Wasylycia-Leis

WITNESSES:

Mr. Paul Williamson, Private Citizen
Mr. George Smith, Canadian Federation of Labour, Local 111
Ms. Lorraine Whiffen, Private Citizen
Mr. Art Demong, Private Citizen
Mr. Grant Ogonowski, Private Citizen
Ms. Shelley Spak, Private Citizen
Mr. Terry Turcan, Private Citizen
Ms. Shirley Hamilton, Private Citizen

MATTERS UNDER DISCUSSION:

Bill No. 31—The Labour Relations Amendment Act

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Clerk of Committees (Ms. Patricia Chaychuk-Fitzpatrick): Order, please. Will the Committee on Industrial Relations please come to order? I have before me the resignation of Parker Burrell as Chairperson of this committee. Are there any nominations for the position of Chairperson? Mr. Burrell.

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

Madam Clerk: Mr. Helwer has been nominated. Are there any other nominations? Seeing there are no further nominations, Mr. Helwer is elected Chairperson.

Mr. Chairman: This evening the Standing Committee on Industrial Relations will resume hearings, public presentations on Bill 31, The Labour Relations Amendment Act.

If there are any members of the public who wish to check to see if they are registered to speak to the committee, the list of presenters is posted just outside the committee room. If members of the public would like to be added to the list to give a presentation to the committee, they can contact the Clerk of

Committees, and she will see that they are added to the list.

If we have any out-of-town presenters, or any presenters who are unable to return for subsequent meetings, please identify yourselves to the Committee Clerk, and she will see that your names are brought forward to the committee as soon as possible.

Just prior to resuming public presentations this evening, did the committee wish to indicate to the members of the public how long the committee will sit this evening? What is the will of the committee? Shall we aim for eleven o'clock then at the latest? Okay.

We have one presenter, who is No. 3 on the list, who has to leave as soon as possible. Would it be the will of the committee if we ask him to present first? Ms. Wasylycia-Leis.

Ms. Judy Wasylycia-Leis (St. Johns): The question, when we adjourned this morning, we were in the middle of a Mr. Paul Williamson's presentation and we were concluding our questioning. I am not sure how he feels, as long as I think he is up fairly early.

Mr. Chairman: Okay, he is on the list here. Do we want to finish him before we start with this other one? Is that the will of the committee? Okay. Paul Williamson, would you like to come forward, please? I believe you have made your presentation, but there were some questions by Ms. Wasylycia-Leis, so please proceed.

* (2005)

Ms. Wasylycia-Leis: Mr. Chairperson, I believe when we adjourned we were in the process of discussing your comments, or I had at least raised your presentation and was seeking your views from your perspective as a north ender in Winnipeg. I think we were talking a bit about the tradition in the north end of Winnipeg for progressive legislation and the kind of leadership that community had provided generally in terms of labour management disputes and so on. Perhaps, if we could pick up on that whole area—I am wondering if you could indicate if you sense that there is significant community support in the north end, at least in the community that you are familiar with in the north end, for final offer selection.

Mr. Paul Williamson (Private Citizen): Yes, I do. I am basing that on having through my involvement in the north end community because I am a single parent with a 12-year-old son who is involved in sports. I know many parents. I am involved in the community club and I am involved in many community affairs in the north end of Winnipeg. I have taken the opportunity, since I have taken on the task of dealing with the question of FOS and in the past as well, but more specifically lately of talking to people about final offer

selection, talking to them about it, as I said this morning, certainly from my standpoint and my viewpoint, of the value of final offer selection.

Many of the people that live and work in the community that I live in were involved in the Westfair situation because basically we have three major food stores available to us in the north end. There are three Safeways, there is a SuperValu and an Econo-Mart.

There was good support in the north end for the Westfair picketers. A lot of people in the north end still do not shop at Westfair stores because of their high involvement in the community and their basic social conscience that exists in the north end. I have talked to them about final offer selection, their views of it. Certainly I have had some people admit to me privately that, in the last election they were kind of annoyed with the Party that was governing at the time. Things like Autopac and things like that come up, but that they did not vote for the people they voted for so that they could repeal a labour law that would potentially assist in not creating another situation such as Westfair. I think there is good community support and I intend to pursue that further as a private citizen, as a resident of the north end, because I am extremely concerned about this.

Ms. Wasylycia-Leis: Just following up on those comments and given that the north end has been home of a lot of activism on the labour front, has certainly been the location for considerable conflict around labour management issues, do you sense that there is a willingness on the part of north end residents to try new ways in terms of resolving labour relations disputes, to seek new models through something like FOS that lend themselves to more co-operative consensus-building models and solutions?

* (2010)

Mr. Williamson: Most definitely. One of the reasons that I chose to live in the north end is exactly for that reason. I am a labour activist. I identified myself as that this morning. I have lived in River Heights, I have lived in North Kildonan, I have lived in Charleswood. They are not exactly hotbeds of unionism. They are not exactly hotbeds of labour activism. That is why I have chosen to live in the north end and raise my child in the north end because I do sense that community is much more aware of issues, much more innovative in terms of their approach, and much more willing to try things.

That is one of the reasons, only one of the reasons but certainly, a fairly significant reason in my life because of the way I live my life that I have chosen to live in the north end and yes, it definitely exists. There is definitely support for things such as final offer selection.

Ms. Wasylycia-Leis: Could I take it from those remarks or could you comment on what I would sense, from what you have said and my own experience, that there is an interest on the part of residents in the north end and probably elsewhere to move towards, not only less conflict, but move away from prolonged difficult strikes

and to see if there are ways to resolve labour disputes on a more quick, pleasant basis?

Mr. Williamson: Very emphatically, yes.

Ms. Wasylycia-Leis: You hinted at the politics in the north end and I think at the tradition for north enders voting for progressive individuals and how, when our political Party does not always live up to those standards, they are booted out of office. You also mentioned earlier in your remarks that north end people are tending to question the kind of support they gave to the Liberal Party in the last election and, in particular, because of things like actions around repeal of final offer selection are concerned that Liberals are talking like New Democrats but acting like Tories. I want you to comment on that because we do have a Liberal Member from the north end here at the committee tonight, and I think there is a real concern, if not on—

Mr. Chairman: I wonder if I could just remind you that we would like to keep the questions that pertain to the presenter's brief and try to be as straightforward as possible, to question, not to get into a debate with the presenter.

Ms. Wasylycia-Leis: Certainly, Mr. Chairperson.

Mr. Williamson: I did not consider that she was debating with me, if my opinion counts.

Ms. Wasylycia-Leis: I was quoting from a comment that the presenter had made this morning in terms of the politics around this issue. We have had many presentations that have focused on this issue from that aspect, because there is a feeling that they have pursued all other arguments and are hoping, by making some political arguments, that we may be able to change the minds of, perhaps not Conservatives, but hopefully Liberals on this matter. My question is simply, based on that, is it likely that this is a significant political issue in the north end and that it could have major ramifications in terms of Liberal fortunes and that this issue will play quite seriously and in a major way in the next election?

* (2015)

Mr. Williamson: Yes, most definitely, and it is sort of almost a sweet and sour issue for me, because very clearly there was a Party I supported, a Party I worked for, in many different elections and between elections as well, and I think it would be very easy to predict that on an issue such as final offer selection, if it does die, if the Liberals do not see their way clear to change their mind and have the courage to do so, that an election could be won by somebody else, by some other Party in the north end. That is part of the equation for me. There is another part of me that just generally, because I do support another Party, I would sort of like to see the Liberals lose under any conditions, but not under losing it on final offer selection, because it is extremely important.

I cannot lose sight of what I am, which is a labour activist. I cannot lose sight of the labour activity I have

been involved in; I cannot lose sight of the hardship that I have seen caused by labour strife. I cannot lose sight of the fact that final offer selection is an alternative to settle disputes. It is an alternative to drive parties towards a collective agreement achieved in a peaceful manner. It is a good, innovative alternative, a good bargaining tool for both sides. I do not want to lose sight of that. Yes, most definitely, I think it is a hot political issue in the north end and I hope the Liberals see that, because if they do not, they are really looking at this thing through, I cannot use the word rose-coloured glasses, but they are certainly not seeing the issue as I do.

Ms. Wasylycia-Leis: Just on that whole issue of it being a fairly major hot political issue, would it be your opinion that it would be more of an issue, and more of a hot political matter, if it is seen by the people all over, but particularly in the north end, as something that is being taken away from them, something that they have had, that they are attempting to work with, and have had it pulled or yanked away from them before it has been given a decent trial run, as opposed to something that is allowed to at least live out a proper term, in terms of a trial kind of period? I ask that because I think it is another area where perhaps we could be looking at, or trying to persuade Liberals in terms of movement on this issue. Is it more of an issue because right now it is something that could be taken away from them as opposed to live out its term and live up to the sunset provisions?

Mr. Williamson: It is such an issue that my personal commitment, which I made this morning, and it is a personal commitment—I am not talking on behalf of an organization—is that I am going to make sure that if final offer selection does go down the tubes as a result of Bill 31, and as a result of certainly the Member for the constituency I live in and neighbouring constituencies in the north end, I am going to make sure that, with myself and some of my other political activist friends, we make sure that each and every household is informed in some fashion, be it a one-page leaflet drop that we do, that final offer selection has disappeared, and why, and who is responsible for it.

Ms. Wasylycia-Leis: On that, would it be fair to say that, and I am raising this in the hopes that perhaps you can make a better appeal to the Liberal Party than we have been able to, that it would be less of a political issue if we could find some compromise in terms of giving this legislation and this mechanism a proper lifetime existence, a proper trial run, a proper provision around a sunset clause?

Mr. Williamson: If it was massaged in the area of sunset clause, that does not totally make me happy. What I would like to see happen with the sunset clause is the sunset clause disappears and the legislation is just on the books. But if it is massaged in the area of the sunset clause, I would have to find that, No. 1, personally acceptable, and No. 2, it would not be as hot a political issue. I think, no matter how long it is in place, it is going to stand the test of time and hopefully somewhere

down the road cooler heads will prevail. Hopefully, they will prevail in the next few days or weeks, and hopefully they will prevail further down the road, and we will not be dealing with this issue again, because it is good legislation. It is legislation that is friendly to workers.

Ms. Wasylycia-Leis: In your presentation this morning, you focused quite a bit on not only this FOS being a useful tool in terms of—and a creative, innovative way to go—in terms of labour relations, but you also talked a lot about family issues, and how traditional labour dispute mechanisms can sometimes be quite destructive on the family, and on the quality of life in the family and in our communities. I think that is also something that Liberals will have to think very seriously about because they do talk a lot about family values and about equality for all members in our society. Could you elaborate a bit on the importance of that in terms of this whole issue?

* (2020)

Mr. Williamson: As I said this morning, one of the situations that never gets reported, and it is the type of issue where you have to be there to understand it, is in a labour dispute there are family tensions to the extent, and I am aware of many family situations, where the family is split.

I am aware of many family situations where that split has not yet been healed and may never be, on the basis of the fact that one of the people is involved in a labour dispute, and the partner and the children—be it male or female, it does not really matter—really cannot relate to what that person is going through, and why they are doing this, and why there is a shortage of money and a shortage of food, and calls from creditors, and things of that nature.

Things like that never get reported, and you read about strikes in the media or you see strikes in the electronic media, or hear about them on the radio, and what you see is just the very peripheral outside edge of a strike. There is a human price that is paid by everybody. There is a human price and there is a family price that is paid. It is something, and I certainly do not mind sharing my personal experience, it is something that I shared in 1978 because, as a person who was involved in a strike as a staff representative, my personal philosophy was that I chose to accept strike pay rather than regular pay because I do not believe you can lead people in a strike situation.

So that was my personal philosophy, and it certainly put a very severe strain on my family, my children, and my then spouse. I am not suggesting, I earlier said I am a single parent, that my marriage ended on that basis. There is probably a lot of reasons. I am probably really hard to live with as a labour activist, but that certainly put an incredible strain on our situation. I have seen that time and time and time again. It is a price that families split, brothers do not talk to brothers, sisters do not talk to sisters, parents become angry with children, children become angry with parents, and it just does not get reported. You have to be there.

I said earlier, for the benefit of those of you who were not here this morning, that there may be some

people, I know Mr. Ashton, because I have heard him speak about it, has been involved in strike situations, but probably most of the people in this room, or at least sitting at that table, have not.

Ms. Wasylycia-Leis: On a related, but broader issue. I am going to take a bit of a leap here and ask you a question about a thing that I have been focused in on. It does not really come out of your brief, but I would like to hear your views.

I think that we are seeing everywhere, whether we are talking about the family, community, labour relations, politics, there is a growing sentiment and movement to find more co-operative consensus-building approaches to decision making. It seems to me that is happening as well that the trades union movement itself is going through that process, and I would see final offer selection as proof of that evolution in thinking and trying new approaches.

Is it fair to say that the labour movement has done some soul searching in terms of looking at traditional ways of resolving labour disputes and perhaps decided that maybe we have been a bit too much focused on competitive, macho, conflictual-type relationships and not enough on co-operative consensus-building models and that, in fact, FOS does reflect some of that new thinking and could provide a leadership to, not only management in terms of this issue, the other side of this equation, but also society more broadly?

Mr. Williamson: Yes, most definitely. When the labour movement first started struggling with the issue of final offer selection, I referred this morning to the struggle that we went through, and I referred to where we are at at the present time.

Again, for the benefit of those who were not here this morning, my current task has been to co-ordinate some activity on behalf of the Federation of Labour in the area of final offer selection. I have surveyed and discussed and communicated with every one of the unions that was involved in the debate in 1985 and again in 1987 and to a union. All unions are now opposed to the repeal of final offer selection, and many of them spoke long and spoke hard and spoke vehemently against it in 1985 and at the Federal of Labour convention again in 1987.

I think some of that, and only some of that—there were reservations expressed by different organizations—but some of that was that whole macho image that, we are trade unionists and all we really do to get our way is, if we cannot get it at the bargaining table, then we get it on the picket line.

* (2025)

I know personally for myself as a person who has been involved for 25 years, it was not the easiest thing in the world to think of arbitration, because arbitration with respect to contract bargaining is something that is totally foreign to me. It is something that I find repugnant. It is something I am not really interested in. So I certainly had to look at my inner self in terms of, again, the human price that is paid in a strike

situation. I have been involved in a number of them. I only focused on one this morning, the Liquor Commission strike, and I have talked a bit about the Westfair strike, where I did play a role.

