

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS

Wednesday, March 14, 1990

TIME — 8 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Parker Burrell (Swan River)
Mr. Edward Helwer (Gimli) at 0047

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Connery, Derkach, Downey,
Hon. Mrs. Hammond
Messrs. Ashton, Burrell, Cowan, Edwards, Ms.
Hemphill, Messrs. Kozak, Patterson

**Bill No. 31—The Labour Relations
Amendment Act**

- * Substituting for Hon. Leonard Derkach,
Hon. Albert Driedger
- * Substituting for Hon. James Downey, Hon.
Bonnie Mitchelson
- * Substituting for Hon. Edward Connery,
Hon. James Downey
- * Substituting for Mr. Allan Patterson, Mr.
Gulzar Cheema
- * Substituting for Hon. Bonnie Mitchelson,
Hon. Jack Penner

**Bill No. 57—The Pension Benefits
Amendment Act**

**Bill No. 80—The Civil Service
Superannuation Amendment Act**

**Bill No. 56—The Workers Compensation
Amendment Act (2)**

- * Substituting for Hon. Gerrie Hammond,
Hon. Edward Connery
- * Substituting for Mr. Gulzar Cheema, Ms.
Avis Gray
- * Substituting for Mr. Richard Kozak, Mr.
Allan Patterson
- * Substituting for Ms. Maureen Hemphill, Ms.
Judy Wasylcia-Leis
- * Substituting for Hon. Glen Cummings, Hon.
Albert Driedger

**Bill No. 101—The Statute Re-enactment and
By-law Validation (Municipal) Act**

- * Substituting for Hon. James Downey, Hon.
James McCrae
- * Substituting for Mr. Jay Cowan, Mr. Elijah
Harper
- * Substituting for Hon. Edward Connery,
Hon. Gerrie Hammond
- * Substituting for Mr. Allan Patterson, Mr.
Laurie Evans

Bill No. 47—The Dependants Relief Act

**Bill No. 48—The Intestate Succession and
Consequential Amendments Act**

Bill No. 50—The Wills Amendment Act

**Bill No. 51—The Marital Property
Amendment Act**

**Bill No. 52—The Family Maintenance
Amendment Act**

- * Substituting for Mr. Steve Ashton, Mr. Harry
Harapiak

APPEARING:

Hon. Harry Enns, Minister of Natural
Resources
Hon. James McCrae, Minister of Justice and
Attorney General
Mr. Kevin Lamoureux, MLA for Inkster

MATTERS UNDER DISCUSSION:

Bill No. 31—The Labour Relations
Amendment Act
Bill No. 47—The Dependants Relief Act
Bill No. 48—The Intestate Succession and
Consequential Amendments Act
Bill No. 50—The Wills Amendment Act
Bill No. 51—The Marital Property Amendment
Act
Bill No. 52—The Family Maintenance
Amendment Act
Bill No. 56—The Workers Compensation
Amendment Act (2)
Bill No. 57—The Pension Benefits
Amendment Act
Bill No. 80—The Civil Service Superannuation
Amendment Act
Bill No. 101—The Statute Re-enactment and
By-law Validation (Municipal) Act

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Mr. Chairman: Order, please. I call the Standing Committee on Industrial Relations to order. This evening, the committee will be resuming clause-by-clause consideration of Bills 31, 57 and 80.

**BILL NO. 31—THE LABOUR RELATIONS
AMENDMENT ACT**

Mr. Chairman: When the committee rose last night, it had been considering Bill 31 and we shall now resume consideration of that Bill. What time did the committee

wish to sit until this evening, or is that a -(interjection)-by leave, Mr. Cowan.

Mr. Jay Cowan (Churchill): Yes, Mr. Chairperson, I think we are seeing a dynamic process here that usually accompanies the latter days of a Session, which means that we do sit later than we would normally sit, so I would like to leave open the opportunity to keep this committee in tune with what is happening with the other committees and the House generally, and it may be a late evening.

Mr. Paul Edwards (St. James): Just one comment, Mr. Chairperson, I know that there are other Bills before this particular committee. I do trust that given this is only five sections, I realize it is a very controversial Bill, I concur with the Member for Churchill (Mr. Cowan). I do hope that we can expeditiously deal with this particular piece of legislation, although we will have to wait and see. I simply put that out after this long drawn out process we have been through.

Mr. Steve Ashton (Thompson): We could have finished our deliberations yesterday, if the Liberals had supported our amendment. I just want to assure the Member for St. James (Mr. Edwards) that after having spent a considerable amount of time on this Bill, I think he should anticipate that we will be speaking further tonight, and we could be here for awhile. It will depend largely on the process. In fact, we hope that the Liberal Members will be speaking tonight; that might have a factor in how late we sit. We would like to hear from them tonight.

Mr. Cowan: Perhaps, Mr. Chairman, we would want to deal with the other Bills first.

Mr. Chairman: What is the will of the committee? Mr. Edwards?

* (2005)

Mr. Edwards: I would suggest that, seeing we had started this process the last time this committee adjourned, in fact, I believe we had just gone into Section 1, we finish off this Bill. It is high time we did.

Mr. Chairman: What is the will of the committee?

Mr. Cowan: Mr. Chairman, I appreciate the eagerness of the Liberal Party, led by their right-wing Labour Critic, to squash workers' rights in this province as fast and as expeditiously as they can.

However -(interjection)- yes, you will hear it quite often, to Mr. Patterson, this evening. The right-wing Labour Critic and his band of marionettes, the Liberal Caucus, are in an eager hurry to squash workers' rights in this province. I would suggest that if they are worried about the other Bills, because there will be discussion on final offer selection, we could bring the other Bills forward first, dispense with them quite quickly, and then have only one item ahead of us.

Mr. Edwards: There are many words I could use to explain and describe the dribble we have just heard,

Mr. Chairperson. I believe that after many weeks of discussing this Bill, we move on and discuss it clause by clause. If the Member for Churchill (Mr. Cowan) feels otherwise, and obviously he does, let us vote on it, but let us get going.

Mr. Chairman: Okay, now what is the will of the committee? We have heard from this side of the table, we have heard from this side of the table. Everybody has had a chance to express their views, what do you say we get on with the business -(interjection)- okay, is that the will of the committee? Okay. We will be starting with Bill 31, Clause 1—Mr. Cowan.

Mr. Cowan: On Clause 1, Clause 1 states, Mr. Chairperson, that The Labour Relations Act is amended by this Act, and I think it is the proper context, the proper point and the proper time to put into the overall context, and the overall framework, what it is we are discussing this evening.

We are discussing an amendment to The Labour Relations Act through Bill 31 that will take away from workers a new and innovative tool, mechanism, for collective bargaining, which according to the comments that we have heard over the last number of weeks has resulted in the prevention of strikes that were unnecessary, but were being precipitated by the unwillingness of one party or another to sit down and negotiate reasonably.

It has limited the length of strikes under similar circumstances. It has stopped the type of economic warfare and strife and disruption to communities, families and workplaces that have resulted because of the unreasonableness of one party or another. Final offer selection is a vehicle by which both employers and employees in this province have benefitted through being able to negotiate contracts that would otherwise be irreconcilable.

Throughout the course of this debate we have seen the Liberals and the Conservatives pay homage to their corporate friends. We have seen the Liberals led by an arrogant, egotistical, right-wing labour critic, snap the whip on his entire caucus, force them into lying even though we know from personal conversations with him that not all of them agreed with this approach, not all of them wanted to see this innovative vehicle and mechanism and tool taken away from workers, not all of them wanted to see final offer selection repealed but, no, because of a campaign promise, an ill-considered, ill-thought-out, ill-advised campaign promise by their Leader and by the right-wing tendencies of their labour critic, they have pushed on and on and on trying in all instances, not only tonight, but when they first spoke in this debate, to rush headlong into the repeal of final offer selection so that they could pay off a political debt to their corporate sponsors.

Mr. Chairperson, we have been amazed by the total illogic lack of consistency and arrogant way in which all Liberal Members have dealt with this Bill from the very first time it was introduced in this House. We recall the labour critic standing up on his first introduction to the Bill and laying out a list of reasons why he thought

the Bill had been ill-conceived in the first instance and why final offer selection should be repealed.

* (2010)

We have looked at the studies on final offer selection, and they have proven him to be wrong from an academic perspective. We have looked at what has happened in the Province of Manitoba. We have done the research on it to the extent that we can, and they have proven the Liberal Party wrong with respect to their objections to final offer selection. Most importantly, we have listened to the many Manitobans who have come before this committee night after night, morning after morning, afternoon after afternoon, to tell us why they thought final offer selection was important to them.

I do not fault the Conservatives nearly as much for their actions—although I consider them to be just as wrong—as I do the Liberals, because I know that the Conservatives are operating from a basic ideology and principle that they believe firmly to be right. They have stood by that basic principle and ideology. They have tried to do what they believe to be right in the best interests of their friends, the corporations and big business. I cannot fault them for the philosophical battle. I do not agree with it. I think they are wrong as well and our caucus thinks they are wrong, but I understand from where they come. I do not understand the constant flip-flopping, thrashing about and wailing of the Liberal Party with respect to this issue, because if you heard them in the beginning, they said, final offer selection is a destructive force in the Province of Manitoba. It is a disaster; it must be done away with. That was what their Liberal Critic said about final offer selection. Now, after a series of flip-flops, thrashing about, flailing about, trying to find both sides of the fence on this particular issue, they have come up with an illogical, unreasonable, ill thought out, ill conceived and just plain stupid amendment that they feel will appease labour and will allow them to continue to snuggle up to their corporate friends in the board rooms across the country.

Mr. Chairperson, it is just not going to work out that way. Their logic is flawed. It is obviously flawed to the extent that what they are calling for is a post-mortem study on final offer selection and offer no way to get final offer selection back into the public realm, back into legislation, back into effect if it is found to be good legislation and working towards the public interest of Manitoba.

I say their agenda is not to have an independent study and then a reintroduction of final offer selection because if they think that will happen under any circumstances foreseeable in their future, then they are more politically naive than they have shown us to be in the past. I do not really believe that to happen. I do not think they really want final offer selection ever to come back into this province. I think they are following the lead of their Labour Critic, who is more a management critic than a Labour Critic with respect to these sorts of issues.

I think they have been sucked in by their Labour Critic on this. They may be sucked in by their Labour Critic, but I can tell you the public is not going to be

sucked in by the likes of their Labour Critic. The public sees through the smokescreen. They see through the scam. They see through the con job that the Liberal Party is trying to foist upon the people of Manitoba. They see very clearly that they do not want an independent study. They want a quiet, nice, neat way to kill final offer selection without having to take a stand. At least the Conservatives are prepared to take a stand, to rise or fall on that stand, to put their principles on the line and say, this is what we believe. I have to give them credit for that. I know that they have principles.