But the human price that is paid and not only by the people who are involved, but by the employers that we are dealing with, by the public who are being served by the particular entity that we are dealing with, and I am excited that I and others were able to take that look. Call it a leap of faith. Try something new, try something innovative, and the experience has been extremely good. Yes, most definitely, in answer to your question.

Mr. Chairman: Ms. Wasylycia-Leis, before you proceed, I just want to advise you, we have a number of other presenters who are here this evening who would like to leave early. So just try to get your questions to the point. I think we are just going in circles on this one anyway, and we are adding nothing new to the record, so please ask your questions if they are important and let us try to move on.

Mr. Williamson: Well, actually, I thought I was saying all new stuff. Perhaps you are not listening.

Ms. Wasylycia-Leis: Actually, I have only been at a few of these hearings, so forgive me if I am repeating any issues, but I do not believe others have focused a great deal on the whole question of the new values of the '90s in terms of co-operation and consensus building and the perspective that is being brought to this debate from the women's movement and the labour movement. At any rate, I was about to say that I have one further question to Mr. Williamson.

Mr. Williamson: I have one further answer.

Mr. Chairman: Please proceed then. I would appreciate if you would speak when I recognize you, Mr. Williamson, so the mikes can be turned on. Thank you.

Ms. Wasylycia-Leis: My final question, Mr. Williamson. You just mentioned you work presently with the Federation of Labour. As an individual trade unionist, you have served many different positions and worked in a variety of different capacities. You presumably either were here for the brief or read the brief by the Manitoba Federation of Labour. I wanted to ask you your views on that brief in terms of the support offered by the Manitoba Federation of Labour with respect to the present final offer selection legislation.

Mr. Williamson: We like final offer selection just the way it is. The thing we hope to see at some point in time is that the sunset clause disappears and the legislation becomes part of the Act as it rightly should.

Mr. Chairman: Mr. Rose, do you have a question?

Mr. Bob Rose (St. Vital): Mr. Williamson, I listened to your presentation this morning—

Mr. Chairman: Mr. Rose, I wonder if you could speak into the mike, please.

Mr. Rose: Thank you for coming out. Obviously you have done a lot of spade work on this subject and you have talked to a lot of people. I am going to ask you a couple of questions from a personal standpoint, not from perhaps a Party standpoint. One thing that is worrying me about this whole matter is the almost complete disinterest by the public on this. Usually when we get media and so much attention to a Bill, there is feedback from the public. In saying that I want you to recognize that I represent St. Vital.

There are pockets in St. Vital that are not unlike the north end of Winnipeg and certainly a lot of regions of Winnipeg, especially if you get around—well I will not mention the districts, but I think you know what I mean. I must say that in my critic's role I spend a great deal of time in various parts of the city and particularly in the north end. As a matter of fact, if I get relieved a little later on, I will attend a meeting in the north end.

You did say there is a lot of support for FOS from the people you have talked to. I would like to know for my own edification just what kind of numbers of people you are talking to, and if indeed, when you are approaching them, you are finding a disinterest in it or the sort of thing I find. When you say FOS, and the people say, what is that, and you say, final offer selection, and then you describe it to them and they sort of shake their head. I am talking about all walks of life. I am just wondering if you could enlighten me as to what sort of atmosphere you are having and if you are coming across people, no matter what the numbers are, on both sides of the issue, or indeed neutral on the issue.

* (2030)

Mr. Williamson: What I found is basically two types of situations. I found people who have either directly or indirectly—and I am talking community-based now, I am not talking within the labour movement, in terms of activists—been affected by final offer selection, indirectly to the extent that a member of their family might have been involved in a situation where final offer selection was applied for and invoked and maybe went through to the end—I have run into some of those—or assisted in a situation where a collective agreement was achieved prior to a selector being appointed or a decision being made.

So they have some knowledge of final offer selection. To the greatest degree I have run into a lack of knowledge of final offer selection, I have then taken the time to explain to people how final offer selection came about, what final offer selection is designed to do. I have certainly given them my point of view of final offer selection, and I have finished that off in all instances by telling them what is happening to final offer selection. It is at that point that I feel very comfortable with the support base that exists with respect to final offer selection.

Unfortunately, the vast majority of people find out what is happening in this particular building, and I am not knocking the media, but they find out by different arms of the media, and perhaps do not really understand the issue. Also, I have run into some people where—and some people have—I have suggested to

people that they register to speak to this committee. In some instances people have. In a lot of instances they are totally intimidated by this process, and this building, and people such as yourself. I know you are just a Bob Rose wearing rose-coloured glasses.

Mr. Rose: I thank you for that answer, and I know the type of questions you have to—I sort of do the same thing when I talk to people, except I do not give them my point of view, because then I would probably be getting a, you know, not an objective answer. I am sure that I am not criticizing you, but I am sure that you give them your point of view after you find out what their position is, and you sell them on that. We only differ in that regard.

I was wondering, we brought up the question of clerks, particularly cashiers at the major stores, Econo-Mart, SuperValu, and Safeway. We know that the bargaining process that went on last time and the very ugly strike they took part in. I know I witnessed many, many occasions, police cars and what have you. Have you had, Mr. Williamson, an opportunity to question those people that were on both sides of that, like, for an example, cashiers at Safeway and cashiers at SuperValu, to see how they feel about FOS, and indeed whether they have a knowledge of it and whether you have some sort of feeling directly from them—people who witnessed the whole situation first-hand when the strike was on?

Mr. Williamson: The answer is yes. First of all, with respect to Safeway workers, they have never accessed final offer selection. The last strike, in my memory, in Safeway, was in 1978. However, with respect to Westfair, there was the very ugly strike of 1987. What I did in my current role, which I took on a few weeks ago on behalf of the Manitoba Federation of Labour, to do some co-ordination in the area of final offer selection, was I made it my business to, No. 1, refamiliarize myself with a lot of the people that I met in my role as a strike support co-ordinator during the Westfair strike, to talk to them about their views of final offer selection now that it does exist.

I also, as I indicated this morning—and I am sorry for repeating myself, but I am doing it for the benefit of the Member who was not here this morning—played a role, as limited as it might have been, in the last Unicity strike, where final offer selection was applied for in the 60- to 70-day window. They were not eligible for final offer selection, part of that because the contract expiry date and the enactment of the law did not allow for an application prior to the expiry of the collective agreement. I played a role in that particular strike as the chairperson of the strike support committee for the Winnipeg Labour Council.

I took the opportunity to talk to people about their feelings about being on strike, and their feelings about final offer selection. So yes, I have talked to lots of people; I have talked to lots of workers. I have also sat here most mornings, evenings and weekends, listening to the presenters. There have been a litany of presenters who have been involved in Unicity, in Westfair. We have had a couple of people from Safeway who, as members of Local 832, were involved in some

fashion, in a kind of an indirect fashion, in both those situations that I have referred to. So, yes, I have spoken to many people. Their attitude about final offer selection is, do not take it away.

Mr. Rose: Mr. Williamson, this is just an aside. I talked today, by accident, to both sides of the people on the Unicity strike, and they both told me they did not like FOS, but we do have an unusual labour relations problem at that particular company. I guess what I was really trying to zero on is that after the SuperValu strike there were employees that were employed to fill in during the strike, and they continued on because many of the employees had found other jobs, or what have you. They continued on, and I know there was a lot of strife between them and a lot of bad feelings. As a matter of fact, we heard from some SuperValu employees last night who said that some of the wounds anyway were healed and there was a better camaraderie.

I just wondered if you were talking to those people, if you could distinguish from such that if those people who were not previous to the strike members of the union at SuperValu, if they have the same sort of feeling for FOS at the present time as those employees who were on strike. I know that is a rather unfair question, but if you could answer it, I would appreciate it.

Mr. Williamson: Let me start my answer by saying that I have spoken to people who were involved in the strike from both sides in 1987, those who were walking the picket line—those are the good people—and the scabs—those are bad people—who remain as employees of Westfair Foods. The common theme that runs from those people is that Westfair is not the greatest place to work, even today in 1990.

I think some of those scabs have found out why those people were out on a picket line in 1987. A lot of those people have become very supportive of the union that exists at Westfair Foods, Local 832 of the United Food and Commercial Workers, and are interested in the upcoming round of bargaining and are extremely interested in final offer selection as an alternative, because those who picketed and those who crossed do not want to go through another situation such as they went through in 1987. They see final offer selection as being a bargaining tool, an alternative to avoid an ugly situation. The struggle does continue, and I said that this morning and you have heard that from Westfair people. The struggle does continue. It is not a bed of roses. I do not know why I keep using the word “rose”, talking to Bob Rose. Sorry, Pat.

Mr. Chairman: Are there any further questions? Mr. Rose.

Mr. Rose: It was not really a question, Mr. Chairman. I just wanted to thank Mr. Williamson for coming and very much for your candid answers. I appreciate that.

Mr. Chairman: Thank you very much for your presentation, Mr. Williamson. Our next presenter is George Smith, who has to leave early, so we will take him first here. He is No. 3 on the list of your presenters.

Just wait till we distribute your brief and then you may start, Mr. Smith. Okay, everyone has your brief. Please proceed, Mr. Smith.

Mr. George Smith (Canadian Federation of Labour, Local 111): My presentation here today has been to paint, with a broad brush, the growing and fascinating social phenomenon of alternative dispute resolution called ADR. ADR grew out of the need to find alternatives to the high human and economic costs associated with court trials and strikes as a means of resolving disputes.

The alternatives are now generally understood under three broad categories of negotiation, mediation and adjudication—court or arbitration—with dozens of types of hybrids of these three major forms. Final offer selection in Manitoba is a prime example of ADR.

ADR has grown to be applied from interpersonal to international matters, including collective bargaining, and is gaining acceptance and prominence in industries on a universal scale.

* (2040)

In its most recent history, the ADR movement in the United States is acknowledged to be an extension of the legal reform movement of the 1960s, including creation of legal aid clinics and many procedural reforms. Citizen-based programs began to emerge as people input ways to resolve their own disagreements and those with merchants in a more commonsense manner. In the '70s broader questions were raised about the suitability of the litigation process itself, due to intolerable delays and costs in corporate commercial business relations both with other businesses and customers. School-based mediation and conflict skills curriculum began to appear.

In 1976, a major conference was held which focused on these issues followed by declarations of support for finding alternatives from persons of stature, including the Chief Justice of the United States Supreme Court, who made his famous declaration, “There must be a better way,” when he was referring to disputes.

The modern Government then began to encompass an even more profound look at the negative consequences of the adversarial attitude to personal relations in the corporate commercial world and to finding alternatives to respect the dignity of ongoing relations with other business and their customers. In the public realm, the alternative dispute resolution process and principles found their way into helping settle differences between the corporate and Government sectors of the community.

That builds the backdrop that brings me here today. There are over 50 private organizations now supplying ADR services, over 40 states with legislation, and hundreds of community-based groups. Almost half of the senior executives of the top 2,000 fortune companies have signed ADR pledges seeking to settle, not sue, upon strife. Indeed, business leaders, especially in franchising, contend that the commercial world is essential towards achieving world peace.

With the labour management relations so connected to the entire spectrum of the business community, the

opportunity for this Government, this Manitoba Government, to take the lead in helping to make this effort more coherent, is very enticing. It should also be enticing for the Members opposite.

The understanding grew to include executives implementing these developments within their own industries. Conflict resolution as a theme became adopted as a socially useful goal, benefitting all tiers of society, with various industry leaders pioneering reforms and programs in their own spheres of influence, with positive economic and personal results for themselves, employees and consumers in recognition of their social consciousness.

Union management—the USA is an experience I would like to refer to. A leading example is in the coal industry where wild cat strikes by United Mine Workers plagued the industry in the '70s, and by March 1980, labour management relations at Coney Creek in eastern Kentucky were a problem. It was probably the most strife-torn at the time. Dispute resolution experts were retained, and after conducting dispute analysis according to the expertise developed in the new field, advised as to new procedures which eventually resulted in a great reduction of strikes, almost an elimination of grievance backlog and improved employer-employee relationships described by one official as a 98 percent improvement.

By the analysis of the cause of the disputes, both in terms of events, circumstances and individuals in the designing of an appropriate and effective dispute resolution system, that particular mine not only became more profitable, but the mistakes and experiences were then applied to others in the coal industry and then to union management issues generally. Again, this industry history provides example for others. As the experts involved concluded, in a book dedicated to this story, they believe the field of dispute resolution system design is in its infancy, and other professionals will soon realize that it will be in their best interest to make dispute resolution methods, both negotiation, mediation, arbitration and their many forms, such as FOS, an essential tool in the handling of disputes in their industries.

In Canada in 1979, a conference took place to investigate the question of costs and to better the administration of justice, the underlying issue in these matters being an improvement of people's access to justice. Again, however, in Canada the questions are on the wave of being elevated to a search for not only a better quality of justice, but a better quality of life. Accordingly, involvement of leaders of business, labour, legal, Government and community are becoming increasingly important and respected.

The dispute resolution clause in the Canada-U.S. Free Trade Agreement gained wide coverage. Every province in Canada has now adopted the United Nations International Arbitration Model law. In Toronto in 1988, the Attorney General of Ontario convened the most complete conference on these questions ever held in Canada, indeed one of the most comprehensive in the western world. Quebec and British Columbia each have newly completed international arbitration centres, which cause disruption to the harmony and effective

enjoyment of day-to-day living in all of—I am sorry, this is typed incorrectly.

In August of 1989, the Canadian Bar Association's special task force on ADR submitted its report endorsing the entire ADR movement, supporting the involvement of the legal profession as an interdisciplinary approach to problem-solving and encouraging all industries to apply the attitudes, principles and processes inherent in the ADR philosophy to their own spheres of influence, which for some is already compatible.

Underlying this whole field is enhanced communication skills and a change of attitude. In the world of industrial relations, the thesis will be that the new approaches, creative ideas, skills and processes emerging from the methods of negotiation, mediation and arbitration already well known in that field will be of exceptional benefit to those in the industry. People in industry are looking at ADR as a method for improving profit, for improving the industrial relations and for improving relations with their employees with their customers, with everybody that they do business with.

In a larger sense, these new models to old ideas will help point out the way for labour-management relations to become a major participant in the goal towards a more stabilized society and world peace—interesting typographical error—by appropriate adoption of state-of-the-art conflict resolution principles and processes.

There is a lack of progressiveness in Canada with respect to ADR, specifically in the field of labour relations, and that is another reason why I am here. It is very important. This is a progressive piece of legislation that we have before you today. Apart from some limited preventative mediation projects, there is no real leadership in Canada for ADR, with the exception of the FOS legislation now before this committee, currently in the process of being repealed. There is no leadership in Canada, with the exception of this legislation.

To date, 72 applications received, with the status as follows. I am sure this committee has seen these statistics, and I will spare you the time, but clearly by our own statistics—and when I say own, they belong to all of us in Manitoba—ADR is working in Manitoba through the process of final offer selection. In the aforementioned August 1989 Canadian Bar Association task force, the authors of the Alternative Dispute Resolution: A Canadian Perspective, all leading experts in Canada, pointed to a disappointing dichotomy. On one hand there is significance to labour relations contribution to a healthy Canadian society, since it is not surprising that “labour-management co-operation has long been entrenched in the vocabulary of Canadian industrial relations,” but on the other hand, “despite this ideal there is widespread acceptance that Canada's labour relations system has been extremely adversarial in nature.” The report identifies some preventative grievance mediation programs which exclude lawyers and quality of working life programs, both laudable but with limited success. The implications are profound and more pro-activist measures are encouraged by leaders in this field.

* (2050)

I hereby appeal to this Government and to this committee to maintain this progressive legislation, because it is progressive in Canada; it is on the leading edge of something that has been known for some time in the United States, and I would suggest, which I have already suggested to the Minister personally before, that the major users of The Labour Relations Act form an advisory committee to study the current legislation and if necessary recommend improvements to the legislation that all parties can live with. It is the objective of the Canadian Federation of Labour to work with business and Government to make ADR work in Manitoba through FOS.

I would like to point out that the first biannual Canadian Conflict Resolution Forum is going to be held in Canada in July of 1990. I really believe, Mr. Chairman, that to reject this legislation now would be folly. It is working and it is another tool that can be used by both sides to the collective bargaining process. I would sincerely hope that this Government can take a leadership role and the Members opposite can take a leadership role in this progressive legislation by maintaining it until the sunset provisions and forming committees to work where there seem to be some differences.

I have never heard anybody really say that the whole piece of legislation is no good, it is garbage. It is good legislation. It is an alternative to strikes. It is an alternative to abuse. It is an alternative to hurt feelings and what goes on on the picket lines. You have a golden opportunity to do something positive with it, not to appear to be anti-labour or anti-people or anti-progressive methods.

At first blush, when this legislation was introduced, I was one of the people not in favour of it. We did not necessarily actively speak out against it because there were mixed feelings within the labour community, but I personally was totally against this Bill, simply because I felt that it weakened labour's hand at the bargaining table—not strengthened it, weakened it.

But you know if we are going to progress and we are going to look for ways to make labour legislation that fits both business and workers and Government, then maybe we have to look to ways of alternate methods, ADR, to strikes and conflicts.

It is interesting, I have had one experience with this legislation. I was bargaining a collective agreement and the lawyer who was acting on behalf of the company—who will forever remain unnamed—was David Newman. David Newman really hates this legislation and I can tell you why. The issues that were before us on the bargaining table were simple issues to resolve, but the company was depending on Mr. Newman's advice as to the bad proposals on the table and I could see a long drawn-out set of negotiations. I could see my members being locked out or possibly having to take a strike. In this industry we have never had a strike.

I applied for FOS. At the very next meeting I got a settlement with Mr. Newman and the company. You know, it reminded me of a cartoon I once saw. It was a cartoon of a cow, and at the front of the cow labour was pulling on the cow, trying to move it ahead. At

the back of the cow was management holding it by the tail, pulling it back. In the centre was a batch of lawyers milking that cow.

I have to tell you, I just get the feeling sometimes from some of the quarters and from some of the presentations that they really do not have the best interests of the people of Manitoba in mind, and what is good for the people of Manitoba. I am not just talking about the northenders. I grew up in the north end. I know what it is like to live in the north end. The sentiment my brother expressed, coming from the north end, also comes from St. Vital, where I now live. My members and the council of labour I represent have prompted me to come here today to speak to this issue in positive ways and try to encourage this committee and this Government to make changes.

I would encourage the Liberals to rethink their position, because we do not want a political or emotional decision made with this piece of legislation. We want an intellectual one. That is all I have to say.

Mr. Chairman: Thank you. Mr. Ashton. Mr. Rose.

Mr. Rose: Thank you for your presentation, Mr. Smith. I am sure glad I did not go through to be a lawyer.

In the last page of your brief you say that you would recommend an advisory committee to study the current legislation and recommend improvements to the legislation that all Parties can live with. I would be interested in knowing your thoughts on what kind of an advisory committee you would envision when you make that statement.

Mr. Smith: A committee made up of equal representatives of both labour, management, Government and interested parties that could study the legislation and make recommendations to the House and to the Government as to where areas may be improved, changed or amended, not ripped apart. Maybe that committee will come back after it has been in for another two or three years and recommend to leave it alone because it is working.

We are now facing in Manitoba, I read in the newspaper, the heaviest set of collective bargaining coming up January 1, major collective bargaining in this province. Why would you want to hoist this legislation before that bargaining is through? If you really want an honest reading, let it sit. Let the parties use the legislation to assist them in arriving at a fair and honest collective agreement.

Mr. Rose: Mr. Smith, you say that you at first were against FOS and now when you have seen it in practice you are in favour of it, certainly very much so from your comments. You would think there would be a advisory committee.

In your close perusal of what has gone on so far with final offer selection—and I hope this is not unfair questioning, and I am not going to ask you to cite specific examples—do you already, by your own comments, see in your own mind some places where you would like to see changes and improvements on

either side? Would you be interested in sharing those with us if so?

* (2100)

Mr. Smith: I like the legislation the way it presently reads, personally, because it is obvious to me from the statistical data that it is working.

That should not preclude any Minister or any Government because it appears that this has become such a political issue. Clearly it is a political issue, it is not a common sense issue, it is clearly political. To say anything else would be not exactly telling it like it is, but because it has become such a political issue, I think it could be incumbent on the Government to set up an advisory body to come up and study the areas where people who have presented here, who oppose the legislation, can sit down with people in an honest forum and say, this is why it is not working, or this is why it is working.

In the time that the legislation has been in place, and I know many other labour representatives, and in fact management representatives that I speak with from time to time, kind of begrudgingly in some cases, have to admit that the legislation appears to be working. Why hoist it now when we are facing the heaviest set of bargaining in this province over the next year or 18 months?

Mr. Chairman: Are there any further questions? Mr. Ashton.

Mr. Steve Ashton (Thompson): I just want to ask you to give some background to the Canadian Federation of Labour, if you can indicate how many people in Manitoba are with unions affiliated with the Canadian Federation of Labour, just if you could explain something about the background?

Mr. Smith: The Canadian Federation of Labour in Canada represents approximately 250,000 people. In Manitoba, we represent roughly 11,500 people who are affiliated with our central labour body.

Mr. Ashton: I want to ask just one question too, because as you said, at least in terms of this committee, it does have overtones of being a political issue—

Mr. Chairman: Could you speak into the mike, please, Mr. Ashton?

Mr. Ashton: Yes, Mr. Chairperson. It does have overtones of being a political issue, and you have indicated quite clearly that you are not here for political reasons, you are here in terms of the issue itself. I would just like to ask of the Canadian Federation of Labour, what its political affiliation is, if any?

Mr. Smith: The Canadian Federation of Labour has gone on record, and its position paper No. 1 adopted at its 1984 founding convention is that we are apolitical, we are not affiliated with any political Party, and we work very hard to strive in that direction.

This is not to say we do not necessarily have people within our ranks who are supportive of the New

Democrats. By the same token, we have people within our ranks who are supportive of both Liberals and Conservatives. So clearly we are apolitical, working very hard at trying to remain apolitical in terms of non-alignment with any political Party.

Clearly I want to stress to this committee that although I am a labour representative in the Province of Manitoba, and I am the president of the provincial council, I do not want anybody on this committee, or in this room, to think for one second that because my association or our council is coming out now in favour of maintaining the legislation that it is because the New Democrats are in support of it.

I am here appealing more to the Liberals, to the Government, and to the Minister, suggesting that this is very progressive, cutting, leading-edge legislation that we have, and maybe for political reasons, both the Government and the Liberals do not like the way it came about, and in fact campaigned against it.

There is nothing that would raise my respect for any politician to admit that maybe, maybe we were wrong. Maybe it is working, maybe we should give it a second chance. Do you know what? That is what the Manitobans are looking for, they are looking for some honesty in their elected representatives.

Mr. Ashton: To you, Mr. Smith, I appreciate your honesty because you have come to the committee and said that you were initially not in favour of final offer selection. After having seen the experience, and for no political reasons, reasons only related to the fact that you feel it is working and contributing toward a more progressive labour relations climate, you are now supporting it. I would like to ask you what reaction you are getting from other people you are talking to.

I am talking about people within the CFL, people within the community. I have had a difficult time as we have gone throughout this committee trying to determine where this groundswell of support is to dismantle something that you I think quite accurately have said is working. What is your sense of the mood out there in terms of final offer selection?

Mr. Smith: I guess the best way for me to answer is to say this: I have been reading the newspaper; I have picked up some of the briefs at the back of the room, and I see a groundswell of support from a lot of interest groups for this legislation.

I can only assume that they are in support of the legislation because after reading the statistics and hearing other presentations they have formulated an opinion that it is working and that it is resolving the question of lengthy strikes and hurt feelings and meanness at the bargaining table and is bringing a sense of fair play to the negotiation process. I only have to remind you of my own personal experience with it. You know, that one experience with that one set of collective bargaining where we should not have been in any dispute—in fact, with that employer we never even had to go to conciliation in the past, ever. We always sat down and arrived at a collective agreement and we walked away from the table as friends, never had a grievance with this company.

I am not going to mention it, because it is not fair to them; they are not here. Mr. Newman became their negotiator for the very first time, and I found myself and the people I represented in hot water. And you know, I applied for FOS, and at the very next meeting I concluded a collective agreement. Just think of that cow when you are voting.

Mr. Ashton: Without making any editorial comments, I can really identify with the frustration you must have had with a company that normally, under most circumstances, had no difficulty in reaching resolution. I particularly was interested in your comments on our adversarial system. As I pointed out to this committee a couple of night ago, statistically we have the second highest strike rate of any country in the world on a per capita basis. I think the only country that has had a higher rate of strikes traditionally has been Italy.

We have heard a lot about Britain, we have heard a lot about some of the European countries, but we beat them all. It is very interesting in terms of your particular focus on that. I take it from your comments that you are suggesting if more provinces used final offer selection, and you are saying it has worked here, and I think the statistics bear that out, if more provinces were to follow our lead instead of our going back that we might be able to lower the incidence of strikes. I am not saying that we would have no strikes; obviously we would. You are suggesting we would have a far better labour relations climate.

Mr. Smith: I think it would. This is something new in Canada. We do not have a good record in Canada for ADR. I would only remind the committee and suggest that maybe some of the committee Members, if they could find the time, go to the first biannual Canadian conflict resolution in Canada and take part in the interaction for conflict resolution. In fact, it is called Interaction 1990.

I believe that you will find other progressive thinkers in the labour relations field will say—on both sides of the issue, labour and management and Government—progressive thinkers will say, you know, you guys, if we are going to make this country work and put it on the road to prosperity again, we have to look for alternatives to lengthy strikes and lockouts because it is non-productive. That is the issue. That is the issue before this committee. Do not politicize it. It would be a heck of a mistake.

* (2110)

Mr. Ashton: The point that you have referenced to, I think is particularly appropriate, because one of the reasons we have had the second highest strike rate in the world is we have had a tradition of lengthy strikes.

One of the things final offer selection does do is provide the 60-day window and I just want to deal with this. I want to raise this question because it has been raised as an argument for repealing final offer selection. It has been suggested somehow people are going to go on strike for 60 days. They are going to sit out for that period of time so they can, after 60 days, take

advantage of final offer selection and, because of that scenario, there is a suggestion that it somehow lengthens strikes.

I have looked at the statistics, I have talked to people. Everybody I have talked to says it shortens them, that it allows you something that might have gone a year or two years, to have some way out after 60 days. But I want to ask you, from your personal perspective, do you believe the 60-day window lengthens strikes or provides an opportunity to shorten strikes?

Mr. Smith: That is a difficult question because in this particular area you have asked for my personal opinion and I will give you my personal opinion. I think if there is one flaw in the legislation, personally speaking, that might be it. Whether it should be made longer or shorter, it is a good subject for debate for the committee that I have suggested be struck.

I am not offended as a labour representative when management says, you know, you guys want two kicks at the cat. You want to vote for a strike and go out on strike and take us on a strike, and then when you are not winning the strike, vote for final offer selection. I am somewhat sympathetic to that, but that would be, in my own personal opinion, one of the only areas that I would even consider making recommendation for change.

Do you want to go on strike and resolve the issue on strike, then make your determination at the outset and live or die by the decision that you make, and you know what? My experience with labour people is, striking is a last resort and if they are faced with the question of going out on strike or applying for a more kinder, gentler method, they probably will vote for FOS. I think, if anything, it might enhance the legislation to take that 60 days out and cut it down shorter. That is my personal opinion.

Mr. Ashton: That was an interesting suggestion because, with a 30-day window or something of that nature, I think that would be the type of amendment that one would want to look at if one had the consultation process, or perhaps not even having the window in place, because I believe when one is into a strike situation, there are very few situations where there is a clear win-lose situation. It is usually lose-lose. It is just a degree.

It may be in the long run necessary. I had to go through the decisions and often you think, well, in the short run it may hurt; in the long run you have to do it, you have to maintain your economic position. But it is interesting; I appreciate your suggestion earlier in terms of a committee that might look at something like that.

I just have one final question though and I appreciate your comments in terms of the committee because in the Legislature we do get into some pretty heated political exchanges. My hope personally is that this committee will perform its function and listen to people such as yourself and make a decision based on the presentations and on the facts. But instead of me saying what I have been saying in the Legislature and will

continue to say, I would like to give you that opportunity. What would you say to the Members of this committee, the Conservatives, recognizing of course that it is their Bill, that they may feel more committed to it—and to the Liberals? I do not mean to pick on one or the other Parties here, but the Liberals obviously did not introduce this Bill, are in an easier position to find some other way, some way that reflects what has been said here. What would you say to them to try and persuade them to give final offer selection a chance?

Mr. Smith: I think I have already indicated the answer to your question. I think I have already very strongly suggested that they reconsider and make an intellectual decision, not an emotional and political one.

Mr. Chairman: Mr. Smith—I am sorry, who is our next questioner? Mr. Plohman.