But I see very little by way of principles in the Members opposite in the Liberal Party. We have seen very little by way of principles in the Liberal Party in the last number of months, in the last couple of years as we have watched them try to grapple with issues of importance to Manitobans. What they always try to do, and the Liberal House Leader (Mr. Alcock) said when he was speaking to the MGEA, they try to have it both ways. They try to come right down the middle. Well, sometimes you cannot come right down the middle on issues because there are just too important considerations that have to be dealt with.

Let me give them credit. There are instances where they can get on both sides of the fence. They can do all the contortions and get one leg on one side of the fence and another leg on the other side of the fence and straddle it for as long as they want. They can do that in some instances, and it will not be painful for them. There are issues like that which allow that sort of latitude for the likes of Liberals.

* (2015)

I can tell you, Mr. Chairperson, that this is not one of those issues. If they try to straddle both sides of the fence on this issue, they are going to find out that they are neither fish nor fowl, that they have not appeased labour and they have certainly not appeased their corporate friends.

All we are asking from them is to be honest, to be honest with the people, to be honest with the hundreds of people who came here night after night to be honest with us, to spill out their hearts to us, to tell us about their experiences, to ask our help, our assistance, to ask us to be compassionate, to ask us to use our power as legislators to try to build a better society.

They pretended to listen. I will give them credit. Some did listen. I know some listened. But they were listening to two parties. They were listening to the public and they were hearing the concerns and why final offer selection is good, and they have made the right noises in this committee room to make people think they were thinking about what they were saying, but then they walked down the hall, made a left turn, made a right turn, went into their caucus room and listened to the Labour Critic, listened to the Labour Critic as he sold them on this illogical, stupid, ill-conceived scam, this con job, Mr. Chairperson, we may have votes on the amendments that come forward as time goes on. We may deal with this issue in its finality. I do not know, but that is a possibility.

I can tell you no matter which way the votes go, the people who came before this committee, the people

who live in their communities, the people who work in their plants and their shops will not forget the way the Liberal Party betrayed them in this committee room. When we talk tonight about an Act to amend, Clause 1, The Labour Relations Act, what we are talking about in reality is a Liberal Party that listened but did not hear, a Liberal Party that looked concerned but then walked, and as soon as they walked out of that room they turned their backs on so many women, so many workers, so many others who came forward and talked about what had happened to their own families, to their own jobs.

Mr. Chairperson, you were here. We heard about families that are no longer families because of strikes. We heard about husbands and wives who are no longer husbands and wives because of strikes, not just because of the strike because a strike is not going to tear asunder or apart a marriage, but it certainly will have an effect on one that may have survived under different circumstances. It can be that the nail that forces closed that coffin, it can be the straw that breaks that camel's back. It can be the final factor, and it can be avoided. We heard about brothers who are not talking to brothers.

The Member for Transcona (Mr. Kozak) who grew up in a labour area knows the effect of strikes on individuals and communities. The Member for Fort Garry (Mr. Laurie Evans) who says he has been involved in unions and used final offer selection when it was available to him, good enough for the university professors, good enough for the doctors but not good enough for the shop workers, not good enough for the retail workers, not good enough for the people who work in manufacturing in this province, they know what strikes and lockouts do.

They know what they are going to be doing when they vote to kill final offer selection in this committee room. They know the type of strife that they are going to cause, and it is going to be on their shoulders because they had an opportunity to be something different than what they are. They had an opportunity to stand up for something. It is going to be on their shoulders when those strikes come and when families break apart, and when communities split up, and when brothers do not talk to brothers and sisters do not talk to sisters. It takes four, five, six years in a plant after a strike to get working relationships back together again to where people will sit at the same table. That is going to be on their shoulders, Mr. Chairperson, because they had a choice.

They can follow their Leader in trying to foist upon Manitobans this scam, this con job, or they can stand up for what some of them believe is right, and I know some of them do not agree with their Labour Critic (Mr. Edwards). I know some of them do not agree with the approach they are taking. I know some of them would rather see final offer selection stay in place, and for them I feel the sorriest because not only are they betraying the people who came to speak to us but they are betraying themselves because in their hearts they know what is right. In their minds they know what is right. In their minds and their hearts they know what we heard was right and yet they turn their backs, they

turn aside, they walk away from, they betray people who came here in good faith.

They do not have to listen to what we had to say in the House or in this committee room on this issue. One likes to think that they are being listened to, but I know that sometimes the general public can hold more sway over politicians than can other politicians. I know sometimes that the general public can put in much more articulate form, much more heartfelt form, much more honest and sincere form, what it is they are feeling than can politicians speaking on their behalf. They heard all that.

* (2020)

For a moment there, when we saw the original flip-flop, when we saw the Labour Critic fish out of water a bit and flopping about on the shoreline, we thought that perhaps they were coming to the conclusion that final offer selection did deserve a chance; that final offer selection deserved more than a 10-month reprieve and then a six-month autopsy; that final offer selection did deserve a real independent review, and on the basis of that review it deserved some action, either positive or negative. We are prepared to put it to that sort of test.

I have heard them say that they have come a long step with that move. Indeed they did come a long step. I will give them that much credit.

You know, Mr. Chairman, if you set out on a journey, and it is a long journey, the goal is a good goal, the destination and the objective is a good objective, you go three-quarters of the way and then you stop, you have not accomplished what you wanted to accomplish, all you have done is wasted your time and wasted the time of other people.

That is what you have done with what we have heard about your amendment. You have made the first few steps, but then your courage ran out; your willpower ran out. You turned against logic, compassion, good sense. You turned against the people who elected you. You turned against the workers in this province. You did that all because you were feeling a bit uncomfortable by the distance that you put between yourselves and your corporate sponsors.

Let me tell you, if you want to snuggle up to anyone in this business, those corporations will put money in your pockets but it is the people that put you in office.- (interjection)-

Well, the Member for St. Vital (Mr. Rose) says, garbage. I think the Member for St. Vital wants to rethink his words, because it is not garbage. If he thinks it is garbage then he does not understand the electoral process. If he thinks it is money that puts you here and not people that put you here then I feel sorry for him.

I understand why they are doing what they are doing now. If that is how they feel, if they feel it is garbage, if they feel the statement that it is the people that put you here, it is the people you have to respect and the people you have to work with, is garbage, then it all becomes a little bit more clear as to why they have chosen the path they have chosen.

I will tell you, if you have to pick sides, and you do in this business—and this is not the first nor the last test that each and every one of us are going to face in this Legislature—if you are going to have to pick sides you will not go wrong by siding with people. You will not go wrong by listening to them when they come forward. You will not go wrong acting upon what you hear when they come forward. You have gone wrong. You have gone wrong because you did not listen as much to the people as you did to your corporate friends and your right-wing Labour Critic.

Mr. Chairperson, we are going to have a fair amount to debate this evening. It is going to be a heated debate. It is going to be debate that draws the lines very crisply and clearly. It is going to be debate that puts into perspective the issues from different perspectives, from different frameworks. It is going to be debate that is, I believe, ideologically based at least between the two parties and convenience based for the Liberals. We accept that and appreciate that.

* (2025)

Mr. Chairperson, there are going to be decisions taken most likely over the course of the next days and weeks on this particular issue. We look forward to that debate. We did want to use this opportunity—I know the Member for Thompson (Mr. Ashton) wants to use his opportunity on Clause 1 to put into context what this debate is and why we believe it is a story of betrayal, a story of sellout and a story of an ill-conceived, illogical and unsuccessful attempt to scam the public of Manitoba by the Liberal Party.

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

Mr. Ashton: Mr. Chairperson, if other Members of the committee wish to make a statement on Clause 1 I would be willing to defer.

I am waiting for someone, somewhere, Members of this committee, official Members, observers, to gather up their courage and speak on what we are doing tonight.

Mr. Chairperson, the reason I wish to speak is, we are dealing with Section 1 of The Labour Relations Act as amended by this Act. That may not mean very much to people in this room, but I believe when The Labour Relations Act is dealt with, as it is being dealt with today, it is a matter of serious concern. If this Bill goes through it will be a rollback in terms of The Labour Relations Act in Manitoba. Perhaps, Mr. Chairperson, there will be people who will be glad to see that. I know the Chamber of Commerce, with all due respect to them, will be happy if that takes place.

Mr. Chairperson, I remember discussing, raising questions with those same members of the Chamber of Commerce, and it was interesting. Every time I asked how far do you want the line drawn—

An Honourable Member: They said further.

Mr. Ashton: Well, they either said further, or they said nothing. There is a reason why they said nothing, and

that is because I believe if we were to follow through on the precedent that is being set today that line will be continuously moved back.

It will not stop with The Labour Relations Act, Bill 31, final offer selection. The next item on the table will be first contract legislation, Mr. Chairperson. Let us not forget—and I certainly have not forgotten, I have sat in this committee and heard the same type of arguments, the dark cloud over Manitoba. They said the same thing with first contract legislation, and to their credit, the Chamber of Commerce representatives who came before this committee admitted that is also on their agenda.

Is that the extent of it, Mr. Chairperson? I do not believe it is. If one looks at the argument that has been put forward by the Chamber of Commerce, by the Conservatives and it appears by the Liberals as well, to use that dark cloud analogy, if one goes back even further one gets back to The Labour Relations Amendment Act of 1972, because these same arguments were used in 1972.

One of the ironies of this committee is that Mr. David Newman, the representative of the Manitoba Chamber of Commerce, who came before this committee, in his brief—and I quoted it back to him and other individuals who wished to talk about this Bill as somehow being one that would have dire consequences if it was not passed and how final offer selection was destroying the business climate.

In his brief he said, yes, we have had an improvement in the labour relations climate in Manitoba, and indeed he was correct. In 1989, we had the lowest level of strikes, the lowest number of days lost in 17 years. That is significant, Mr. Chairperson. It is significant—17 years. He said it is not really because of final offer selection, it is because of the changes that were brought about in The Labour Relations Act in 1972, which prevent employers from becoming involved in strikes and lockouts to the extent that they were previously.

Is it not amazing? In 1972, this same Chamber of Commerce said there would be a dark cloud if that Bill was passed. In 1990, they came before this committee and said, because of that legislation we have reduced strikes and lockouts.

There are two conclusions I can draw from that. Perhaps there is an element of consistency in there. Perhaps the Chamber of Commerce believes that strikes and lockouts are a good thing and it is wrong to prevent employers from being involved in strikes and lockouts. That is one possibility, it would be consistent.

* (2030)

I do not believe the Chamber of Commerce seriously would ever suggest that, which leads to the fact there can only be one other conclusion, and that is that those changes that were brought in, in 1972, were right, were correct, improved the labour relations climate, reduced the number of strikes and lockouts in Manitoba, and that the Chamber of Commerce in 1972 and the Conservatives, and I dare say the Liberals, were wrong.

Well, Mr. Chairperson, there are some similarities I believe in terms of final offer selection when brought

in, in 1987, and the changes that were brought in, in 1972, but there is one fundamental difference. The similarities are that final offer selection is working. It has provided an alternative to strikes and lockouts. I have not heard anyone come up with any argument that has any substance at all to suggest that is not the case, similar to the situation in 1972, but if this Bill goes through, the Conservatives and the Liberals have their way, there will be one fundamental difference with The Labour Relations Act 1972. It will not be in place for 18 years; there will not be an 18-year time period for those who opposed final offer selection to, as I said, recognize they were wrong.

We will not be in the situation a number of years from now, in the year 2005—equivalent time frame from when the 1972 Labour Relations Act was passed. We will not be sitting in a committee hearing a representative of the Chamber of Commerce saying that perhaps the latest progressive step in labour legislation is not the reason why the labour relations climate is wrong; it is because of final offer selection that was brought in, in 1987. We will not be doing that, Mr. Chairperson, because if we are to follow through on what the Conservatives and the Liberals are doing in this committee, we are going to have it killed. It is just a question of when. There will be no review, except perhaps after the fact.

So, Mr. Chairperson, final offer selection will become perhaps a footnote in history. That is unfortunate because final offer selection, as it was introduced in 1987 in Manitoba, has worked. It was new; it was innovative. There were concerns expressed when it was introduced, and I can indicate that I have supported, going back even to 1982 and '83, some of the first discussions within the New Democratic Party Government at the time when Mary Beth Dolin, the late Mary Beth Dolin was the Minister of Labour. I was legislative assistant to the Minister of Labour, and we talked initially about final offer selection.

I can indicate that I believed in its potential then, and I can indicate that, when it was introduced in 1987, I believed in its potential then as well, but I was the first to admit at the time that I might be wrong. Some of the concerns that were being expressed could be correct. Mr. Chairperson, I can truthfully say to this committee in 1990, in the short period of time—all too short—that final offer selection has been in place, that it was worked beyond my greatest expectations. I am not alone in saying that. There are many other people who came before this committee and said the same thing. Perhaps what is significant is those who in 1990—only three years later—came before this committee and said that they opposed final offer selection when it was introduced, but they now believe it is working and it should be kept in place. Those are pretty courageous statements to make.

It is not easy for people to admit they were wrong. Mr. Chairperson, perhaps in this particular issue I do not have to. I really believe I do not have to say to anyone that I was wrong. I believe I was correct, as was the NDP Caucus in 1987. It is still pretty tough and I have been wrong on other scores. It has been tough to say that I was wrong, but I have said I was

wrong. If those Members can come before this committee, those Members of the public can come before this committee and make that statement, I really look to the Liberals and I ask them—to a certain extent I think they have admitted not directly but indirectly that they were wrong.

The Liberal Labour Critic as much as three weeks ago was saying that final offer selection was bad legislation. I look to the Liberal Labour Critic. I hope he is listening because if I am misstating what the Liberal Labour Critic said then I will withdraw that. Now he did not say it extensively in the Legislature. He said when he spoke in the Legislature that he wanted speedy passage of Bill 31. Only two Liberals spoke in the Legislature. When he did speak he said it was bad legislation, up to three weeks ago.

I was watching the press conference just a few short days ago. The Liberal Labour Critic has said, well, we will bring in an amendment that will keep it going for another 10 months.

Mr. Chairperson, I am puzzled. If it is bad legislation, if that is their opinion, obviously they should vote it out. They are wrong. I believe that fundamentally they are wrong, but if it is not so bad after all, why can they not leave it in place and give it a chance? If they have gone the step of admitting they were wrong, that it was not bad legislation, which I assume is the case by the amendment that they are saying they will bring before this committee, why can they not go further?

Mr. Chairperson, Section 1 says The Labour Relations Act is amended by this Act. Our caucus will be voting against this subsection as a protest against what I believe is a very dangerous precedent. This is rolling back The Labour Relations Act. It is rolling back labour legislation in Manitoba. It is taking the line, it is erasing it and drawing it further back to 1987. Mr. Chairperson, if this step is taken it is that much easier to take it back to 1983. If we go back to 1983, it is that much easier to go back to 1972.

If you think that I am being alarmist, I just ask you to look at some of the comments that were made by the now Attorney General, the Labour Critic, the Conservative Party when they were in Opposition. I realize, Mr. Chairperson, you were not here at the time, but he had proposed changes to The Labour Relations Act that not only would have rolled back labour relations to 1972 but would have deleted sections of The Labour Relations Act that have been in place for decades.

Mr. Chairperson, I recognize that this Bill does not do that, and I know there is a reason why. We are in a minority Government situation. It is that much more difficult for the Conservatives to implement that type of agenda, but if they are assisted in the implementation of that agenda by the Liberal Party, if we have an alliance of 44 Members of this Legislature, of the Liberal and Conservative Parties, against 12 New Democrats, in a minority Government situation, what is to stop either of those Parties in a minority or, God forbid, a majority situation from rolling back labour relations, erasing the line and drawing it back? Where will it end, Mr. Chairperson? That is why yesterday we tried desperately through our proposed amendment. We debated, we

lectured, we pleaded, not just to the Conservative Government, we knew that deaf ears were being turned to our pleas, but directly to the Liberals.

* (2040)

Last night the Liberals voted down our amendment, a reasonable amendment.—(interjection)—As the Member for Churchill (Mr. Cowan) says, the question is, why? A reasonable amendment, an attempt on our part to bend over backwards, Mr. Chairperson, to try and save final offer selection, to ensure that a review would take place before any repeal. We were willing to commit ourselves to that review. How much more reasonable can you get?—but we were defeated.

You know, I wish in a way there had been some visual record of that vote last night. It was quite the picture, Mr. Chairperson. I remember it well. The Conservative Members, the Minister, the Liberal Members, to a person, voting down that amendment, and the three New Democrats on the committee supporting it. It spoke volumes and believe you me, there have been volumes in this debate, and there may be further volumes written. That picture spoke a thousand words. The Conservatives and the Liberals joining together to defeat an amendment that would have prevented us from being at the stage that we are at today.

I said yesterday that we were at a crossroads. The Liberals in particular chose a certain route, Mr. Chairperson. Tonight we are debating this Act. To the Liberal Labour Critic, yes, it may appear to be a small Act, just a few sections. It is of major significance. It changes The Labour Relations Act, it repeals final offer selection before it even had a chance.

We, Mr. Chairperson, will be speaking at each and every stage of that process. Perhaps our back is against the wall. We are indeed only 12 Members, only 12 out of the 57 Members of the Legislature, only three Members of this committee. We believe on this battle that we have the best interests of the people of Manitoba on our side, the working people who came before this committee, the general public of Manitoba who I believe support final offer selection as an alternative to strikes and lockouts.

We are speaking for them, Mr. Chairperson. Win, lose, or draw, tonight, or on any night, this fight will continue. The Conservatives and the Liberals, whenever they try to roll back labour legislation, will have a fight on their hands from the New Democratic Party, whether we are 12 Members, 22 Members or 32 Members. We will fight them. We will vote against them. We will speak against them, not just in this Legislature, but in every household in Manitoba, every workplace. That is why this fight, even this clause, is a significant fight.

We are ready, Mr. Chairperson, to deal with Clause 1. Perhaps it is too late to plead. Perhaps it is too late for any hope, in terms of the Liberal and Conservative Members. I want them to know that as we vote on items in this Bill, I want to make it very clear that no matter what we do tonight, or in the upcoming days and months, this will not be forgotten. Thank you, Mr. Chairperson.

Mr. Chairman: Thank you, Mr. Ashton. Are there any further comments?

COMMITTEE CHANGES

Hon. Gerrie Hammond (Minister of Labour): With leave, I would like to make a couple of substitutions, Albert Driedger for Derkach, and Mitchelson for Downey.

Mr. Chairman: Is it the will of the committee to accept these substitutions? You are willing to do so. Okay, thank you.

Ms. Maureen Hemphill (Logan): Mr. Chairman, once again, I guess, we are in the position of wanting to put our thoughts on the record in what seemed to be the dying stages of a very important piece of legislation. If people wonder why we are continuing to do this, I guess it is because we feel so strongly about it and because we feel that the loss is going to be a very significant loss to the working people of Manitoba.

As I said last night, I am proud to have been part of the Government that brought in this legislation. When you look back on the record of what Government does, you are happier about some of the things you did. Every Government always makes some mistakes and you wish you had done some things differently, but this is not one of them.

This is not one of the things that I think we should have done differently. I am proud that we took the time and the care and that we had the courage to bring in an innovative piece of legislation and one that we, ourselves, were not totally sure how it was going to work. That of course is why we put the sunset clause in it and gave it a period of time in which it could be properly, we thought, evaluated before a decision was made on whether or not to keep it.

This piece of legislation in the time that it has been in, and with the information that we have been able to get—and we have taken a lot of effort to get as much information as we could, not just from the studies that were done, but by talking to people directly who had been through the experience and listening very carefully to what was said when they made their presentations.

It is not actually doing what I thought it would do, it is doing more. I think one of the things that has surprised me really when I have really looked at the experience of this legislation and really listened to the people who made their presentations and listened to the information that we gained when we called people directly who had sat at the table and said how did it go for you, what kind of experience did you have, and did you have any problems with it, and particularly asked them to deal with all of the criticisms that were presented in the Legislature by the other two Parties, and asked them if they had agreed with those and had that experience and they said, no, that they had not.

When I look at what they are telling us, it is clear that it is not just another option to give people a way to negotiate in good faith and in co-operation at the bargaining table, to avoid the extremes that are and

must be left open to them, like a strike, but should be used only in extreme positions. That it not only gives them that option, but somehow the process itself has a major effect on the way people behave at the bargaining table. It is absolutely clear, from the information that they have presented, that it forces them—we say encourages them, but it actually seems to do more than encourage them. It seems to force them into putting on the table very reasonable, non-extreme positions and to back it up with documentation and justification for the position that they are taking.

It is very clear that they want to appear to be fair to the selector in case it gets to that point. The other thing that I think surprised all of us is that it seems to encourage them, allow them and help them to get the agreement themselves.

Only in a very, very few cases, where they had applied for final offer selection, did they go to the end where the selector had to make the decision between the two positions. In all the other cases, the process of final offer selection had them bargaining in such a reasonable way that they were able to come to an agreement by themselves and if not come to an agreement, they were at least able to narrow the number of issues that had to be taken to the selector.

One of the other things that I think was very interesting is to see that unlike a strike, which my colleagues have discussed the terrible effects on families, on communities, on neighbours, this one they seem to be able to go through the process, end up with a winner and a loser. Sometimes it has been the union that has won, and sometimes it has been the management and the employer that has won, but there has been a winner and a loser. Somehow they are able to go through that process. They are not angry at the end of it. They are not bitter at the end of it. They are not upset with each other. There is no bitterness. There are no bad feelings. They have walked away from the table somehow seemingly satisfied with the results of it, even when they got to the point where the selector made the selection and they did not come to the agreement on their own.

* (2050)

So for all those experiences that we are finding out are a pleasant surprise, I think, to us who put in the legislation and to those who are using it, they are getting benefits that are far beyond what we thought there were going to be when we first put it in.