Mr. John Plohman (Dauphin): Just a couple of short questions, Mr. Chairman. Mr. Smith, you mentioned to this committee that you had made this recommendation to the Minister previously. Could you indicate how long ago that was, and what response you received?

Mr. Smith: I think you are drawing me into a political discussion here. I think I met with the Minister on behalf of my federation and I expressed the concerns that I have elaborated on today. I would go on record as already indicating to the Government—just because you did not read about it in the newspaper, it does not mean that we were not there, as I believe there are many other groups that may have made their way to the Minister's office, and to the Government—suggesting a different outcome.

But I do not want to be drawn into the political fray. I am here clearly as an independent labour body with primary interests, primary motivation for the people that I represent, and that is the labour movement and workers. On that basis I would like this legislation to remain, at least until the sunset provisions, so that we have had a good solid look at it and can make an intelligent decision.

Mr. Plohman: I just asked that question, Mr. Smith, to ask you whether in fact you felt that you would get fair consideration of that request from the Minister, from the response that she gave you. In any event, one other question dealing with your statement that progressive thinkers, both in labour and management, are admitting that FOS is working—privately at least, at least to management, privately. I do not see many of them at the committee, and not at the committee advocating that the Government back off from repeal of this legislation.

Do you think there are a lot of progressive thinkers in the management side in Manitoba at this time? Is it a growing number, are seeing this privately as not such a bad thing, but just are not willing to come forward publicly to state that now?

Mr. Smith: I do have that feeling and, to answer your first question, the Minister did give me a fair hearing, and she did say she would actively consider our position.

But yes, I think there are a lot of people in management who are not here today because maybe they have other things that they consider to be more important, and they consider coming here a waste of time because it is only a fait accompli, because they have such tremendous support on the opposite side of the House.

I am here today at the urging of my constituents, as the president of the Manitoba council, to bring a new voice and maybe a slightly different approach to this whole debate, and try to get away from the emotional aspect that surrounds it. That is not to say that the emotional aspect and the emotional concerns are not valid. I would like to bring you to—hopefully that you will make more of an intellectual decision, because this is progressive legislation. I would say this if the Conservatives introduced the legislation, because the legislation is progressive. I am not saying it because the NDP brought it in. It just so happens—in fact when they brought it in, I spoke against it. I visited them and spoke against it. It is working, with respect.

Mr. Plohman: Mr. Chairman, just in closing, I think from what you have said then, you might want to consider suggesting to some of those people that you have talked to that are on management's side that they might want to appear before this committee, because I think they would get a good hearing. I think Members of the Liberal Party have indicated that they are still listening, and are prepared to listen. I do not think that anyone should feel that the case is closed, until it is closed.

Mr. Chairman: Are there any further questions? If not, thank you very much, Mr. Smith.

Okay, we will complete—go down our list. We will go down to No. 75, Mr. Paul Williamson. Oh, he was called, okay, Mr. Robert Hilliard, Ms. Lorraine Whiffen. We will go back to No. 1.—(interjection)—Yes, what is the name, sorry.

Ms. Lorraine Whiffen (Private Citizen): I am Lorraine Whiffen—

Mr. Chairman: Oh, okay.

Ms. Whiffen: —and I work for Unicity Taxi.

Mr. Chairman: Do you have a written brief?

* (2120)

Ms. Whiffen: No, I do not have a written brief. I am just going to speak briefly. I have been with Unicity Taxi since 1981. When I first went to work for the company, it was a very good company. I am very, very happy with my job there, but the board of directors we had in 1985 were very, very bad. They just tried to take everything away from us that we did have, which was not very much. We had no alternative then, but to go out on strike.

That strike only lasted about a week and a half. It was in November, it was very cold. We were harrassed by many of the shareholders. We were told that we

were going to be locked out, and threatened in many ways. The manager that we had then was a very decent man. He was one of the founders of the company, and he had a lot of respect for his staff. So he did a little bit of persuasion with the board of directors to bring us in off the street.

It does not matter even if you work there for 20 or 25 years, our top salary is \$7.80 an hour. That is the ceiling, and they are still trying to take that away on us. The only reason we have any benefits in our company, it is through our union. If it was not for our union, we would not have any benefits. Through our union, at least if we are ill, if we are off sick for four days, we can get two-thirds of our pay.

In our last strike that we had in 1989, it was really terrible. They did not want us back in. The shareholders, some of them, they brought all their families in to work. Some of the people were really prospering by seeing us out on the street. They did not want us back in. The manager was trying to persuade them back in. He said, just give them a few little things and bring them in. A lot of these women are single mothers, they are supporting their children on their own. Some of us were losing our apartments. A lot of people had bills to pay. Their debts fell into bad credit. I had to move out of my apartment; I was fortunate I could move in with my sister, but there were people who got behind in the rent, they lost their apartments and things. If it had not been for final offer selection, we would still be out on the street.

When we applied for final offer selection, it was finally settled. At the beginning of last February, we were called. It was all explained to us, and we found it all quite reasonable. As soon as we—see, we were back in there working—as soon as we came back from the meeting, and it had been explained to us why we had won the strike, immediately they were saying, wait until next year. Wait until next year. Final offer selection will be out the door. You know it is going, do you not. You know it is going. Then we have really got you in the corner. You will not be working here any more. This is what we have to put up with working there. Now, that is going on at our company. I cannot really relate what is going on in other companies.

In our company we are not treated with dignity or respect. We usually get managers who do not have too much business etiquette; for instance, if we are very abrupt, we are told to shut our mouth, which I do not think goes on in too many places. If people wanted you to do something, you would think they would have a more classified way of speaking to the staff. The manager who was on our side—he was not really on our side, he was just trying to be fair to both sides—they fired him. They had another manager after that who is since out the door, as of last September. Now they are working on a third manager. They have fired the accountant that we had there for 35 years. Those people do not belong to the union. Now if you let final offer selection go, we are all going to be gone.

A lot of the people that work in our office, like the only job that a lot of people have: they do not have a lot of other training, to go out and—probably a lot of these people will end up on welfare if final offer

selection is gone. I think through final offer selection it does help people to become more agreeable. It is sort of a threat to both sides, actually, because you really do not know which package they are going to choose. It all depends on which is most fair and most reasonable of all.

My own brother, who was a very strong Liberal, has left the Liberal Party over his views on final offer selection. He campaigned very hard in his constituency and he won out in his constituency, and he has left over his viewpoints, because he is a working man; he is a businessman; he has gone to university. He was a boilermaker; he has worked for big construction firms. He knows that unions are very, very important. Without unions there would not be safety in the workplace. A lot of people used to lose their lives working.

There were laws for the rich, laws for the poor. The rich people were really taken care of on their job. A poor person could get electrocuted on their job. They were very done away with. With unions this does not happen. I can say again, my brother has left the Liberal Party and I know he will campaign in the next election where he lives and, the Party that he has selected, I know he will win all those people over to his side. And this is really about all I have to say about it.

Mr. Ashton: I appreciate your giving us a perspective, some of the tensions that are ongoing at Unicity. I just want to ask you in terms of what you went through, if you just could elaborate a bit on that, I think you gave a fairly good picture of what the company is like to work for, and some of the comments that have been made about the fact that final offer selection is no longer going to be there, and not available to you. You mentioned your own situation where you were caught in a strike, how would you describe to Members of this committee who have never perhaps had a situation of being on strike? I have been through two, although I was single once, and I was married without children the second time. I would be the first to say that I was not impacted anywhere near as much as other people were. How would you explain what it was like to be on that picket line to the Members of this committee who perhaps have never had to go through that?

Ms. Whiffen: Well, it was really, really bad. It was in the summer, it was very, very hot. We had a shaded area of the building, with trees coming over us and we would bring soft drinks and we would take turns going around the building and would sit down. We were polite strikers. We were only out there with our picket signs to show that we were on strike. We were not rude to anybody. What do they do? They start chopping down the trees that have been there—I guess from the beginning of time. So we would have to sweat it out.

They used all kinds of devious nasty methods to get at us. It was just like, if you want to sit out there, torture. Laugh in our face. They could not give us a raise. They could not give us anything. All these people that they have, their families, in there working for us. Chinese food being delivered to them. ■ Inners at Chi-Chi's. Really, I am not lying. It is a proven fact. And they could not do anything for us.

We are very, very dedicated workers. This past New Year's who worked all night, New Year's night? Myself

and three other union ladies. It was not the shareholders' wives that came in to work. No, they went out and they enjoyed their evening. It was the dedicated people like myself that went in and worked very hard on New Year's Eve, the busiest night of your year. But we do not get any respect or gratitude for that.

And I do not know what we can do with the company if they do throw out final offer selection. They do not care about how dedicated we are. We will all be out on the street. We will be without a job and they are just waiting for it. Right now we are presently covered because we got in on time, but next year when it is time to negotiate again, we will be out. It will be the end of us.

Mr. Ashton: So for those 60 days that you were out on the picket line, it was only because of the fortunate timing that final offer selection came along. But 60 days throughout that period the company continued operating. You mentioned the families of the shareholders continued operating—taking over your jobs essentially, while you were on legal strike.

Ms. Whiffen: That was exactly it. Actually, a lot of the shareholders prospered by the strike. We sat on the street and we ate very little and, as I say, we had debts piling up on us. If it had not been for final offer selection, well, we would have been out of a job.

* (2130)

Mr. Ashton: One of the concerns that has been expressed about final offer selection—I know you have probably heard it tonight, so I will not go into details, but the suggestion that because of the second window which you had accessed, although you did not have the chance to use final offer selection before the strike occurred, but the concern has been expressed that it lengthens strikes because somehow people are going to go on strike for 60 days, wait for 60 days and then go and access final offer selection.

I want to ask you, if you were in that situation where final offer selection was still available, do you think it would be likely at all that someone would go on strike for 60 days to use final offer selection so that they could use right from the start—

Ms. Whiffen: Being on strike is much more difficult than working. I would much rather go in and do a day's work; it is not easy being out on a picket line. It is very boring and it is very hard on you. It is just like a no word game. When we have gone to the meetings to take a strike vote, you will hear the people in our office saying there is no way we are going out on strike, we cannot afford to, there is no way. Yet when we get there and we hear the company's final proposals, 100 percent vote in favour of strike. I cannot see anybody that would want to go on strike, not with the people that I have worked with anyway.

Mr. Ashton: I appreciate relating this to committee, because as I said, one of the problems I know is a lot of people have not had to go through that and it is

sometimes very easy to have a sanitized view of it and some of the argument that has been put forward against final offer selection seems to come from very much that sort of standpoint. What I want to ask you, in terms of your experience with final offer selection is the relationship you had in terms of the union and yourself because one of the criticisms about final offer selection that I certainly cannot accept, but it has been made is that final offer selection somehow weakens unions and weakens the accountability of the leadership of unions to its members. I have never quite figured that one out, but I just want to ask you, you have been through a situation, you have used final offer selection, do you believe that has occurred in your particular case?

Ms. Whiffen: No, I do not think it has. I would disagree with that.

Mr. Ashton: The reason I am asking these questions is because I am hopeful that Members of this committee will go through each and every one of the arguments, and not accept my word as Labour Critic for the New Democratic Party, but accept the word of people who have been through it, such as yourself.

What I want to ask, just as one further question on your experiences, and I have asked this of other people. I know you have touched on it, to a certain extent, in your presentation. But I want to give you one more chance to do perhaps what we have been trying to do with Members of the committee. Thus far, perhaps they have indicated they may have an open mind, but have not they indicated that they will vote to save final offer selection, something we would like to see happen.

What would you say to them to try and convince them to save the final offer selection procedure, and in your case, help resolve a strike. We have heard people suggest that strike could have gone on for years. What would your suggestion be to them as to what they should do in terms of the way they vote on this when we do vote on this?

Ms. Whiffen: It was implemented for a five-year trial period, and I think they should allow it to run its course and then review it to find out if it really has proven itself. I do not think they should repeat it without letting it run its five-year cycle, and then I think they should start looking at reviewing it.

Mr. Chairman: Any further questions? If not, thank you very much, Ms. Whiffen. We will start up with the front top of the order again. Mr. David Ryzebol, Mr. Sidney Green, Ms. Buffie Burrell, Mr. Ken Crawford, Ms. Linda Fletcher, Mr. Irvine Ferris, Mr. Randy Porter, Mr. Bob Bayer, Mr. Michael Campbell-Balagas, Mr. Art Demong—is he here? Do you have a written presentation, Mr. Demong?

Mr. Art Demong (Private Citizen): No, I do not.

Mr. Chairman: Please proceed then.

Mr. Demong: First of all, I would like to thank the committee for the opportunity to make this presentation.

Secondly, I would like to apologize to the committee for not having a written statement. I have been away on holidays, and I did not have the opportunity to prepare myself properly, so I may be babbling a bit. Of course I do not have a written statement for the committee.

Final offer selection and what it means to me is when I am looking for bargaining proposals to prepare for a round of bargaining, first of all, final offer selection makes sure that I have reasonable bargaining proposals to present to the bargaining committee when we are making presentations.

I also feel that it also ensures that management and the people I am bargaining with also are compelled to have reasonable bargaining proposals insofar as that if in fact we do go to final offer selection, one of the proposals is chosen, and the arbitrator or the selector makes a selection on one of the proposals.

I have been out on strike. This is many years ago. I know what a hell of a situation that is. I know what it is like to come home and have two little children and a wife say, how long are you going to be out on strike yet; there is not enough food, we do not know when we are going to have enough; how long we are going to have enough food or milk on the table? I know that with final offer selection there is a deadline. I know there is a time frame. If nothing else, you can gauge yourself before you go into bargaining. I may be out on strike for 60 days but you know there is a cutoff point at some point in time. That, to me, who has walked the picket line, is an extremely important thing. There is a point where you know when it is going to be over and you can go back to work.

As the previous speaker pointed out, I do not think there is anyone who has ever been out on strike who enjoys it for a moment. It is a very, very nasty situation to be in. If you are forced into that kind of a situation, as I say, you are forced at some point in time, you do not have an alternative. For the life of me, I do not understand why Governments, when there is good sound legislation on the books, that they choose to take it away for some reason or another. I do not understand that at all. Thank you.

Mr. Chairman: Thank you, Mr. Demong. Mr. Ashton.

Mr. Ashton: I thank you for coming forward, and actually I do not feel you were hampered in any way by not having a written presentation. We have had many people come forward.