I think that if we really looked at that, and if the Members opposite—particularly we are putting our comments, directing them more to the Liberal Party. I think we have all been faced with situations in Government where we have taken positions as a Party and where we have had a strategy for dealing with legislation or going through the house where we have changed our minds in the process. We have actually listened and been influenced by what we have heard, and we have changed our minds in the process. I think that some of that has happened in this case.

I think one of the real challenges for all of us, both as caucuses and as individual Members, is to have the

courage to stand up and say, I changed my mind, or I made a mistake. I can tell you as a Minister I can remember having times when something was brought to my attention and you sort of have to decide how you are going to handle it, whether you are going to try and waffle your way out of it, or speak your way out of it, or whether you are going to stand in your place and take the responsibility and say, that was wrong. There was something that was done - (interjection)- no, I will give a few examples after. There was something that was done that was wrong, and stand up and say it was wrong or stand up and say that you have changed your mind.

I think we have all been faced with that as individuals, and we have been faced with that as a caucus. I have to tell you that I think the public—I think you get more respect when you have the courage to stand up and say you made a mistake or you changed your mind than you do when you try to stick to a position that really does not make sense to anybody, particularly to the public. I wish in this case—and I think they would get tremendous respect. I do not think they would seem to be weak. The reason that people are reluctant to do that, whether they are caucuses or individuals or Ministers or MLAs, is that they think it is going to be a sign of weakness.

It is not a sign of weakness. It is a sign of courage and strength. If that was done by our Liberal colleagues, I think both the labour movement and the public would say, that took courage and we respect them for being willing to stand up and do that.

I said last night—I was talking about the people whom I think benefit apart from the whole labour climate, apart from the fact that we have another option for all of those people who are bargaining and the hundreds and hundreds of contracts that are bargained each year that they have an option that they can choose, and not everybody will and not everybody should and not everybody wants it. I mean, out of all the contracts that were negotiated we only have 72 that applied for it. In those cases where they want to use it and need to use it it should be there.

I was saying that I thought this legislation was the most beneficial to the weakest people in our system, the smallest, those with the least resources. I am thinking of small unions and small businesses. I commented a bit on women and the very, I think, poor position that the hundreds and thousands of women that are in the work force in Manitoba find themselves in, because they do not have the clout, because they do not have the strength, because they are in a weakened position. I think final offer selection is going to give them a better chance at the bargaining table to get some of those benefits and rights that they do not have now, that most of us think as really basic rights.

I have to tell you that those women out there do not even know right now that this exists. In other words, they do not know there is an option in labour negotiations. If they are a small union working for a garment factory, or working in a factory where there is a small union, they do not even know that this exists right now. When we take it away they will not know we

have taken it away, because they did not know it was there in the first place, because they are the kind of people who do not usually know what their rights are and what their choices are and what their options are.

I can tell you that I really believe that if final offer selection is left on the books—and to have it left on the books we are prepared to have it go through an objective evaluation that will make a decision on whether it is working or not, whether it needs any changes or not. We will agree to those changes if they are recommended by an objective evaluation. We are prepared to have it go through that, but we are also convinced that when it does go through it is going to get very good marks. We believe that, and we are willing to take the chance. Why are they not?

We are willing to say, let an objective evaluation tell us what we believe, tell us whether we are right or not, tell us whether it is working, whether it is doing a good job and whether it should be kept as an option. I can tell you, I really believe if it is kept as an option that the women that are working in the jobs where it is sweat labour, slave labour, with very little rights and almost no benefits, that if this is in for five years or for 10 years it will work for them, and we will be able to see improved benefits and improved rights for the women in our province that do not presently have them, because of the tool that final offer selection will give them to get a fairer deal at the bargaining table when they are the weaker group that is going through the bargaining process.

So, Mr. Chairman, I just want to end by saying that we believe in final offer selection, but we are willing to put it to the test. We are willing to put it to the test of an objective evaluation before a final decision is made. We believe that it is going to pass that test, but we want that test to be carried out. We would like to get the Members opposite just to agree on what is not a huge point to change their mind, and that is to agree to have the evaluation before the repeal, just to agree to have the study done before the decision is made to repeal this piece of legislation.

I think anybody looking at a process—and especially somebody like the Minister of Education (Mr. Derkach) who knows how important evaluation is to the education system, and who would never think of withdrawing an education program and then saying, we will pull the program and the curriculum and then we will have the evaluation. I know that he would be sympathetic with the plea that I am making to have the evaluation first before the appeal and then let all of us say, we will accept the decision of the objective evaluation on whether or not final offer selection should stay.

You will not decide if it is good, and we will not decide if it is good. The objective evaluator will decide if it is good, and then we will make the decision on the appeal. I appeal to them to have the courage and the strength to change their minds on this and to say they have thought it through, they have listened to the people, and that this is what they are going to do because this is the right thing to do and this is the best thing for the labour climate in our province and for the working people of Manitoba.

Mr. Chairman: Is the committee ready for the question? Shall Clause 1 pass? -(interjection)- Okay. Question?

Shall Clause 1 pass? All those in favour of the clause passing say yea, all those against say nay. In my opinion the yeas have it. Mr. Ashton.

Mr. Ashton: I would ask for a counted vote, Mr. Chairperson.

Mr. Chairman: Okay, I would like to remind you that only committee Members can vote: Mr. Ashton, Mr. Connery, Mr. Cowan, Mr. Driedger by leave of this committee, Mr. Edwards, the Honourable Mrs. Hammond, Ms. Hemphill, Mr. Kozak, the Honourable Mrs. Mitchelson by leave, and Mr. Patterson.

All those in favour raise your hands. All those against raise your hands. Seven in favour, three opposed. Clause 1 is passed.

Clause 2, shall Clause 2 pass—Mr. Cowan.

* (2100)

Mr. Cowan: Mr. Chairman, well, we have just seen for another time the Liberals and the Conservatives vote together to repeal workers' rights in this province. We have seen the Liberal Labour Critic, who seems to be moving closer and closer to the Minister of Labour's (Mrs. Hammond) position at the head of the table, throughout the course of this debate and dialogue and discussion, vote once again with the Conservatives. We have seen him lead his friends and his colleagues in the Liberal Caucus once more down a garden path by telling them, demanding upon them, forcing them, to vote for his own particular form of right-wing ideology.

Mr. Chairperson, we are now on to the second clause of The Labour Relations Amendment Act, Bill No. 31. The second clause deals with the actual repeal of final offer selection. We have listened very carefully not only to those who have come before us over the past number of days, but we have listened very carefully to what all Members of this House have had to say about final offer selection. We have listened with particular care as to what the Liberals have had to say about final offer selection, because we have tried desperately to understand why it is they are so opposed to this innovative form of legislation which brings reasonableness to the bargaining table.

They talked about themselves being the Party of reason, yet they act like the Party of expediency and convenience. They talked about themselves being the Party of logic, the one that can drive the middle course, that can walk the middle line, that can straddle the fence, yet when it comes time to make a decision based on logic, we see them act in an illogical manner. They talk about being friends of labour, and yet when labour seeks their friendship and their support and reaches out their hand, they draw back, turn away and run to their corporate friends. We hear them talked about being the Party that wants to see economic growth in the Province of Manitoba, yet their vision is not one of economic growth for Manitobans but is a vision of economic profit for corporations and big business.

We have listened carefully to understand why it is they have been so adamant from the very start with

respect to repealing this innovative measure. We heard the Member for St. James (Mr. Edwards) talk about how he feels final offer selection is wrong because it upsets the delicate balance of labour relations in this province. Mr. Chairperson, there is only one group that feels that way, outside of this Chamber, about the labour relations climate in the Province of Manitoba, and that is the corporate sector.

It is the same sector that, when we brought forward first contract legislation, they said that would upset the delicate balance. When we brought forth amendments in '76, they said that would upset the delicate balance. When we brought forward changes in the labour legislation in 1972, they said that would upset the delicate balance. It is not that it would upset the delicate balance; it is that it brings more balance. Because the system has been so traditionally and historically unbalanced in the favour of the employers when it comes to labour relations, they believe it upsets the delicate balance, but what it does is it erodes their balance of power within the workplace, it erodes their ability to manipulate.

We heard about how there was a strike at one of the businesses in the Province of Manitoba. We heard that the union members, the workers themselves, felt that they had been forced out because of the unreasonableness of the corporation with whom they were negotiating. We heard them tell us that those decisions were not being taken in their community, that those decisions were not being made by local management; those decisions were being made hundreds and thousands of kilometres away in corporate offices that had no feeling for the community, no feeling for the workplace and knew nothing about, nor did it care to know anything about what the impact those decisions was going to have on the work force, the community, the families and friends. They cared only about the bottom line. They cared only about their profits.

Because of the structure that the system now enjoys, they could make those sorts of decisions based on that criterion and drive a community into despair, drive a community into disruption, drive a community to economic warfare, yet final offer selection gave the people of the community, the employees, their friends, their families, the ones who have to live there, the ones who have to suffer the consequences of the decision, gave them the opportunity to force that corporation to the bargaining table, and they were able to reach an agreement. After a strike, after families had broken apart, after the community had been disrupted, after severe economic loss to the entire region, they were able to get an agreement. The final offer selector did not have to decide on a whole array of issues. There were only one or two outstanding issues at that point in time. It forced a reasonable approach on the part of the employer and the employee with respect to developing the proposals for the selector from which that selector would choose.

We asked that woman how she felt about the situation that she had lived through. She told us she had felt powerless. She had told us that she felt there was no way that their union, her husband, his friends, his co-

workers, her friends, could bring the employer to the bargaining table from so many miles away if the employer did not want to come to that bargaining table, until there is final offer selection. Through final offer selection, they brought the employer to the bargaining table in a reasonable manner. Through final offer selection, they were able to resolve that strike and go back to work.

We asked her, because she talked about what was going to happen during the next set of negotiations which are coming up, and we asked her about that, and we asked her what would happen if there was a strike, because they had eaten up all their family savings in the last strike, and their family had suffered, relationships had suffered, and there were still friends that they were not talking to because of the strike and she said, if we have to take another strike, if we have to go through that again, there are going to be families that are already weakened that are going to fall apart, be driven apart. They are not going to fall apart, they are going to be driven apart by the fact that this Liberal Caucus here shows no compassion nor no understanding for their circumstances. She said, brothers are going to fight with their siblings and parents are going to fight with their sons and daughters and vice versa.

(Mr. Richard Kozak, Acting Chairman, in the Chair)

She was worried about her own family being able to survive that strike and so we asked, what hope is there? She said, final offer selection. We asked her why, and she said because she did not believe much had changed with the corporate structure of their employer, and they would face the same sort of circumstance. If they did not have a tool to bring some reasonableness into the discussions, to force the parties to move closer together, including labour, there would be that strike. We said, why do you take the strike if it is so hard on your family, if it is so hard on your community? Why do you take the strike when you know you are going to lose money and probably never regain a lot of it, when you know there are going to be people at the end of that strike that never talk to each other?

* (2110)

We have some pretty vicious discussions back and forth here. We get kind of heated and we go at each other, and it gets pretty raucous at times, and pretty hateful at times, and you know something? At the end we are always talking to each other.

An Honourable Member: Not everybody.

Mr. Cowan: Well, Albert says, not everybody, but Albert knows as well as I do, the ones that do not talk to each other are the ones that do not last long here because it can become a very uncompromising and very unfriendly place. As vicious as it becomes here, and as heated as it becomes here, and as disruptive as it becomes here, we still talk to each other.

Think how bad it must be in that community with that strike, where after four and five years they are still not talking to each other. Think of how hard it must

hit individuals and it must hit that community. Final offer selection can prevent some of that. The last time they used final offer selection it did not destroy the company. The company is still functioning. The employer is still making a profit and as a matter of fact, the agreement is being worked on day by day carefully, implemented carefully. There is no bitterness. There is no lack of commitment to the agreement. Life goes on.

(Mr. Chairman in the Chair)

Another woman came forward and she was a single parent. She was not a single parent at the time of the last strike, but since that time, and I do not believe it had anything directly to do with the strike, she is a single parent. I asked her how she felt about what had happened in the past and she used that same terminology, she felt powerless. She felt that she had no way to influence her own future because of the way the economic system is structured and has been structured for so very long. We asked her what would happen in another strike and she said that she would go on welfare. Nobody in this world wants to have to go on welfare, nobody. Nobody wants to go on it, and nobody likes it when they are on it. Everybody wants to get off it. It is a shame that our economy is such that we have to have welfare, but what is a real shame is if you have a working person who wants to work, who has a job, who has an ability to make a wage, who is powerless to stop a strike from happening and endorses that strike because she knows that is the only way that they can ever gain any power, knowing that at the end of it she is going to be on welfare.

That theme of powerlessness reverberated throughout the presentations that we heard from ordinary Manitobans. They are telling us they feel that they lack the power, they lack a way to influence and to shape their own future, and yet the Liberals tell us that they are worried about this upsetting the balance, the economic balance between the employers and the employees.

Who does that present balance—and that is the wrong word, it is the economic distribution of power between the employers and the employees—who does that economic distribution of power benefit? Who does not want to see it changed? Who did not come here and say they feel powerless?—the employers, the corporations, the business sector. They are the ones that are crying about the upsetting of the distribution. They are the ones that are seeking assistance from their friends the Liberals to secure that power, to ensure that management rights are not eaten away or eroded, even if that would be fairer or more equitable.

When the Member for St. James (Mr. Edwards) talks about final offer selection changing the distribution of power, upsetting the delicate balance, he is mouthing the words of the business sector, he is speaking for the corporations, he is speaking for big business. He could say those words just as well from a board room of mahogany walls, marble floors and brass railings as he can from this table. When he says those words, he shows us he has not listened to the people who came here and said they see the world somewhat differently. They see it that way because of hard personal experience.

Yes, this is about power and balance. The whole argument is about power and balance. What final offer selection has done over the past couple of years is change, shift that balance of power a bit. Those who think that is wrong do not understand what it is to have to work in a rural Manitoban community at a workplace where every day they fear for their future because someone sitting in Edmonton or Toronto or somewhere out of the country is making very powerful decisions that can destroy them in a moment, that can tear their families apart, that can rip their communities asunder.

All they asked for with final offer selection was a way to even that out a bit, a little bit of power. That is the same argument we heard on first contract legislation. That is why what the Member for Thompson (Mr. Ashton) said before is so important when he said it does not stop here. When you sell your souls on this issue, I say to the Liberals, it does not stop here. This is just a down payment, because your friends in big business will not be happy until they can exercise more and more power over their employees.

They will come back knocking at your door for first contract legislation. They will say you have done it once. It is a down payment. It is easier the second time, you know, because the same arguments will apply. If you buy the arguments on this one, you are going to force yourself into accepting the arguments on the others or you will appear more inconsistent than you already do. They will hold out exactly the same rewards for exactly the same action, and you will find yourself in another crisis as much as you can find yourselves in a moral crisis as a Liberal Party.

If you give in on first contract legislation, they will have another one because the hand keeps coming out and out and out, and you can never satisfy it. You will never be able to fully satisfy the beast that you are calling, beckoning by your actions here on final offer selection. The hunger is insatiable, and it will be the same over and over and over again. Tonight is not the end of a fight. It may be the end of a battle over final offer selection, but it is the beginning of your battle as a Liberal Party with those sorts of demands that will be made on you because you see the corporations will have clinched the friendship, a kiss on the cheek, a little bit of a reward here, but more importantly, holding out more rewards for future action.

* (2120)

You have to make a decision tonight, but you are going to have to make a decision time and time and time again until you finally start listening to the people. There comes a time when you have to put aside political expediency. There comes a time when you have to say to people, even if they have helped you in the past, I do not think you are right on this one. I think you are wrong. There comes a time when you have to decide between right and wrong, not based on what you think is an easy way out, but based on what is a very hard decision. The decision is not easy.

One of the interns who was listening to the debate earlier, has been listening to the debate all along, sent

me a quote and although the wording is somewhat unparliamentary, I think it will be accepted. I think it makes a point. The quote is actually a paraphrasing of Dante, and it says: The hottest place in hell is reserved for those who in a time of moral crisis fail to make a decision. By your amendment, as portrayed in the media, you are not only failing to make a decision, you are running from the issue. When you are running, such as you are now, people see you are on the run. It is not a parade, and they do not get in front of you to lead you, they get behind you and keep kicking you and pushing you until you do everything that they want you to do.

We listened to representatives of business. They told us this is not the end of the battle for them. They were opposed to first contract legislation, they were opposed to the '72 legislation, they were opposed to expedited arbitration, they were opposed to the Rand formula, they were opposed to the improvements in the ability to unionize. You know what? By your actions now they think you are, too. They do not think it is a matter of principle. All they think is you have to find a cheap way to do it, and they are going to help you.

It may well be that final offer selection is repealed, but do not think it ends tonight, tomorrow, a week from now, a month from now, whenever that fateful act may happen, because we will not stop fighting for fairer labour laws, for a shift in balance of power, for more rights for working people, just because the debate ends.

The fight will take a different form, be a different place. There will be some doorsteps, some letters, some pamphlets, some phone calls, some petitions. They will be aimed at the people who should have known better. Your Labour Critic will not be there to help you when you have to answer those questions. Your Labour Critic will not be able to come in and pull the vote in all those constituencies on election day. Your big business friends with all their money will only be able to buy you pamphlets. Thank God, they cannot buy you votes, because if they could, they would. You know something? Some people would accept them. There is a chance, not a great one now, slight chance, that perhaps you can see what it is that you are doing tonight, and you can look far enough down that path upon which you are embarking to understand that it leads you nowhere and it gains you nothing.

Mr. Chairperson, when that happens, no matter when it happens, people will understand why the Conservatives did it, and because they understand, they will appreciate it. The Conservatives will benefit by the repeal of final offer selection, because that is what is expected of them and anticipated of them, and they are doing what people believe they think is right and the people who support them think is right. Even if we lose this battle -(interjection)-

Mr. Cowan: Well, the Member for St. Vital (Mr. Rose) says we will not lose. That may or may not be the case, I do not know, but if we do lose this battle tonight, tomorrow, next week, next month, if that happens it will not hurt us, because we did what was expected of us. We stood by our principles, we staked out the ground in the times of moral questions, we decided where we stood and we stayed there.

It is going to hurt those, to use the terms of the media, who flip-flopped on this issue, who did not know where they really wanted to be, who vacillated back and forth trying to find the comfortable spot and finding only the hottest spot in hell. They are the ones who have disappointed the people, because they could not even stand by their original words. They had to eat those words. They could not go the full distance and swallow them so they are choking them. By proceeding with something that has no substance and logic, has no rationale that can be enunciated or articulated, they are betraying what it is they are really trying to do. People will see them for what they are. People will respect them less for what they have done. They will pay dearly for their actions.

If it were just that, if that was the end of it, I would not feel all that badly. As a matter of fact, I might even feel somewhat comforted by the fact that they are going to pay for their actions. The fact is, there are going to be people outside of this room who are going to pay for their actions as well. That indeed is the problem.

Just as the workers who came forward and stood there and said, we feel powerless because there are decisions being taken in Edmonton and Toronto that affect our lives and our future, they were angry about the system that made that happen; they were angry about the people who made those decisions; they were angry about the middle management who let those things happen.

They are going to feel powerless because the Liberals are making decisions behind a closed caucus room door for expediency sake that is going to perpetuate that powerlessness. They feel powerless to stop the Liberals because they will not listen to logic; they will not listen to rationale; they will not be reasonable on this issue. They are only trying to save a bit of face, and by saving a bit of face they are spitting in the face of those who need them. Those are the people for whom I feel a great sense of loss and a great sense of regret.

We have done what we can. We will do more if we can. We have not been able to accomplish all that we wanted, but we have not yet laid down to let this one pass by. If it does pass by it will not pass by silently or without commentary time and time and time again.

* (2130)

So I know there are some others that want to speak on this clause, Mr. Chairperson. There will be other clauses on which I will want to speak, but the message will be the same. The message will reverberate not only throughout this room tonight but on throughout the constituencies in days to come.

Mr. Chairman: Clause 2—Mr. Ashton.

Mr. Ashton: Once again I am willing to defer to any Members of this committee. If they still do not wish to debate this matter I would just like to put a few more comments on the record.

I said earlier that we are at a bit of a crossroads. I believe that it is a crossroads for the working people

of this province and it is a crossroads for the political Parties, I really do. There is a situation that is developing in this province.

When I was elected in 1981 there were only two Parties in this Legislature. Then I think people knew pretty well which side they were on—

An Honourable Member: They used to call it a landslide.

Mr. Ashton: The Member for Emerson (Mr. Albert Driedger) recalls him calling me “landslide” at the time, and I had been elected by 72 votes. I remember that his victory margin at the time was just a few hundred, so the comment was returned—

An Honourable Member: Do not worry, Steve, I bore that cross.

Mr. Ashton: That is right, the Minister of Education (Mr. Derkach). One thing I came to know was where the Tories stood on issues. I did not always like it, in fact most of the time I did not like it whatsoever. Mr. Chairperson, I learned pretty soon to fight the Tories and fight them and fight them and fight them. That was 1981.

Then along came 1988. Well, I did not know what I was fighting, but I am still fighting it. Mr. Chairperson, 1988, we had this Party that all of a sudden had, well, they had one Member in the Legislature, then all of a sudden they had 20, then they had 20 plus one, a former Conservative Member—and I think he had been a former Member of pretty well every party.

If you would have listened to the Liberals, you would think that they had been invented in 1988—well, maybe 1986, pardon me. The Liberal Leader had been elected at that time. Some of us said, no, this is the same old Liberal Party that has been around since the beginning of Confederation and many years before that. I dare say in 1988 there were some people who believed that there was something new or different about the Liberal Party.