One of the positive things about this committee I think has been is that it has given people a chance to come up and talk from the heart, talk directly to Members of the committee, and try and persuade them of their particular views. I have asked people before to really try and give Members of this committee a chance to put themselves in their shoes. You are just doing it—I know in terms of the kind of situation you run into and the kind of thoughts that go through people's heads and the kinds of decisions that have to be made and what goes on in terms of bargaining.

I would just like to ask you, by the way, in terms of final offer selection, some people have suggested that

in some way it weakens the accountability of unions, especially union leadership to their members. I have asked other people for that. I would like to ask your opinion. Do you believe that is a legitimate point? Does that happen with final offer selection? In some way it weakens the—

Mr. Chairman: If you would, just wait until I recognize you, please, so they could turn on the mikes. Mr. Demong, please proceed now.

Mr. Demong: I apologize. You are asking if the final offer selection weakens the position of a union? I do not believe it does, I think it is a progressive move, it is supportive to the bargaining process.

* (2140)

Mr. Ashton: The reason I am asking is because the suggestion has somehow been made, and it was, by the way, expressed in 1987 as a concern by some people within unions, although since many people I think have moved away from that. The suggestion was that somehow final offer selection makes people less responsible.

I just want your opinion on that as well, because that word has been used. It has been suggested that somehow people are less responsible because they get somebody else to make the decision for them. I cannot quite understand the reasoning on that myself, but do you feel that the final offer selection process either moves people closer to a negotiated settlement or ends up with them being in a more difficult situation in terms of bargaining?

Mr. Demong: I believe it supports and makes people go to the bargaining table a whole lot closer together than they may have if they did not have final offer selection.

Mr. Ashton: Once again, this was what was said would happen. The statistics show that has happened, only 5 out of 72 cases have gone to the final stage, so your view is certainly consistent with the statistics.

I would like to ask you another question as well in terms of final offer selection, and just in terms of your sense of what people are saying about it. I have indicated to the committee prior, I find it puzzling sometimes, because it seems to be such a rush to get rid of final offer selection. I am not hearing a big groundswell of people who are saying get rid of it. Let us not forget this legislation is in place and the Bill that we are dealing with is trying to repeal it. I would like to ask you in terms of your discussions with people you work with, with friends and neighbours, have you heard a lot of people saying get rid of final offer selection?

Mr. Demong: Definitely not. I think that usually when something comes to pass and is law you do not hear much about it. As soon as there is a move underfoot as there is right now to get rid of final offer selection, then the people start coming forward and making comments for or against it. I have not heard any

comments against final offer selection on any of the conversations that I have had. It has all been positive and for final offer selection.

Mr. Ashton: That is interesting because once again surveys have been conducted which show that as many as 80 percent of people who have an opinion on final offer selection support it, so it is certainly consistent with what you are finding. I could run through many of the other arguments that have been put forward, supposedly, in terms of final offer selection. We have gone through that in detail on the committee, but rather than focus in on those arguments, I just want to give you the opportunity that I have given other people as well, to this committee, perhaps to ask if you could put in words that will be more effective than what we have been able to do. We have been trying to convince Members of this committee that final offer selection is working, that we should not get rid of it. We have heard people today say, it is a lousy year in particular, a lousy couple of years, to be getting rid of final offer selection with so many contracts coming up.

If you could sit down and talk privately, perhaps, with some of the Members of the committee, who would be most likely to have an open mind on this, who are not already in support of final offer selection, what would you say to them? What would you try to say to them to convince them to support final offer selection, to vote against this Bill?

Mr. Demong: Quite frankly, I do not think I would say a whole hell of a lot. I think I would get the person by the scruff of the neck and take him to the first strike that I saw, picket line, and have that person walk the picket line and see exactly what it is like out there. At the same time, I know I am talking about the worker, but I think that strikes are equally as distasteful to management-employers as they are to the workers.

Mr. Ashton: We are hoping that perhaps, if that personal, direct experience is not available, that the expressions that you and many other people have made will remind people of what is at stake, because that really is what is at stake. It is a question of whether we want to have only the strike alternative there if you cannot reach a decent contract, or whether you want another alternative. That is all final offer selection is. It is an alternative to the right to strike that does not take away the right to strike. I thank you for your comments.

Mr. Plohman: I just want to follow up, just briefly, with you on this. You seem to feel that it makes such common sense to retain this legislation that you cannot understand why a Government would want to take it away. Do you have any thoughts about why the Government wants to repeal this? Strictly a campaign promise for political reasons only, a political issue to them—is that what you see it, as it is not reasonable from your perspective?

Mr. Demong: I do not see it as anything other than an election promise. I do not think it has been well thought-out by the Government. I think that they are acting on something that they promised they were going to do, and they are going to do it.

Mr. Plohman: Do you think the people that they promised it to really think it is a big issue? Is it such an anti-business legislation that it keeps Manitoba from moving ahead economically, in your opinion?

Mr. Demong: Very definitely. Any strike is not economically good for any particular area. If it is a municipality, a province, or a country, or whatever, it is an economic disaster to have a strike.

Mr. Plohman: So, in your mind then, FOS is quite the contrary. It actually should be viewed, do you believe it is viewed, by people who think about it a great deal as being progressive and assisting in creating a better business climate in this province, as opposed to one that would drive businesses away from our province?

Mr. Demong: Yes, I do not think that FOS has driven any businesses out of this province. I think that over the last couple of years, a lot of businesses have been driven out of the province, but I doubt very much if FOS has anything to do with it. I would be very surprised if somebody could show me an instance of any of the businesses that have left the province, if they in fact were driven out by FOS.

Mr. Rose: I appreciate your comments and certainly most of the time I appreciate people that do not have a presentation because they are usually more to the point and briefer.

You had mentioned that you had the experience some time ago of being on strike. How long ago was that? Could you tell me how lengthy the strike was and perhaps where?

Mr. Demong: I cannot remember the year. It was quite a while ago, back about 15, 16 years ago. The strike only lasted one week.

Mr. Rose: Mr. Chairman, since that time 15, 16 years, did you continue to belong to the union?

Mr. Demong: Yes, I do.

Mr. Rose: Then that involvement in the union, are you one of the officers of the union or a shop steward or something like that?

Mr. Demong: Yes, I am.

* (2150)

Mr. Rose: In your capacity as a union member, have you had any direct involvement in FOS negotiations, either directly on the job you have or in conjunction with some other association you may have with unions?

Mr. Demong: No, I have not.

Mr. Rose: You continue to be a union member at the present time?

Mr. Demong: Yes.

Mr. Rose: Thank you, Mr. Chairman, thank you.

Mr. Chairman: Are there any further questions? Well, thank you very much for your presentation. Call Mr. Wayne Andon. Is he here? Mr. Alain Trudeau, Mr. Eugene Fontaine, Mr. Grant Ogonowski. Is he here? Would you like to distribute his brief. Please proceed, Mr. Ogonowski.

Mr. Grant Ogonowski (Private Citizen): Thank you. By way of introduction I have provided a copy of the brief, but I tend to like to use these things more as notes rather than anything else, but it is provided so you have a record of some of the views that I have.

I wish to first of all thank this committee for giving all of Manitobans the opportunity to express their opinions on this important piece of legislation. I wish to make it clear at the outset that I strongly oppose Bill 31, and that I support the retention of final offer selection as a potential means of aiding the collective bargaining process. Well, I am certain this committee has by this time heard almost every possible argument for and against this legislation by many eloquent speakers. I think sometimes it is necessary that one or two of us hear the same thing over and over again before it may finally sink in.

(Mr. Parker Burrell, Acting Chairman, in the Chair)

In point form which follows, I support FOS for the following reasons, and I want to just make sure that you note that, although I am going to dwell primarily on FOS as an alternative in the collective bargaining process, the other points that I raise are equally as important and I simply do not let them die.

First of all, in point form, FOS provides an option to arrive at reasonable settlements without the necessity of strike or lockout or prolong strike or lockout. Secondly, it forces each participant to put forward a well thought out reasonable offer which eliminates the chicken dancing and the posturing that goes on in collective bargaining and removes unreasonable demands. Thirdly, it favours neither labour nor management in my view. Fourthly, it promotes and favours good-faith bargaining. Fifthly, it reduces the bitterness between the employer and the employees particularly in protracted strike or lockout situations.

While I am a firm believer of the right to strike or lockout, I also firmly believe that these are alternatives which may not always be the most appropriate at all times. I like to make analogies as I go, and sometimes the simplicity of analogies brings home a point.

While United States and other world powers firmly believe in maintaining nuclear weapons, they would under no circumstances whatsoever simply rely on those weapons alone. Particularly they must rely on other alternatives to resolve problems. Other alternatives must be available. Several alternatives must be available so that the most appropriate may be selected for the particular situation.

Currently we have an impasse on Meech Lake. What is being done to resolve it? Briefly, I would like to say that we are looking for reasonable alternatives to help resolve the issues. We are not successful at this point and it may be because either we have not found the

right alternatives to resolve the impasse given the situation, or someone or some persons are refusing to recognize that the proposed alternatives are legitimate. Power games and threats and retaliation are becoming more evident daily. We have communities that are now saying, we are English only. Pure bitterness is bound to follow, in my view.

Collective bargaining is no different.

If the use of the nuclear warhead was the only alternative internationally, it is unlikely we would be here today. If there are no or only a few inappropriate alternatives for Meech Lake, it is unlikely the issue will be resolved for Canadians. If we diminish our alternatives we limit our opportunities to resolve the issues amicably.

Is that coffee for me too or—? Sure, can I get a cup of that, please?

What Bill 31 proposes to do is to withdraw an alternative and limit the ability of parties to resolve issues. That is the bottom line of Bill 31. Just so that everybody has heard that, I will repeat it again. What it proposes to do is withdraw an alternative and limit the ability of the parties to resolve issues.

I am a resident of Dauphin for 16 years. You know, that town we once used to say was approximately 10,500—sure, I will have one of those, why not? Now that town is more like about 8,500 people. We are losing people left, right and centre. This is a community, as any of you from a small community may well appreciate, where everybody seems to know two-thirds of the rest of the people in the village or the town. Everybody is somewhat knowledgeable and friendly about others. I cannot help but recall the bitterness and the hatred that was caused during the Blackwoods Beverages strike a number of years ago. If there is anyone who is sitting around this table here tonight who believes that the workers wanted to go on that strike, then you have no right in my view to represent Manitobans, and I will be that blunt about it. They no more wanted to be on that strike line than Truman wanted to drop a bomb on Hiroshima, but there were no other alternatives. That is the point. The deed was done.

Lawyers in that strike ran the clock, and I knew both of the lawyers involved in that strike and they ran up the clock. They got their vacations to Hawaii and so on and so forth, but the workers walked in sub-zero temperatures for a number of weeks—freezing cold, in the middle of winter. Scab labour was relied on. Bitter feelings and hatred were the result. Friends who were friends for years in a small-town community, okay, still today will cross the street to avoid each other as a result. That is how bitter that was.

Many in Dauphin today will not purchase a Blackwoods Beverages product, and those who are on the other side of the issue will buy nothing but Blackwoods Beverages products. It is black and white. Many of the employees never did return to their jobs in that strike. Mention Blackwoods Beverages and that strike in Dauphin and you will almost always get a reaction. People will not forget that strike in Dauphin. Bitterness lingers on and I cannot help but ask was it

all necessary. What did Dauphin do to deserve the bitterness? Why were there not other alternatives?

I cannot help but wonder if that strike may have been averted if the bitterness and if the loss of employment and if the loss of productivity and the destruction of friendship would have been averted if FOS would have existed at that time as an alternative. I firmly believe that it would have been averted because it would have made the parties sit down and put reasonable positions on the table. Realizing how close they might have been, they might have resolved the dispute before it even was settled by an arbitrator.

Several years ago I watched a strike at St. Joseph's personal care home in Dauphin, friendships were destroyed as neighbours had to cross the picket line to take care of their parents. The bitter still lingers on. I cannot help but wonder again if that strike and those issues could not have been averted had they had the option to resolve that perhaps by final offer selection.

* (2200)

Dauphin and the surrounding area has a very aging population and health care is critical in that area; it is critical. A strike in the health care field could be totally devastating and yet it may be averted if there are proper alternatives available for it. In a situation like that in any small community in this province anywhere, the question is are you, the Government, who is proposing this Bill 31, are you prepared to accept that you withdrew an alternative that may well have been the right alternative to avoid a destructive fight. Are the Liberals prepared to accept that responsibility too? Think of the devastation particularly in the health care.

While you here in the city may be cushioned from the effects of some of these strikes or lockouts simply by the sheer numbers—some little group goes on strike and you do not even pay any attention to it—we in the rural areas feel the devastation of a strike immediately in small communities. We lose the money into the economy. The friendships are destroyed.

Now I firmly believe this next paragraph at the top of page 5, obviously I believe that this is politically motivated. While you here are politically beholdng to business interests, and that was a promise that was made during the election campaigns, we in the small communities really suffer the consequences of having limited reasonable alternatives available to resolve issues as was the case in Blackwoods Beverages. End the perimeter vision. I wish I had my button here that I used to wear, end the perimeter vision.

Some of the stats you have probably heard several times already over and over again in these hearings; undoubtedly by this point you have heard them all. Since its inception 72 applications were made, and these are the best stats that I could get for the time, 14 are to the best of my knowledge pending, 49 cases were settled by parties prior to an arbitrator deciding on them. Five cases were decided by a selector, three in favour of the employees, two in favour of the employers, four applications were dismissed. Now with those kinds of stats I believe it not unfair to at least at a minimum state that even if the application for final offer selection

gave the parties the time, simply if it gave them nothing more than the time to review their respective positions without forcing a commitment to strike or lockout which resulted in the parties settling, then in my humble opinion this legislation is good service for Manitoba.

It is good for Manitobans if it has simply done that and 85 percent of those applications were resolved without finally hitting an arbitrator. This is good legislation for Manitobans. It is an alternative for the people. When people are limited or they are cornered or they are boxed in they come out swinging. That is natural human nature. Do not limit the collective bargaining process. I believe that it is fair to state that the statistics at this point in time speak favourably of this legislation.

(Mr. Chairman in the Chair)

With respect to unions, a lot of opponents of this legislation argued that not all unions were in favour of the legislation and therefore it should be removed. While it is true that there were a few unions that were skeptical at first, that view has changed, and I am sure you have heard that in these hearings time and time again. There was a fear by some unions that this legislation was a prelude to giving up the right to strike. That was clearly argued by a number of unions. It was a fear, and it is an understandable fear. Those unions now see that the labour movement in this province will never give up their right to strike, will never. The labour movement is not so shallow, however, as to not recognize that the never-ending need to find new and innovative alternatives is necessary to resolve issues amicably.