I know in my constituency, and across constituencies throughout this province, we said, well, do not be fooled. Do not be fooled. Some of us went so far as saying that they may even talk like New Democrats during elections, but wait, after the election they will act like Tories.

I hate to say this, but not everyone believed that. I think the election results after the last election indicate that fairly clearly.

Some people thought in fact—and I believe if one looks in most of the constituencies, the Liberals won, they defeated the New Democrats. I believe a lot of people in those seats thought that somehow they were getting—what was it the Liberals talked about? Competence with heart. That is what they talked about.

Well, Mr. Chairperson, I will not talk about the competence. I do not want to refer to anything that has happened over the last few weeks. I want to deal with the heart. It is interesting. The Member for

Churchill, who I know quoted earlier I think a very appropriate quote, also provided me with a very interesting book in terms of political quotations. I just want to read two quotations. One from Henry Addington from the 18th century: I hate liberality, nine times out of 10 it is cowardice, and the 10th time lack of principle.

Let me read you another quote. Actually it was from a Liberal: Liberalism is the trust of the people tempered by prudence. Conservatism is the distrust of the people tempered by fear. This is, by the way, from the 19th century. I believe that has not changed, but I ask, which Liberal Party do we have in Manitoba in 1990? Do they trust the people? Have they listened to the people?

In the two years that many of them have been in this Legislature, have they shown that heart? Are they showing that heart on this issue? Are they showing cowardice and lack of principle? Well, that is not for me to decide, that is for the Liberal Members. As I said, I am used to fighting Tories. In 1988 when the Liberals were elected, perhaps some of us hoped that we were wrong and somehow the Liberals would be different, there would be this heart.

Mr. Chairperson, where is the heart? In voting for a Bill introduced by the Conservatives to roll back The Labour Relations Act. Where is the heart in ignoring the presentations, the people who came before this committee? Where is the heart in not listening to the people that spoke from the heart? Not the people, Mr. Chairperson, whom the Liberals may choose to insult, and I know they do in terms of those who represent working people as trade unionists, as labour leaders. I will not use the terms that the Liberals have used to describe those individuals who I respect, who are democratically elected by their members. I am talking about the people.

Private citizen is the term that is used in this Legislature in terms of committees. I am talking particularly about the people who came to this committee, no prepared text. Some people were so nervous they could barely speak. They spoke from the heart, Mr. Chairperson. That is why we are at a crossroads. Will the Liberal Party show that heart that it talked about in 1988 and listen to those people? Will it live up to those who somehow suggest that it was different? Will it trust the people? Will it listen to the people, or will it take the path of cowardice and lack of principle?

Mr. Chairperson, I respect many Members of the Liberal Party and respect many Members of the Conservative Party despite our differences. I know the Member for Churchill (Mr. Cowan) talked about that we may at times even have had a level of hatred in this House. I have always considered that unfortunate because I believe that in this House, that each in our own different ways, we try to do what we believe is in the public interest.

That is why, Mr. Chairperson, I really ask the question. We bent over backwards in the New Democratic Party. We are fighting for working people. We are fighting for people who spoke from the heart. We are showing that heart. The Conservatives, well, once again I think their position has been very clear from the beginning. It is

the same sort of thing that I have been fighting since 1981. They have spoken for the Chamber of Commerce, for the business sector particularly, big business and I respect that.

What I am looking to in this debate, in this Bill, is which side the Liberals are really on. The Member for Churchill (Mr. Cowan) says they cannot be on both sides. Mr. Chairperson, that is so true. They are either going to show that they are truly not much different from the Conservatives, if they support subsection 2 and the various other subsections of this Bill, vote to repeal final offer selection. You know, they did have a chance to show some heart. I am not talking about a stay of execution for final offer selection. They had a chance. We gave them a chance yesterday.

* (2140)

They rejected that chance, Mr. Chairperson. As I said earlier, we are at a crossroads, a crossroads for labour relations in this province. We are also at a crossroads politically. I believe the Liberal Party by its actions on this item of legislation has shown when push comes to shove, when one gets down to the bottom line, when one finally has to make decisions, as much as they can try to be on both sides of the fence or in the middle, or whatever attached word they wish to use on it, by voting as they did with the Conservatives on subsection 1, and if they vote with the Conservatives again on subsection 2, they will have indicated that they may camouflage, they may be the chameleons of politics, but are they really that much different from the Conservatives? Are they really?

Mr. Chairperson, those are the types of questions that the people of this province will be asking after this Bill is dealt with and other Bills. I say one thing to the Liberal Party. If you vote down final offer selection, no matter how you try and camouflage it, even if you put in a stay of execution, if you are willing to repeal it before you are willing to give it a chance, please do not run in another election campaign saying that you have heart.

If a company was to make a statement such as that after what has happened, the Minister of Consumer Affairs (Mr. Connery) I am sure might take action. I believe that would be false advertising. I really do, Mr. Chairperson. There is nothing that prevents the Liberals from running an election and campaigning and saying that they have heart. If they kill this Bill, kill final offer selection, the procedure that was put in place in 1987, I do not believe they can say that they are a Party with heart.

Mr. Chairperson, to the Member for Osborne (Mr. Alcock), the Member for Fort Garry (Mr. Laurie Evans), the Member for Transcona (Mr. Kozak), the Member for Radisson (Mr. Patterson). Well, I will not leave out my fellow Health Critic, the Member for Kildonan (Mr. Cheema), the Member for Fort Rouge (Mr. Carr). Well, I guess I have to include the Liberal Labour Critic (Mr. Edwards) as well although I have not accused the Liberal Labour Critic of ever having shown in this debate any sign of having any heart, but if he wishes me to include him I will say to the Liberal Members of this House,

please, show some real heart. It is not too late. The night is young. You have changed your mind before, one more time, it is easier the next time. You flipped and you flopped, if you want to flip back again we will assist you. If you want us to speak until three in the morning, or four in the morning, or five in the morning, we will give you the time.

If you want to go in caucus, Mr. Chairperson, right now and discuss final offer selection one more time, if it is going to change your mind, I will speak to an empty committee room until two in the morning. Well, I have been speaking to deaf ears for much of this debate, it will not bother me if there are no bodies to go with the deaf ears. There is still time for the Liberals, but let there be no doubt that if the Liberals vote with the Conservatives no matter what spin they put on it they will not be a Party of heart.

Mr. Chairman: Okay, Section 2, Clause 2, shall the clause pass?

An Honourable Member: Ring the bells.

Mr. Chairman: Ring the bells. All those in favour of the clause say yea. All those against the clause say nay.

An Honourable Member: Do them one at a time.

Mr. Chairman: Okay. Well, we will mix it up a little here. All those in favour say yea. All those against say nay. In my opinion the Yeas have it. Mr. Ashton.

Mr. Ashton: I would ask that it be recorded that there was the same division as the previous amendment.

Mr. Chairman: Mr. Ashton, would you repeat that request. The Clerk thinks we have to count them all over again.

Mr. Ashton: Mr. Chairperson, if I might be of assistance, I was just suggesting on this particular section that we have the same division as before, which is the standard practice. We do not rerecord the vote. If the Committee Clerk feels we should have a recorded vote I will request a recorded vote, there is no difficulty, a recorded vote to avoid any problems.

Mr. Chairman: All those in favour, raise their hands. All those against, three opposed. Clause 2—pass; Clause 3—pass; Clause 4—pass.

Clause 5—Mr. Edwards.

Mr. Edwards: Mr. Chairperson, I would move an amendment as follows,

THAT Bill 31 be amended by striking out section 5 and substituting the following:

Review of final offer selection by committee

5(1) Notwithstanding section 2, within 30 days of this Act receiving royal assent, the minister shall designate or establish a committee to undertake a comprehensive review of the final offer selection process as provided

in An Act to Amend The Labour Relations Act, S.M. 1987-88, c.58 (R.S.M. 1987 Supp. c. 19).

Committee report

5(2) The committee designated or established by the minister for the purpose of subsection (1) shall within five months after being designated or established, submit a report to the minister, including

- (a) an assessment of the effectiveness of the final offer selection process; and
- (b) recommendations as to whether the final offer selection process should be re-enacted and given statutory form as provided under S.M. 1987-88, c. 58, in its original form or with modifications.

Tabling of report

5(3) The minister shall lay the report referred to in subsection (2) before the Legislative Assembly immediately if the Legislative Assembly is in session, or, if the Legislative Assembly is not in session, within 15 days of the beginning of the next ensuing session.

Coming into force

6(1) Subject to subsection (2), this Act comes into force on January 1, 1991.

Coming into force: section 5

6(2) Section 5 comes into force on the day this Act receives royal assent.

I move this, Mr. Chairperson, in both English and French.

(French version)

Il est proposé que le projet de loi 31 soit amendé par substitution à l'article 5, de ce qui suit:

Examen du processus par un comité

5(1) Malgré l'abrogation de l'article 2, le ministre constitue, dans les 30 jours suivant la date de sanction de la présente loi, un comité chargé d'effectuer un examen complet du processus d'arbitrage des propositions finales prévu par la Loi modifiant la Loi sur les relations du travail, chapitre 58 des Lois du Manitoba de 1987-88 (Suppl. aux L.R.M., c. 19).

Rapport du comité

5(2) Le comité constitué en vertu du paragraphe (1) présente au ministre, dans les cinq mois qui suivent sa constitution, un rapport comprenant:

- a) d'une part, une évaluation de l'efficacité du processus d'arbitrage des propositions finales;
- b) d'autre part, des recommandations quant à la question de savoir si ce processus devrait être rétabli et faire l'objet de dispositions législatives identiques à celles prévues au chapitre 58 des Lois du Manitoba de 1987-88 ou faire l'objet de dispositions différentes.

Dépôt du rapport

5(3) Le ministre dépose le rapport visé au paragraphe (2) devant l'Assemblée législative immédiatement ou, si elle ne siège pas, dans les quinze premiers jours de séance ultérieurs.

Entrée en vigueur

6(1) Sous réserve du paragraphe (2), la présente loi entre en vigueur le 1er janvier 1991.

Entrée en vigueur de l'article 5

6(2) L'article 5 entre en vigueur à la date de sanction de la présente loi.

Mr. Chairman: Are there any comments on this amendment? Mr. Edwards.

Mr. Edwards: I am going to resist responding to the largely rhetoric of the third Party as they have taken us through hour after hour in this debate. I simply say that in particular perhaps in the last four hours, I hope that it has been a slow and no doubt painful dance for them towards doing what we believe is in the best interests of the working people of this province. We look to them to come through with the courage of their convictions and to support us in this amendment.

This amendment serves three major purposes, Mr. Chairperson. Firstly, in our view it restores for the first time in many years in this province, the balance and approach to labour relations.

Secondly, it gives final offer selection a serious impartial second look, one that it would not have received, could not have received, had we accepted the earlier amendment before this committee.