Unions have a long and proud history of fighting to improve quality of life for workers. Some fights have unfortunately been bitter ones. They have the right to be skeptical and if they desire they have the right to continue to be skeptical in my view. The argument that all unions are not for FOS is a redundant argument. I think it is a weak argument and now does no longer represent the true picture. While I do not speak for the Dauphin District Labour Co-ordinating Committee, I am a member of that committee and can state without reservation that the member unions of the council are against Bill 31.

I want to take a look at some of the thoughts that ran through my head, political here, that I believe in. I am going to answer—every person has been asked one question by Mr. Ashton over and over again: if you had the opportunity to say something to the other Party to convince them, take your shot at them, what would it be? I have written my shot here in the brief so it is there for your ever-ending record, I suppose.

I believe that Bill 31 is solely the result of a beholdng political situation. That is what I believe. While I can understand the Conservatives' motivation, even though some of that motivation may be tongue-in-cheek support, I cannot understand how the Liberal Opposition refuses to oppose a bad Bill. They are by definition "opposition" and when a Bill is bad, you oppose it.

Manitobans are being politically educated these days. I believe that they are being shown that the Liberal alternative is indeed not an alternative at all. I hate to

say that, but unfortunately I believe that is the case. They are being shown that the Liberal Party interest may well be with the Chamber of Commerce. It has been said, regretfully, that when you privatize or deregulate a Conservative, you get a Liberal. The actions of the Liberals in this instance, I believe, are limiting me to no other alternatives but to agree with that statement.

It amazes me that you both would repeal legislation that shows itself in the first instance to be useful to Manitobans, even Members of the Chamber included, and secondly, which includes a sunset provision in it. Give the legislation a full chance to work—that is what Manitobans are asking for—instead of spending the public funds to dump it, especially when it is legislation which helps Manitobans. Is it just being dumped because the NDP conceived it? I hope not.

One of the speakers who was here earlier, Mr. Smith, said I hope not to the same thing. It should not be. If that is the reason, it should not be. Is somebody afraid that it will be said that the NDP are the Party that is truly innovative and reasonable? I do not know. Is that why it is being dumped? I do not think so.-(interjection)- Yes, the Liberal Member says I do not think so.

I hate to say it but in this instance—and I am appealing to the Liberals here—perhaps Manitobans are being shown that the real Opposition is the smallest Opposition Party in this province and in the House. Perhaps the Liberals are withdrawing, not one alternative but perhaps the Liberals are withdrawing two alternatives in this exercise, themselves and final offer selection.

Limit us, provide Manitobans with few alternatives as human nature has it, Manitobans will come out swinging.

In conclusion, I believe final offer selection is a process which aids collective bargaining. I believe final offer selection may be an appropriate alternative to strike or lockout, which everyone agrees is not the most desirable resolution, even though sometimes it is the only resolution or solution.

FOS is good for workers. It is good for business and Manitobans ergo it must also be good for politicians. Do not limit negotiators at the table to only have to choose the bomb. Please put political considerations aside, choose in favour of, not against, Manitobans in good legislation. I urge you to defeat Bill 31. Thank you.

Mr. Chairman: Thank you, Mr. Ogonowski. Mr. Plohman.

* (2210)

Mr. Plohman: Yes, thank you, Mr. Ogonowski. I am very pleased to see a Dauphin citizen making a presentation to the committee on this issue. I think we have talk brass tacks here; you certainly have done that in your brief. I have to tell you that I could not have said it better, and I have said many of those things in my speech.-(interjection)-

I have made that point—mine was his neighbour, yes—but I have made that point in the House. I want

to tell you that I am very pleased to have you make those statements here today, because of the history of the strikes as you outlined in your brief, the Blackwoods Beverages strike and others. I think the concern that the people in the Dauphin area have expressed in many cases about strikes in the health field for example as you outlined, in critical services, will have a devastating impact on our community and the people there.

So I believe the people in Dauphin support any legislation that reduces the incidence of strike and labour-management strife and that is the position I am taking. That is why I have no problem supporting FOS. I do not view this as anti-business at all. I think ironically, and I am going to ask you a question after I have made this statement, the Conservatives and the Liberals believe otherwise, that it is probably politically advantageous for them to support FOS because that will help them in Dauphin.

Let us talk Dauphin, because that is where you are from and that is what I represent. I would ask you this: Do you believe that the people of Dauphin, the people that you talk to regularly—and you are representing yourself as a private citizen here, but you form your opinions talking to others as well—do you feel that the average citizen in Dauphin views this as being strictly pro-labour legislation and something that is anti-business? Or do you think it is viewed at this point in time as being a positive force in bringing together labour and management? Or do you believe most people just do not know what it is about?

Mr. Ogonowski: There are a lot of questions in there and I suppose a lot of answers. On the question of the business in Dauphin, we suffered through the Blackwoods Beverages situation and it was a suffering, there was no question, for the people involved and for business. I do not believe for one minute that employees want to go out on strike. I think there has been some suggestion in the past that while the 60-day issue here and people are just going to whip out on strike and all that sort of stuff is absolutely ludicrous; nobody wants to go out on strike. No business person, I believe, wants a labour dispute and wants to have a strike, if possible.

You know, unfortunately, the collective bargaining process is that there is a lot of chicken dancing that goes on from time to time and a lot of posturing and so on and so forth. One of the things this legislation provides that I believe and this is believed by businessmen—I mean I do speak to a number of business people on a regular basis in the Dauphin area for various reasons—even a Conservative, a previous candidate for the Conservative Party who runs a pizza business in town and a restaurant business, has very clearly stated to me that it is an alternative and it may well provide a solution to a problem to avoid devastation.

You know, we had the Smitty's situation in Dauphin. It is really kind of interesting because everybody said, well, you know that place went down the tubes because a union was involved in that place, but believe it or not, the business people in that area did not necessarily

follow that line of thinking. The people I talked to out there, they do not want strikes, they want alternatives. I think that is the bottom line to the whole issue. They want the alternatives. They want the ability to find the right solution under given certain circumstances.

Mr. Plohman: I think that is the position that has to be taken here, that is the reality and that is what we hope the Liberals will realize in this particular exercise. I think that you have made some very strong political statements in your brief and that they are relevant in this particular instance. I thank you for that.

Mr. Rose: Mr. Chairman—

An Honourable Member: The Liberal gets his shot back now, eh?

Mr. Rose: Actually, I am only going to ask you one question and not because I am not interested in your brief and that I have not been listening. I think it was—in fact, I congratulate you on the brief and your presentation. You have certainly—

Mr. Chairman: Would you like to speak into the mike, Mr. Rose?

Mr. Rose: —made a concise position and representation of how you stand from the position of labour, particularly in respect to rural labour, and we accept that. So I thank you for your presentation. I just have one question. On page 5, at the top you said, "While you here are politically beholding to business interests". I wanted to question you on that. When you say, "you here" are you referring to the New Democrats, or the Conservatives, or both?

Mr. Ogonowski: I am referring to the movers of the Bill primarily. I believe that the motivation for the movement of this Bill is political.

Mr. Rose: Thank you.

Mr. Ashton: Right. I appreciate your coming here today as well. I think it is important to get the perspective of people from outside of Winnipeg. I think you have really very effectively got across what it is like in a community like Dauphin. What you were talking about was very much what has happened in Thompson, the fact that impacts on everybody when you are into a strike situation. If there are ways of avoiding that situation, that people, I think, feel it is a far better way of dealing with it.

What I would like to ask you, you said that there was a fair amount of support for final offer selection. I just want to reverse the coin. I know you have heard me ask this question before, but what has puzzled me—and you may be right in terms of some of the reasons why the legislation is here—is the lack of a groundswell of people saying, get rid of FOS. I go around my constituency on a regular basis. I do not hear anybody saying get rid of final offer selection. The Member for Dauphin (Mr. Plohman) just talked in Dauphin. Are you picking up anyone out there really—any real

groundswell of people who are saying bring in Bill 31, get rid of final offer selection?

Mr. Ogonowski: I am certainly not picking up any groundswell of people saying we want Bill 31. The contrary is true. If there are comments about FOS and Bill 31, the comments are that people just cannot understand why this thing has a sunset clause and that it is just simply being dumped without giving it a good, solid opportunity to work itself out.

Mr. Ashton: You mentioned about the sunset clause. I just want to indicate and I had not indicated directly in this committee yet, but I had announced today that the New Democratic Party would be bringing in an amendment to try and save FOS; that we are bringing in a four-year sunset essentially instead of a five, in trying to open up some way, shape or form in which those on the committee who have previously said they want to dump it, can at least give it that chance, allow it to go another two years basically and allow us to analyze it. I, by the way, feel it is working so well that it should be a permanent part of legislation, but as you say it is in a sunset.

I would just like to ask you for your reaction on that and whether you feel that provides a basis on which perhaps some of the people who feel they have dug themselves in, and I think that may be part of the problem here, people have dug themselves in by their previous statements saying they want to get rid of final offer selection, if that might not be a way for them to listen to people such as yourself and come out and save final offer selection.

Mr. Ogonowski: Yes. I, by the way, agree with you, except that, rather than even the amendment for the four-year—the sunset clause is there for five years. Let us give it a full opportunity for this legislation to work itself out. It has not harmed Manitobans to this point; it may well have helped in a number of situations. Clearly, as I said in the brief, if the application has done nothing else other than simply provided the two parties an opportunity to review their positions and see how close they are and have arrived at settlements without the help of an arbitrator and without commitment to strike or lockout then, by the good God, this is important legislation that we should keep on the books.

Like a previous speaker, if there is going to be any change to this, what I would suggest is that they remove the sunset clause and put the thing in legislation forever. It is good legislation. What more can I say about it? I feel strongly about it in that way.

For small towns and for communities, I cannot reiterate that too much. You speak about Thompson; well, Thompson has always been viewed basically as a one-industry town. When the one industry goes down, then the economy of the whole city is just in upheaval and the entire city is torn apart. You know, in a place like Dauphin, it is not as big as Inco. It is a place like Blackwoods Beverages; it is the smaller industries that if they go down the effect is devastating.

You know there are tons of small little villages and towns and communities all over Manitoba, where they

cannot afford to not have alternatives. They have to have alternatives. It is as simple as that for me.

* (2220)

Mr. Ashton: No one is really going to appreciate that perspective because, as you say, it has a major impact. You take the equivalent strike in Winnipeg and we heard early, it impacts very much on the individuals and their families. People do not see it the same way because, let us face it, in the city you do not have the same contact with your neighbours, you do not know what is happening so much around you. It is more easy to isolate it. You are saying that really, in your opinion, final offer selection probably—I would say it is important in the city—but you are saying it is probably of even greater importance outside of the City of Winnipeg, where you have such a direct impact from strikes on everybody involved.

Mr. Ogonowski: Yes, one other comment. You know there are questions about groundswell and I guess the groundswell—you know the question can be asked both ways. Why not the groundswell both ways? Well, to me, a lot of people out in the rural communities—I mean Dauphin is an agrarian population basically. It is an aging population. There are a lot of people who retired there and so on and so forth. You know, not being in a “high profile” labour town, the answer from Thompson in terms of groundswell may be different than the answer from a place like Thompson or The Pas and so on and so forth.

It is kind of like privatization, people refuse to believe that it is going to affect them and their jobs, so they do not pay any attention to it. The groundswell does not roll until they are affected directly and personally. The question comes up, as why in a place like Dauphin is there not this great groundswell and why do not we have the 8,500 people in our town marching up and down the street saying, down with the Conservative Government and hold on to FOS. It is because that many of those people, to a large degree, do not think it is going to affect them until the next strike comes along and there is no alternative. Until the next situation comes along, where you are pushed up against the wall, then they will recognize the value of a piece of legislation that they once had. That is why I am so emotional about this, as a Dauphinite, is because it is devastating to a small community when it can be affected so easily.

Mr. Ashton: Very interesting comment because I believe that will happen if we get rid of final offer selection. I look at the SuperValu situation, May 15, across the province, hundreds of workers affected if that ends up in a strike situation; I look at Unicity again, if that ends up in a strike situation; I look at nurses; I look at the doctors; I look at MGEA. We are looking at a situation, especially in this year, where there are going to be lots of contracts coming up. It is like they always say, we do not recognize how important something is sometimes, so it is gone.

You are saying to this committee essentially, do not make the mistake of ending up in the situation of having

potential strikes that could have gone to final offer selection, or that could have been averted by taking away final offer selection.

Mr. Ogonowski: I am also very clearly saying too that, if you are prepared to take that responsibility, if there are no alternatives and problems happen, if you are prepared to say, well, maybe I could have if we had the legislation in place to maybe provide an alternative, but we took it away, now we have a strike, before you start looking for somebody else to blame, I think you have to take a look at the fact that you withdrew an alternative.

It is like Meech, find enough alternatives and you might resolve the problem. If you limit the alternatives you will not resolve the problem, it is as simple as that. Why take away something from Manitobans that is not hurting you, that is not hurting the business people, but it is helping them? It is as simple as that. It has to be politically motivated, that is all I can think of.

For the Liberals, I urge you, do not side with the Government on this issue. Beat this Bill back or bear the responsibility yourselves, with them, that you took away an alternative from Manitobans. Get up off the keisters and oppose, as an Opposition does, the bad Bills—please, for Manitobans’ sake.

Mr. Chairman: Thank you, Mr. Ogonowski. If there are no further questions, I want to thank you for your presentation this evening. We have a No. 67 here who would like to make her presentation now; she cannot come back another day.

Is it the will of the committee that we hear her first now? Will that be okay? Ms. Shelley Spak, will you please come forward? Yes, Mr. Ashton.

Mr. Ashton: We are getting close to the hour of adjournment. I am just wondering if we should check if there are others so that we can try and accommodate that.

I am not trying to adjourn the committee. I am just suggesting we would have normally adjourned around—yesterday, we adjourned around 10:30 (interjection)—I am just suggesting if we could identify the people now a bit in advance of that, if there are other people who cannot come back, that we can try to accommodate them tonight. That is all I am suggesting.

Mr. Chairman: Okay, is it the will of the committee that we work till, sit till, eleven o'clock then? - (interjection)- We will try to get them all in by then? Mr. Ashton.

Mr. Ashton: I am not questioning the time of adjournment; if it is eleven o'clock, you know at 10:30, 11:00, that is fine. I was just suggesting that if there was anybody else, who could not make it, if they wanted to identify—

Mr. Chairman: Yes, well, I have said that before, thank you. Ms. Spak. Mr. Rose, you had a question?

Mr. Rose : Mr. Chairman, I do not know whether I do not understand the question or the answer but we are

getting one question that seemed to say one thing, a written answer that says another. I think what I interpreted, may I apologize if I am wrong—it has been a long day—but we would like to sort of identify how much is ahead of us so that we can anticipate that and plan our—we are not trying to cut off anything. We are trying to accommodate as much as possible. But, we would like to know where we stand at this point, that is all. Perhaps the Member of the New Democratic Party made that crystal clear.

Mr. Chairman: Thank you, Mr. Rose. Ms. Spak, please proceed.

Ms. Shelley Spak (Private Citizen): My name is Shelley Spak, and I work at Unicity Taxi.

Mr. Chairman: I wonder if you could perhaps bend your mikes down so we can hear you a little better. Fine, thank you.

Ms. Spak: As you know, our last two sets of negotiations ended in strikes. The last strike would not have ended if it were not for final offer selection. During that strike, by the second week, the office was fully re-staffed with shareholders' families, their spouses and their children, which were the same people that management had indicated to us they were going to replace us with, because they were willing to work for free.

Also, during the strike, the management of the company had sent out leaflets to their shareholders explaining what had happened during negotiations with strict instructions not to let the union or the picketers see these pamphlets. At the time I was married to a shareholder and I saw this pamphlet. It was full of lies about what happened in negotiations and what our proposals were.

These shareholders are the same people that make up our board of directors and will in the future make up our board of directors, and will no doubt put us on strike every time it comes time for our contract to expire. We need final offer selection to keep our jobs; we need it to keep our families going.

I am a single parent; I cannot afford to go back out on strike again. Without final offer selection we would probably be on strike right now. Our contract expired on the 1st of February; negotiations have broken down but we had final offer selection to apply for.

If it is taken away, no doubt most of us will end up looking for other employment. Some of us did have to, during that strike, and no doubt some of us will have to go on social assistance. With final offer selection there it gives us some kind of security knowing we will have our job for the next year, but if it is gone, we know we have to be looking for jobs soon. That is all I have to say, thank you.

Mr. Chairman: Thank you, Ms. Spak. Are there any questions? Mr. Ashton.

Mr. Ashton: We heard of it earlier about what the atmosphere was like during the strike, what it has been like.

Mr. Chairman: Could you speak into the mike, Mr. Ashton.

* (2230)

Mr. Ashton: Mr. Chairperson, what I would like to ask you, if you could give Members of the committee what it was like for you on a personal basis, in terms of the impact the strike had on you? I do believe one of the problems sometimes in dealing with issues such as final offer selection is that people have not been through it. I would just like to ask you, in your own words, to tell the Members of the committee what it was like for that period of time that you were on strike before the strike was settled by final offer selection?

Ms. Spak: For myself, it caused a great deal of strain on my marriage because I was married to a shareholder. Financially, we went quite deep in debt. I never did catch up from that; I am still working to pay off those debts. It made it a lot more difficult going back to work because the atmosphere in that business is terrible. The management hates the staff; the staff hates the management. The management does anything possible to get rid of them. The only opportunity they really have to get rid of us is during a strike, to lock us out, which they told us they were going to do during the last strike.

Mr. Ashton: You feel that essentially they were not only trying to force you out on strike but to really break the union and end up the situation where you would not necessarily even have your jobs to go back to after the strike.

Ms. Spak: Every day of the strike, management approached us and told us, those people are going to be there, you are out of a job. They are going to work for free, we do not have to pay you any more. Things like that. Every day of the strike we heard that.

Mr. Ashton: You not only saw people take your jobs during the strike, but you were afraid that they would be able to do that on a permanent basis, that it could have gone much longer than that and I suppose could still be in that situation today if it was not for final offer selection.

Ms. Spak: Most of those people are still working for Unicity, very seldom do they come in but the company keeps them on staff, and those people are still willing to take our jobs if we were to leave.

Mr. Ashton: How many people work at Unicity Taxi, just approximately?

Ms. Spak: About 25.

Mr. Ashton: Already one of the major issues during that strike was 25 people, such as yourself, with families, part of our community trying to keep their jobs; keep some half-decent working conditions.

Ms. Spak: That is right.

Mr. Chairman: Mr. Ashton, did you have a further question?

Mr. Ashton: I know, I do. I am just trying to phrase this because when I hear from people such as yourself, it just amazes me that we are still debating this Bill in this committee. I really do hope that committee Members will listen, but what would you say, and I have given other people this opportunity, to the people on this committee who might be thinking of voting to get rid of final offer selection.

You have just talked about how it saved 25 jobs. It prevented a situation which is already pretty tough, pretty difficult for people who are facing financial hardship and personal hardships. What would you say to someone who might have any sort of open mind on this, who may still be thinking, digging down deep in their hearts to really think what they would do when they have the final vote on this. What would you say to them about final offer selection and what they should do in their vote, in this committee?

Ms. Spak: Last night, Mr. Edwards repeatedly said to people that Unicity Taxi was one incident where people thought that FOS did not work. Well, it did work because I still have my job and so do my brothers and sisters at Unicity Taxi. If we do not have final offer selection, we will be forced out on the street every time negotiations break down. I do not know if we will ever be let back in again if that happens. It is 25 people who will be without jobs a year from now if there is no FOS.

Mr. Ashton: I just want to say I admire the courage of yourself, our earlier presenter and I hope that Members of this committee will listen and will act accordingly when we get down to deciding. I really hope we will be able to convince people to save final offer selection for your sake and for many of the people in Manitoba.

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

Mr. Rose: Mr. Chairman, yes. Ms. Spak, thank you for your presentation. I just want to know a little bit, we have heard a lot about Unicity—

Mr. Chairman: Would you mind speaking into the mike, please, Mr. Rose.

Mr. Rose: I ran across people myself yesterday and today who are on both sides of the thing and as I said earlier, neither one of them liked it. Excuse me, I maybe should note this, as being a member of the Taxicab Board just a short while ago, but I was also on there for just a very short period of time. In the taxi industry we know that there are two main companies. Do you have any knowledge of labour situations with the competing company?

Ms. Spak: No, I do not know.

Mr. Rose: You have no information on that. Would you be able to note for instance, from being part of the industry, the wages of Unicity compared with Duffy's taxi?

Ms. Spak: I have heard of two different stories. One was they made a dollar less, one was they made a dollar more per hour. I do not know which is true.

Mr. Rose. Thank you.

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

We will go on with the list again starting with No. 16, I believe. Ms. Heather Orton, Mr. Art Barnson, Mrs. Jan Malanowich, Mr. Bill Comstock, Mr. Patrick Joyce, Mr. Larry Rumancik, Mr. David Hisco, Mr. Colin Lang, Mrs. Christine Woloshen, Ms. Annette Maloney, Mr. Chris Monk, Ms. Joanne Maciag, Mr. Welland Ritcher, Mr. Dale Neal, Mr. Terry Turcan. Is Mr. Turcan here? Have you a written brief, Mr. Turcan?

Mr. Terry Turcan (Private Citizen): No, I am sorry, I do not.

Mr. Chairman: Okay, that is fine. You may proceed then.

Mr. Turcan: Thank you for the opportunity to appear here. I would like to approach this issue of FOS in its continuation more on a philosophical approach in comparison to other jurisdictions, just what it does for Manitoba and where does Manitoba fit into the scheme of things with having this legislation, which I believe to be very progressive legislation and something that I believe most Manitobans certainly would support and encourage to continue.

We take a look at the history of where labour, unions and management have been in the past. I think we should take a look at where arbitration and that thing started from. Unions and collective agreements started initially from people forming into unions and approaching the employer, and having the employer and the representatives of the workers agree verbally to particular working conditions. That would be agreed upon, for an example, a nickel an hour, progress from there where they continue to have disputes about how that nickel was to be paid and so forth.

They found very quickly that the verbal agreements were not working very well so they resorted to written agreements. That was a very progressive step of the day, and they continued with that for a while. Then they were finding that even resorting to writing, there were disputes arriving at the time that written document was in existence. What was happening was workers were saying, that is not what we agreed to, to heck with this, we are going to walk off the job. They would literally walk off the job at that point, and today we would call that a wildcat strike.

When the workers would walk off the job it was very disruptive to the employer. As a result of that the employers looked for an alternative dispute-resolution mechanism. The alternative put forward to workers was arbitration. That was adopted by the workers. There was some benefit to the workers in that too. The workers accepted it because there was a continuation of income; their pay cheques at the end of the week were continuous. But it was primarily based on the prompting of the employer that arbitration, to my knowledge, came about. Sorry for giving you a history lesson here, but I think it is important to take a look at where this arbitration is at.

Now in Canada, Ontario is the leader for industrial relations activity in this country. Ontario has the highest percentage of workers organized into labour organizations and has the highest amount of industry in this country. Most of the labour laws and activities that take place in this country end up flowing from Ontario to a large degree. In Ontario, they had safety and health legislation with the right to refuse for workers in unsafe, unhealthy situations long before they did in Manitoba, to my knowledge, at least 10 years before they did in Manitoba. That was under the Conservative Government of Ontario for a number of years. The legislation, to my understanding, in Ontario today is superior legislation still in the area of workplace, safety and health and the right to refuse than Manitoba's.

* (2240)

Manitoba finally got similar legislation, I believe it was in '83, in that period of time, when Ontario already had this in place for a number of years. So there we were in that particular area for workers following Ontario. At the time, my recollection is, business said this is not good for business, we should not have it. Well, businesses are still here I believe, unless they are leaving the province because of our safety and health legislation; I am not aware of it.

Following through with Ontario and their concern with arbitration and dispute solvings. In 1979, they set up the Industrial Enquiry Commission on Arbitrations, headed by Justice Arthur Kelly. Judge Kelly was asked to look into the issue of arbitrations as to the effect it was having on businesses and on workers in that province. He came up with a number of proposals of resolving disputes in a more expeditious manner. He proposed that the provincial Government of the Day have grievance-settlement officers, which they ended up implementing into their legislation after his recommendations. He brought in a process for an expedited arbitration process of a single arbitrator, and he proposed all this from public funds. The Conservative Government of the Day adopted much of what Judge Kelly recommended. They did not adopt the arbitration coming from public funds though; that is shared by the two parties as is the legislation and final offer selection, the arbitrator in that particular area.

Manitoba followed some time later on the grievance-settlement officers and the expedited arbitration. I believe that came into place about '87, if I am not mistaken, but nevertheless we were some time after Ontario. From all this, it sounds like in respect to labour legislation, Manitoba has been far behind Ontario. In many instances, we have been.

There are two examples that stand out to me where Manitoba has been the leader. One is pay equity. Manitoba was the first provincial Government in the country to implement pay equity legislation for workers. They implemented it strictly for the public sector. Ontario followed and did it one better. They did it for the public sector and the private sector, but they did follow us and I think that Manitoba should stand proud to be a leader in labour legislation, which my recollection is, business said was not good for Manitoba.

The other area that Manitoba leads is final offer selection. The other provinces have not picked up on

it yet. That does not mean it is not good. That does not mean that they should not be. They could very easily be introducing such legislation in other jurisdictions very quickly, but because we are leading does not mean that we should not be involved in it, does not mean that Manitoba should not stand out as a leader in a particular area.

Ontario is, I guess we must concede, the business hub of this country, in the Toronto area. They today are implementing various mechanisms for dispute solving in the business community. The business community is adopting firms that are acting as mediators. I saw a documentary on one of the television stations here a couple of weeks ago on mediators being accepted by business. What they essentially are, are law firms that are offering to the business community, to people, the public, a dispute-solving mechanism where the firm offers an individual to try to mediate a resolve to a dispute. It is voluntarily agreed to by the two parties. It does not have to be followed, they can wait for the courts and have the courts rule on the matter, but they have chosen to go to a mediator and have a mediator make a determination as to the resolve of the particular dispute they have. It has escalated beyond that.

I was told by one of Manitoba's leading arbitrators just the other day that in Toronto, businesses that are having disputes about settling, get going with the business of the day, are going to law firms that offer the services, and call them at nine o'clock in the morning say we want three hours of your time to hear a dispute that we have and we want a decision by five o'clock today. That decision is given to the parties verbally at that point and in writing following that. Now this is business that is going to arbitration. These are businesses, between the two of them are resolving these disputes. It is a mechanism that labour has had for years. The business community is adopting it.

I am hearing that business is against this final offer selection. I find this astounding. Is Manitoba business not on the same beat as the rest of the businesses in this country? It appears they are not if they are against this particular legislation. This particular area of legislation, I believe, is an area that is certainly good as an alternative to resolve disputes. We have heard over the years, many times the public has said those darn unions are on strike. These strikes, they should be banned. We should bring in legislation banning strikes. The public talks about those kinds of things all the time. Labour comes up with an alternative to go away from a strike that they are not anxious to get into and here we have Government saying no, no, no, you must go on strike. Now is the Government not in tune with the public's wishes? I am astonished that we are having this happening in this province.

We go to a number of other areas. We look at where unions are at, some unions, it has been said, are a little bit unsure about this, not too sure whether they want to adopt this stuff as a resolve mechanism. Now why are they saying this? If this was so pro-labour would any labour organization be questioning it? If it was something that was so great an advantage to labour, one would think that every labour organization

would be jumping and saying, please, give me that. That is not what is happening. Labour is running a risk here, too. To say that this thing is totally one-sided, it is labour's advantage, I think one must give their head a shake and take a look at that very issue in itself. Why are not all labour organizations jumping immediately on to it. I heard Mr. Smith here earlier say, that he was in favour of it initially. Mr. Smith, my understanding is he is a fairly intelligent man, is fairly well of labour issues.

* (2250)

If this is so pro-labour, why was Mr. Smith reluctant to adopt it immediately? He looked at alternatives and came to the conclusion that this is not a bad alternative and something that he wishes to continue to have. I urge you very strongly that this is a reasonable alternative and that we take a look at arbitrators. Is maybe part of the concern about who these arbitrators are and whether these arbitrators are going, all of a sudden, give workers all kinds of things. The arbitrators, that I am aware of, that do these kind of disputes in the province are individuals that rarely ever do that. They are individuals who weigh the issues very heavily, they are forcing them to choose in package "A" or package "B." With that alternative, it is a very difficult decision for them.

Many labour arbitrators in this province practise labour arbitration for a number of years and a number of them have become provincial judges later on in their career. Is part of the concern here, the quality of the people that are hearing these disputes? If we find these people are acceptable to be judges in our judicial system, one would think they are doing an amicable job in labour disputes and that should certainly be of concern.