* (2150)

Thirdly, it allows fully 95.2 percent of Manitoba employers and unions to have at least one opportunity to negotiate under final offer selection, thereby providing the best possible window of experience to look at in terms of assessing the effectiveness of the final offer selection process and recommending as to what, if any, improvements should be put into the process.

This is also a goal that would not, indeed could not have been achieved under the earlier amendment proposed to this committee. After two years, only 54.2 percent of Manitoba employers and unions had had an opportunity to negotiate at least once under final offer selection. To get the other 40 percent we must have the third year, not half of it, all of it.

With respect to the first goal articulated, Mr. Chairperson, that of restoring the balance and approach to labour relations in this province for the first time in at least a decade, we in the Liberal Party reject the institutionalization of the war carried on by the other two, I would submit, tired Parties in this Legislature and their two allies, the Manitoba Federation of Labour and the Chamber of Commerce.

We call the other two Parties on this committee to join us in a new vision of labour relations in this province. We call them to bury the hatchet and not succumb for

once to the lobby group of their choice, and do what Governments can do, what Governments should do, and patently have not done in this province, come together in a common-sense approach to this initiative and indeed others in the labour relations field.

Mr. Chairperson, taking that balanced approach means rejecting dogmatic shotgun reactions to problems, but it does not mean simply cutting the problem in half. It means being responsible and responsive. Let me remind all committee Members that it was the New Democratic Party who first provided for the repeal of final offer selection. They chose five years for no apparent reason. Three years clearly makes the most sense. Then they provided for a four-year repeal. Still no commitment to review.

Finally, after the Liberal Party's proposal of entrenching in legislation a commitment to review with a legislated timetable, the New Democrats joined us and came up with their own review committee. We welcomed this shift in their position. So we are guided by the fact that even the creators of this legislation understood and intended that it should have a sunset clause, that it was an experiment. We seek through this amendment to enhance and, for the first time, to formalize that process. That is the responsible, responsive commitment that should be made by all Parties on this committee on this issue.

Mr. Chairperson, the second solution this amendment provides, that of achieving a serious impartial look at final offer selection, simply cannot be achieved by entrenching the biases of the too often vitriolic lobby groups so prevalent in this debate and the one before it. We cannot afford to entrench that war into the review process. It will also not be achieved by leaving final offer selection in place while this review goes forward.

In 1987, unions spoke freely and candidly about their concerns about final offer selection, some obviously wholly in support, some wholly not in support. The labour movement was divided. Even the Manitoba Federation of Labour had one-third of its members vote against support for final offer selection. Yet in this debate we saw that many of the most adamant foes of final offer selection shifted their position, but their shift in at least some circumstances was more apparent than real.

To speak against final offer selection in this public debate was to be spurned by the opinion leaders in the movement, and we heard this from a number of the unions and their leaders.

So they came up with the position, Mr. Chairperson, that while final offer selection was not necessarily for them, they could not support the repeal. Why? Because it was perceived in the movement to be a regressive move for labour relations. Similarly, we saw that reaction within the business community, and I submit that there are employers out there who see a real need for final offer selection. I believe that, perhaps not in its present form, but I believe that they see that need.

They did not come forward, and I am saddened by that. I think it was the same situation as affected the labour unions. There was an enormous amount of

pressure in the community to take sides on this and take the side of the particular business that you happen to be in, that of being a union leader, or that of being an employer.

Mr. Chairperson, we need to get away from that. The only way to get away from that will be to deal with final offer selection in a diffused environment. We need that diffusion both at the political level through this review process, and we need the people involved, the people with experience, to be able to speak freely and candidly. That can only happen in an impartial, defused environment.

Mr. Chairperson, with respect to the third goal, I submit that the third goal is achieved on its face by this amendment. I refer specifically to the 95.2 percent figure which can only be achieved after a three-year experience. I might add, for the information of committee Members, that upon reviewing the some 1,200 collective agreements in this province the other 4.8 percent of collective agreements are for periods between three and six years. Therefore, the most appropriate experience with this legislation would be and should be a three-year period.

Mr. Chairperson, in conclusion let me say, with respect specifically to whether or not it would be appropriate for committee Members to bring this forward for approval at this committee stage, and specifically with respect to the issue of the amendments proposing a review committee, it is my information, after speaking with Legislative Counsel and having them research the issue, as I am sure the New Democrats did with respect to their review committee proposal, that this is entirely appropriate.

I refer committee Members specifically to Section 5 of the Department of Labour Act, which specifically provides—and I will quote, Mr. Chairperson, if you give me some leeway—that the Minister shall cause to be conducted ongoing research and analysis of issues relevant to employer-employee relations in the province and shall cause to be collected assorted systematized and published information and statistics relating to sub (b), co-operation and consultation between employees and employers; sub (c), strikes, lockouts and other employment difficulties and; sub (e), other subjects of interest to employers and employees in this province.

Mr. Chairperson, it therefore appears to me quite clear, as it did to Legislative Counsel, that the Department of Labour Act does provide for this type of activity on the part of the Minister, that it would be appropriate for this committee to go forward with a committee proposal in the form I have presented.

Mr. Chairperson, let me conclude by saying that we have sat through many, many, many hours in this committee. We have listened to many, many people. This Party, unlike any other in this Legislature, I believe actually listened to those people. We took the position of the citizens of this province who came forward seriously. We rotated our Members to sit in on these committee hearings with regularity and frequency. We ensured that most of our caucus Members had a chance to hear the submissions.

* (2200)

We heard the Chamber of Commerce. We heard some of the unions come forward and give their views. Their views have basically not changed. Some have, I acknowledge that, in particular on the union side. I refer back to my comments about those who told us that they were not sure about FOS or they did not like final offer selection, but the pressure in the community was such that with the Tories in Government they could not speak out publicly against it. We need to get away from that. We need to do the sensible, impartial, rational thing that should have been done and should have been put into this legislation at the outset, Mr. Chairperson.

I ask Members of this committee to set aside the rhetoric, to set aside the hostility that has developed in this Legislature over the last decade—perhaps before, I was not here, but certainly in the recent years—to set that aside and do what is right and come to this compromised position, reach beyond the vitriolic rhetoric of the Parties that have lobbied effectively—I believe both of the other Parties in this Legislature—reach beyond that, listen to the people who came before us, who asked for a solid chance, a reasonable review of final offer selection. That is what is offered by this amendment, Mr. Chairperson. I ask committee Members to come to this compromise in good faith for the people of this province. Thank you.

Mr. Cowan: Mr. Chairperson, this amendment shows how little the Liberal Party has listened to those who came before us, how little they have learned, how little they know about labour relations, but how far they will go in such a convoluted way to rationalize, under the guise of a compromise amendment, just how beholding they are to big business. We will not vote for the repeal of final offer selection. That is what this amendment calls for in Section 6.

The Member for St. James (Mr. Edwards), when he made his introductory comments, said that this amendment performs three major purposes. He told us what he thought those major purposes were, from his perspective. I believe it performs three major purposes. The first is to get them off the hook. The second is to get them off the hook. The third is to get them off the hook. This is actually the flip-flop-flip amendment.

Mr. Chairperson, the Member for St. James talked about balanced approach. We talked about the balance before. We have seen the side on which he comes down each and every time he is asked to make a decision between labour and management. He calls himself the Labour Critic, but he speaks for management. He calls himself a friend of labour, but he attacks them and takes away from them their opportunity to bring more harmonious labour relations to this province.

He talks about a new vision of labour relations for the Liberal Party. I ask the question, how far can you see when you are looking out of the pocket of big business. The vision is a shortsighted one. The vision goes in only one direction. The vision does not provide for a balanced approach. He said he listened and his caucus Members listened to the people who came before the committee. I think they sat here and I think

they listened, but I do not think they heard what was being said to them.

So we are going to take one last opportunity to repeat some of those things that were said. I am just going to quote from one presentation, because I think that presentation, in a lot of ways, summed up what it is this issue is all about. It was a presentation by Ms. Buss—what is her first name? I am sorry, the Members who heard it will remember the presentation.

Ms. Buss had this to say. She had to say, about marriages and strikes, she said: You believe that in your community and in your job situation it is possible that families will break up, brothers and sisters, aunts and uncles, cousins and nephews, fathers and sons, daughters and mothers, friendships will split apart. She talked about that sort of experience that she had lived through.

So with that experience—and she was a rank and file labour member. She was, as far as I know, not even in the union. If I recall the presentation right I think she was the wife of one of the people who were on strike, and he was not certainly a paid employee of the union. I think he was probably not even on the executive. He was a working person who went out on strike for benefits that would otherwise be unavailable to him. That strike was dealt with finally through final offer selection.

I asked Ms. Buss what she would say to the Liberal Party, because I hoped they were not only listening, but I hoped they were hearing what was being said to them. I knew they were not listening to the new Democratic Party. I knew they were not listening to what they call the labour bosses, because they treat them with disdain and disrespect. They denigrate them every chance they get, but I hope they were listening to the rank and file.

I am going to quote directly what Ms. Buss said. She said:

“I would say to the Liberal Party in Manitoba that many of the workers in my husband’s plant voted and supported you in the last election. The workers in this plant are very busy working. They are not terribly politically astute, but they did, in the last election, feel that the Liberal Party was a viable alternative, that there was a surge, and if the Liberals possibly could come forward and support them in the workplace and as common workers.

“They did not feel that the Conservatives—they did speak to our MLA, Darren Praznik, about the strike and asked for support and received no response from him. They did not feel that he was being terribly communicative or helpful in this matter with the strike. He did not take an issue on it.”

They were upset because he did not take a stand on the issue, just as they will be upset with your lack of courage to deal with this issue from a principled perspective.

“They did vote,” she said, “Liberally quite a few of them, many of them. When I first brought—you know my husband and I were speaking and he brought this—

I said, there are hearings on final offer selection going on, and they are talking about repealing the legislation, and it might not be available to us in the next contract talks. My husband spoke at work and they said: Well, Conservatives cannot do that; they are a minority Government. My husband said, no, the Conservatives cannot do that, but if the Liberals vote with the Conservatives to repeal they can help them along with this legislation.

"It was the feeling of the workers saying, oh, they will not do that, will they? My husband said, well, unless enough people get out and speak to the Liberals and tell them, hey, if you vote with this, this is a vote against the workingman and to the people who voted for you in that plant and in our area."

So Ms. Buss said, "I plead with you as well. From your supporters that supported you in the last election, if you really do care about the workingman, and you care about the people who work at this company and their families and the prospect of another long and ugly and terrible strike, then I plead with you not to vote with this Bill, to vote against it and to allow us some time to see what will come in 1991 in other businesses and companies and workers that are going through this situation to see what will happen, whether this legislation will prove to be good or what will be the eventual outcome. This was all very new to us in '88 when we heard of this legislation. We were not aware of it; the workers through our unions just heard of it, started talking about it. It was certainly a godsend when we found out about it three months later."

I am a fairly hardened politician after a number of years in this Chamber, and I have heard a lot of comments in this committee room. I can tell you that one brought tears to my eyes when I heard her talk about her experience and what it meant to her family.