Why are we concerned to that extent of having an individual entrusted to pick package "A" or package "B?" They are people that are trying to resolve a dispute and we have an alternative here that is a leading edge in this country; we have an alternative here that is working, the statistics support that; we have an alternative here, very similar to the alternatives being chosen by business in another province, unfortunately. I am not aware of any in this province choosing those alternatives, but maybe Manitoba business will get to where Toronto business is at, on that issue some day, may be the courts are a little more clogged in Toronto than they are here. That may be an answer, I do not know. Nevertheless, that is what is happening.

I would strongly urge that the Government and the Opposition that is opposing this, that is in opposition to the FOS and is of supporting the Bill, certainly take these factors into consideration; take the public into consideration of Manitoba; take into consideration where we stand in the scheme of things in this country because Manitoba is certainly a part of this country and Ontario's, the very next border, is the next province to us and is a province that certainly is the leading edge but this is one area, we are the leading edge and let us stay the leading edge. Thank you.

Mr. Chairman: Thank you, Mr. Turcan. Mr. Ashton.

Mr. Ashton: Mr. Chairperson, I want to focus on what you were saying about being on the leading edge because in 1987, when this was introduced, it was indicated quite clearly that was the case, that we were new, we were innovative. At the time, it was put in for a five-year period in terms of the sunset clause, it has been referred to by people today.

What I have raised throughout the committee, and I have been asking people, is the degree of contact that has taken place. Here we are dealing with a case where the Government has introduced a Bill, that we get rid of final offer selection before it has gone the full five-year period with apparently no studies. I would like to ask if you have ever been contacted or people that you know that have been contacted to ask for your opinion on final offer selection by the Government, or others or who are seeking to drop FOS or who are seeking to have Bill 31 pass?

Mr. Turcan: I personally have not been contacted on that regard.

Mr. Ashton: It is unfortunate because presenter after presenter is saying the same thing, that they have not been contacted. Whence the evidence is so clear that final offer selection is working, you would think that the first thing would happen before any Government would move to take it out, would be to try and find that information.

I want to focus on what you were talking about also in terms of other provinces. We are the only province that has final offer selection at the current time. Are you of the opinion that examining our experience would lead other provinces to do the same or would you recommend it to other provinces, the other nine provinces that currently do not have it?

Mr. Turcan: Yes, I certainly would, particularly when there are areas of lengthy labour disputes. I unfortunately ended up in Alberta in a group when the Gainers' dispute was on and the particular group that I ended up with was a management seminar where there was a number of personnel people from oil companies, the Deputy Minister of Labour was involved from Alberta, and so forth. They were scrambling at that point in time of looking for a resolve to that lengthy dispute which was disrupting everybody. It was disrupting the business community to a great extent.

The business community in general, I was getting the sense, was getting involved in that issue because it was reflecting on the other businesses in that province to the extent that here was a business which was into a very, very bitter labour dispute with their workers and it was tarnishing all businesses. The public does not just go one way I believe. A lot of people believe, because a labour organization is on strike, that all labour unions are targeted as strike antics or people who just love to go out on strike. Well, the same applies the other way with public thinking about business.

You have a business which is causing a lengthy labour dispute, an ugly, terrible labour dispute that reflects on other businesses too. The business community in Alberta, I was sensing, was very sensitive to that and

quite concerned about it and was attempting in some manner to deal with it. But they, like to a degree other labour organizations, were not able to really intercede. They were looking to the Government of the Day to try to assist in resolving that dispute. The Government was doing what it could. It did not have the legislation, and I do not believe still it does not have legislation like this, to resolve that kind of a dispute. That is very unfortunate for the Government because the Government appeared as if they could not do anything for business and for the workers.

Mr. Ashton: As interesting as the example of the Gainers' strike, because what we heard earlier for example with Unicity, obviously a strike that affected fewer employees but a strike that could have gone easily as long as Gainers or longer according to all reports, and yet was settled after 60 days because of final offer selection. You are suggesting that, if final offer selection had been available in Alberta for the Gainers' strike, that might not have gone anywhere near the length it did. It might not have led to the level of bitterness, the level of damage to the workers and the community involved.

Mr. Turcan: Yes, I really believe that would have been very beneficial in that particular dispute. That particular dispute became a national issue. It went beyond the borders of the City of Edmonton and the Province of Alberta. It went right across this country as an issue that everybody was focusing in on. Everybody seemed powerless to resolve that dispute and, darn it all, we are in the 1990s. I do not know why we are not looking at alternatives. I have often heard it said that labour is often wanting to live on its 19-whatever year past traditions. Well, on this particular issue I believe business is trying to live on its past traditions and that very same stone that they have thrown at labour often, has come full circle against business.

Mr. Ashton: Well, it is interesting because essentially, if one examines what the Chamber of Commerce has suggested to this committee, and has suggested outside this committee, they are not looking only to dump FOS, they are looking to get rid of first contract legislation, provisions that were brought in 1983 in The Labour Relations Act, provisions that were brought in 1972. There is a whole series of items.

So you are suggesting really the choice we are faced with on final offer selection is whether we want to move ahead in terms of progressive legislation or essentially roll back the clock, in essence, in terms of labour relations to the way it was 10, 20, or even 30 years ago or more.

Mr. Turcan: That is right. I think, if there is a belief that perhaps by rolling back labour legislation or removing labour legislation that is in place, that is going to all of a sudden attract all kinds of business to this province, that is a very sad view to be taking, because we can very quickly point to some of the southern U.S. states where essentially they have next to no labour legislation and, darn it all, business still is not locating there. So the argument about removing labour legislation and allowing therefore business coming into

place, that is not going to happen. Traditionally, it has not happened in other locations. Why is it mystically going to happen here?

* (2300)

Mr. Ashton: So you would agree with the Conservatives. This is one of the few times I have agreed with a Conservative Minister. The Conservative Minister of Industry, Trade and Tourism (Mr. Ernst)—it is a quote I read earlier and I will not read it again into the records of the committee—who said basically in an advertisement, which appeared with his name, that Manitoba has one of the best labour reputations in North America. You would agree with that statement, rather than those who try to suggest we do not have that and presumably those in the Conservative Government who have used that argument as a justification for bringing in final offer selection.

Mr. Turcan: I am not aware of the statement, but I find that rather puzzling. When we have the past record here of the recent years has produced one of the most calm labour climates of many years, one would wonder why that is the case and also what climate is being proposed for the future. We want to strip down FOS. We want to strip down some other labour legislation. Is the goal to have labour strife in the province? Those are the alternatives that one would be concluding. I wonder what the agenda is if that is the direction that is followed by some advocates.

Mr. Ashton: And paradoxically, the Manitoba Chamber of Commerce came in here and said that some of the legislation that has been introduced since 1972 has reduced strikes and lockouts and suggested that it is that legislation and not final offer selection that has done it, but this is the legislation that they opposed in 1972 and opposed in 1983.

So what you are suggesting is that the facts simply do not bear out any suggestion whatsoever that this idea that if you roll back labour legislation, whether it be final offer selection or anything else, is going to do anything other than really harm the workers involved, their families and the community. That is really the only impact. It is not going to have any impact on the economic situation here in Manitoba.

Mr. Turcan: I do think it also is going to hurt business. They may not be seeing it at the moment, but when you do take a look at what occurred with Gainers' in Edmonton and with some other areas, it certainly would be of concern to business. When we have other jurisdictions turning to alternative-dispute mechanisms instead of seeing you in court as an option or, in this particular instance, the workers having to withdraw their services, then which way are we going for the '90s?

Mr. Ashton: Just one final question as I realize it is late; it is past our normal hour of adjournment. I just want to give you the same opportunity that I have given other people. If you could talk directly to those on this committee who perhaps in any way, shape or form have an open mind, have not decided totally to vote to take

away final offer selection, recognizing that there are some of us who are trying to save it, but there are some people who are looking to this committee to make up their own decision and the decision of their own caucus on this, what would you say to them? What would your recommendation be? What factors should they take into consideration when they make that final decision in this committee on whether to save final offer selection or whether to get rid of it?

Mr. Turcan: I would say to them—up to this point in time from what I have been hearing, an individual group that is opposed to its continuation is primarily the business community—I would ask the business community what it is, that part of the FOS that they do not like. They do not like the fact that there is an arbitrator there? They do not like the fact that the workers have an option? They do not like the fact that something may be imposed on them? If that is a concern of theirs, remember this arbitrator has to pick what he believes to be the most reasonable package, package A or package B. He does not pick in between. He has to pick what he or she believes to be the most reasonable package.

If they were against it because they do not want to be putting forward a reasonable package, I would suggest you really question that business person why they are against that particular issue.

In Manitoba we have seen that it has worked. We have seen that there has been less labour strife. If the business community is concerned about what impact it could have in respect to their compensation package, by golly I think the compensation packages in this province in the last few years have not kept pace with other provinces, so that argument is washed up. I do not know why, what it is that the business community is really upset about. That is the question I would pose to anybody who is saying take it away, ask them why. Ask them specifically why they are wanting to take it away.

Mr. Chairman: Are there any further questions? If not, thank you very much, Mr. Turcan, for your presentation.

Mr. Turcan: Thank you for the time.

Mr. Chairman: I would like to bring to the attention of the committee, I believe we only have one presenter left here this evening, No. 53 on your list. Is it the will of the committee to hear this presenter? It is only—if we can hear, Ms. Shirley Hamilton. Is that the will of the committee? Okay. Ms. Hamilton, please proceed then.

Ms. Shirley Hamilton (Private Citizen): Thank you. I think you should really think about this seriously before you decide to throw it out. I walked a picket line in '78. I saw the bitterness in the strike of SuperValu last year. It is devastating for families, for people who are involved, for the strikers. I really believe that companies and the union members, it gives them an equal opportunity to be able to resolve these difficulties in a much more pleasing way than a lockout or lengthy strikes. I really wish you would reconsider and that is about all I have to say on it.

Mr. Chairman: Thank you, Ms. Hamilton. Mr. Ashton.

Mr. Ashton: You were involved in a strike in 1978, which—

Ms. Hamilton: Safeway.

Mr. Ashton: At Safeway.

Ms. Hamilton: Yes.

Mr. Ashton: I am just wondering if you could outline to people at this committee what happened—

Mr. Chairman: Could you speak into the mike? We cannot hear you at all, Mr. Ashton.

Mr. Ashton: Mr. Chairperson, I must apologize. I try to speak as much as possible. I am not used to talking to people, not looking directly at them. I really apologize in terms of difficulty for you as Chair. I just wanted to ask you in terms of your own experience in 1978 if you could tell Members of this committee what happened, what was at issue during the strike, how long the strike was and what kind of impact it had on you and your fellow workers and people you knew at the time?

Ms. Hamilton: Well, we were out for eight weeks. It was really hard when we went back in. I mean there were people who crossed the picket line and things that happened that are just never forgotten. You can walk into a store now and you know that somebody has crossed a picket line. There is not the bitterness and difficulties that there were at that point in time but you do remember. You can remember what you went through and to see somebody else on strike and picketing like the bitter strike that SuperValu had, it was terrible. I was out at one of their big, you know, the Tuxedo one when the police were there. It is horrible. People should not have to go through that. They should have some other way of doing things that are more human.

Mr. Ashton: You mentioned that some of the tension, some of the friction that developed between people in the strike is still there.

Ms. Hamilton: It is.

Mr. Ashton: It still lingers after all—

Ms. Hamilton: Yes. You can look at somebody and say, hey, I know, you crossed.

Mr. Ashton: I can understand that. I have been in two strike situations where people did not cross the picket lines. There were no people going in during the strike. I can only imagine what it must be like, the frustrations of being out, having people go in and essentially take your job away, I can understand that.

You are essentially saying to this committee, and it is 12 years now since the strike, would you say to this committee it would be a fair proposal that if final offer selection perhaps had been available then, if it had

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perhaps been used instead of the strike that some of this bitterness might not have occurred?

Ms. Hamilton: Oh, definitely I agree. If we had not settled, as you know we have a contract now, but if we had not settled I would certainly want it available to us because it has and will do a lot of good for people in the future.

Mr. Ashton: One thing I am hoping from this committee is that people perhaps who have not had the experience themselves will take the time and talk to people who have and look at what happens in a strike situation and how difficult it is.

I just want to ask you, because once again there is this kind of sanitized view of strikes that we sometimes hear from people. We have heard the suggestion that because of final offer selection people are going to go out on strike for 60 days so they can access final offer selection after 60 days and after sitting with virtually no income other than strike pay during that period, and all the frictions that develop and all the difficulties family wise and personally. What would you tell people about the decision you had to make in 1978, and your fellow employees made? Was it a difficult decision and if there was perhaps something else available at the time, do you think they would have considered if final offer selection had been available might they have looked to that as another alternative?

Ms. Hamilton: I definitely think they would have. I do not think anybody really wants to go on strike if there is some other way available to them.

Mr. Ashton: I am just wondering, in talking to people, whether it be the people you work with or family or friends or some of the people you must have made friends with on the SuperValu picket line, what are you picking up on final offer selection? Are you finding there are people who are saying that they want to see final offer selection terminated as the Government would like to do? Are they in support of final offer selection? What are people saying about final offer selection that you are aware of?

Ms. Hamilton: The people who I have spoken to are definitely in favour of it. I think probably more would

come out, but you can see how nervous I am and a lot of people felt like that.

* (2310)

Mr. Ashton: I appreciate it can be intimidating coming before the committee, but I assure you, you are doing a very good job as many people have tonight and through other nights in telling this committee what they need to hear which is what is happening out there, what people are saying.

I just have one final question. I have given other people this same opportunity. I really hope that people are going to keep an open enough mind on this. I know what I am going to do and what our caucus is going to do. We are going to be voting to save final offer selection, but to anyone who may have in any way, shape or form an open mind who may still be looking at how they are going to vote or how their caucus is going to vote on this, what would you say to them to convince them of what you have been saying throughout your presentation, that we should save final offer selection? Had you had the chance to sit down on a personal basis what would your recommendation be to them before they make their final decision on what is obviously a very important issue?

Ms. Hamilton: Please, I beg of you reconsider it, give us an option, give us some other way to go because it is hell to be on a picket line.

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

Ms. Hamilton: Thank you.

Mr. Chairman: Just prior to rising for the evening I would like to remind committee Members and members of the public that the committee will be meeting tomorrow afternoon at 2 p.m. The time is now 12 minutes after 11. What is the will of the committee?

Committee rise.

COMMITTEE ROSE AT: 11:12 p.m.