* (2210)

Maybe it was just because we have been involved with this issue for a long time. I do not like to admit that sort of sensitivity publicly. I try my best to hide it, as I did that day. I think it is important to make the point because I do not think I was alone. I do not think I felt emotionally different from what others felt, and I remember the Liberals in the room that day. I know they were moved by that commentary. I knew they were moved by that pleading. I know when they were sitting at this table they were listening to what was being said. I thought they would carry that message back to their caucus room and discuss it to try to understand why final offer selection was so important to those workers who came out on that Saturday afternoon.

This amendment tells me that, while they sat here and they listened, when push came to shove, when they had to make a decision, they forgot what was being said to them in this room. They ignored it. It must have been hard in your caucus room to cast that voice aside. It must have taken something in your caucus room to say, yes, we heard what final offer selection means to people who support us and elect us to come here, but we are not going to listen to that because the ringing in our ears is that of a campaign promise that our

Leader made and the right-wing approach to labour relations that our Labour Critic has.

That campaign promise was probably ill-conceived. You know, I believe that if you had the opportunity to make that campaign promise again, knowing what you know now, that you would not make it in the same way. I believe that if your Leader came to you now and said, I am going to promise in the next campaign to repeal final offer selection, if it were to be in place, you would not allow that to happen. I believe you at least heard that much, if nothing more.

As the Member for Logan (Ms. Hemphill) said, the difficulty now is that you have to say you were wrong. It is not an easy task, although we all do it from time to time, or we should all do it from time to time. I am not certain any of us have been entirely right all the time. It is really hard to say you are wrong when you publicly made a statement. You know, if you think something, and then a bit later on you say that was not the right approach, and it is internalized, and no one has heard it, it is pretty easy to say I was wrong. You can do the right thing.

It takes more courage to do the right thing after you have stated it publicly. The fact is you are just as wrong in either instance. The fact is it is just as right to correct that mistake in either instance. The fact is that it shows more courage to do so once you have made that statement publicly.

It really does not help to say I was half wrong, but I am not going to do anything to correct it. That is not confronting the issue. That is trying to sidetrack the issue, straddle the issue, play both sides against the middle. Some would call it duplicity. Some would call it devious. Some would call it a hoax. You know, that is the worst of all worlds because what you have said to everyone is yes, we were wrong, and in the same breath you said we have no courage to make it right.

One of the problems in this business is almost everything we say in this venue and on the campaign trail is, in one way or another, locked in stone. We all have our words read back to us from time to time, and believe me, they sound much better when you are uttering them the first time than they do when they are read back and you were wrong.- (interjection)- The Member for Thompson (Mr. Ashton) says have they ever been read back to me? He knows because he has pointed out on instances where I have been wrong and he was right -(interjection)- and vice versa.

Yes, there are times when through the help of other people we gain a better understanding of a situation. Being wrong is not necessarily being bad. Being wrong is not necessarily being nasty. It is not that you are an evil person because you made this stupid campaign promise. You just made a stupid campaign promise. Now your own words have become more important to you, of two years ago, your own words have become so important to you that you cannot listen to fact, to reason, to rationale and to people when they speak to you from the heart.

When I say this is the brainstorm of an arrogant, egotistical person, I believe that to be the case because

that person can only hear his or her own voice of the past and cannot hear what is being said to them today. That person is so arrogant to think that it is more important that they not say they were wrong than to be right. Think about that for a moment.

* (2220)

What you are doing is saying to Ms. Buss and to others, who will certainly make certain that others know it, that we as Liberals are so arrogant, so proud, so full of ourselves, that something we said two years ago when we did not know the facts is more important to us than your pleading with us to do the right thing now. Do you know why now I believe it is arrogance and egotistical? When you have in a room 30-40-50 people come forward, 90 percent of them say the same thing to you, 90 percent of them ask you to do the right thing, and in spite of that chorus, what you hear more is a campaign promise as ill-conceived as it was that you made two years ago because that is what this is all about, believe me, if this is how you are going to implement your campaign promises, nobody is going to trust you.

Even business, although I am certain they appreciate what you are trying to do for them, understand that if they want a real Tory they will elect a real Tory. Working people understand that if they want a real friend, they will elect a real friend.- (interjection)- The Member for Osborne (Mr. Alcock) says that leaves us out of it.

I will put my relationship with working people in this province against anyone of his caucus's or all of his caucus's relationship with working people in this province. Not because I am better than they are, not because I know more than they, not because there is an innate and inherent relationship there, but because I understood a long time ago that working people have something important to say to us all. You have to choose a side on which you want to be. I have chosen that side and I have tried not to waver; my caucus has chosen that side and they have tried not to waver. That is why these public hearings were so important. That is why it is so disappointing, so discouraging that people who gave up their time to share with us what they need and what they want went unheard by the Liberals.

This is an illogical amendment. It is the best the Liberals can come up with, and I guess we have to give them some credit for that. It does not go far enough because it presupposes that final offer selection is bad, and it allows no way for final offer selection to be reactivated expeditiously and effectively. If it is shown to be, by an impartial body, good. That is the only step that you had to take from where you came. All you had to do is you had to swallow a little ego, swallow a little pride, tell whoever was giving you this rotten advice not to be quite so arrogant and right wing and self-centred and management oriented. Tell them to really seek a balance, a fair balance instead of just mouthing a balanced approach. Tell them to really seek a compromise, a fair compromise instead of misusing the term, abusing the term by suggesting that what we have here is a compromise.

I guess I expected a bit more of the Liberal Party, like Ms. Buss, and the workers in that plant. We

expected a bit more of them. We had a choice to make early on about the politics of this issue. You see, we could have fought a little less hard and a little less long and watched the Liberals stand by their position and alienate the working force in such a way that no other Party has been able to alienate them before, not because they are more right-wing than the Tories, although they are in some instances, but because it is not expected that they be more right-wing than the Tories or as right-wing as the Tories. That would have been the politically expedient thing to do.

I can tell you, just as you had discussions in your caucus, we had discussions in our caucus and there were some that said let them walk down that path and block it off both ways and let them suffer the political consequences. That was the easy thing to do, and we chose not to do it. We chose not to do it because we knew that the victims of that political game were not the players in the game at all. They were the innocent bystanders. So what we chose to do was to try to strike a compromise and the Labour Critic (Mr. Edwards) made some reference to the fact that we tried to keep it in place for four years and he felt that was a repudiation of final offer selection and an endorsement, an embracement of their position. It was not.

We went to the Liberals the day before and said, this is something we would like as a compromise because we felt that if we could extend final offer selection for a period of time, and that seemed a reasonable period of time, people would find, even they, would finally come to see the value of it. There were other options we discussed with the Liberals behind closed doors with respect to how we might be able to put final offer selection to a reasonable test. There was the amendment we moved here when they rejected those other options, and we tried to be innovative, and we tried to be creative. We tried to help them out of the jam in which their Leader had put them and their Labour Critic was keeping them.

That was not the politically expedient thing to do. It made us somewhat vulnerable to their attack. We knew that when we started that process. It took the edge off the cutting attack that we could take on them during an election. We knew it would do that at the same time, but we felt that as long as there was a chance for reason to prevail we would be politically wrong. We would be the political cowards. We would be the manipulators. We would be the deceivers if we tried to take political advantage of their naivety and their ill-considered campaign promise. So we did not do that. There are difficult decisions that one has to take in this business, and that was one of them.

I do not know in the long run whether politically we will regret that, whether we gave up an opportunity, but I do know in the long run that principally we did the right thing. I know that because we never gave up fighting for working people. We never gave up trying to get all that we could with final offer selection, because it has given working people a more even break in labour relations.

I want to thank the Liberal Labour Critic for sharing with me a book that he received the other day. It had an article on final offer selection -(interjection)- I am

sorry, the ex-labour critic, a fine gentleman in whatever capacity he serves, although sometimes he is very, very wrong on labour issues.

The magazine is a prestigious academic magazine called *Industrial Relations*. It is the first issue of 1990, the most recent issue, as he said when I borrowed it from him, hot off the press. I want to tell you what it says about final offer selection in conclusion. I am going to read the entire conclusion even though it is somewhat critical in some ways of final offer selection, but I think the bottom line is what counts. I do not want to gloss over the criticisms of final offer selection because like other legislation it is not a perfect vehicle.

What this article said, Final Offer Selection - The Manitoba Experience, in the conclusions, quote: Given its contradictory character, any conclusions about FOS must out of necessity be double edged. Though it is a flawed instrument, it is aimed at a real and important need. Its flaws are sufficiently dangerous to the trade union movement that its death at the hands of a Conservative anti-labour Government would almost certainly be beneficial to organized labour. Yet the demise of final offer selection will leave unsolved the problem at which the legislation is aimed, namely, the necessity to improve labour's capacity to organize and to negotiate collective agreements for the relatively weak workers employed in the numerically most dominant and fastest growing sectors in Manitoba's economy. Anti-scab legislation would have been a better response from labour's perspective to this problem than FOS, but it would have occasioned even greater opposition from business than did FOS and would have been repealed the moment the provincial Conservatives took office.

This is the important part of the conclusion: the consequence—this is what the Liberals are doing—of their actions, the consequences that when FOS is repealed, unorganized workers in low-wage jobs will face substantial obstacles to their efforts to organize and to improve their situation. For the trade union movement as a whole, the prospect seems to be for stagnation, perhaps decline.

* (2230)

They call themselves the friend of labour, the Liberals. They call themselves that, but when they act, they act on behalf of those who want to see the trade union movement in this province stagnate and decline. They call themselves the friend of the working person, but when they act they repeal the legislation that gives low-wage earners an opportunity to even out the balance.-(interjection)- The Member for Dauphin (Mr. Plohman) says it is hypocrisy. I think it is worse than that. I believe it is political expediency -(interjection)-

If I were the Member for Springfield (Mr. Roch), I would not talk about hypocrisy in such a cavalier manner. I know when the Member for Springfield was a member of the New Democratic Party, he would have supported final offer selection. I know that the Member for Springfield, now that he is a Liberal, finds himself in a pleasant position of being able to be with big business whether he is with Liberals or with

Conservatives. This was not such a hard move, but the fact is that he is too but one of the marionettes of the Liberal labour critic with respect to this con job and sham. It does not make him any less culpable, but certainly does explain why it is he dances to the tune that he dances.

So indeed, Mr. Chairperson, we will do anything that is necessary to protect working people, and we will not allow final offer selection to be repealed without a continuing battle. We cannot vote for an amendment that repeals final offer selection, and this struggle, for that it is, to even the balance will go on. The consequences that are contemplated in this article are the consequences that will happen if final offer selection is repealed. We will fight that in every way that we can. We will fight to keep final offer selection in whatever way we can. Those two are not contradictory. As the Member for Thompson (Mr. Ashton) says, the fight indeed does continue, and I am certain that he and my other colleagues will want to add to those words to explain exactly why we believe it is that all this amendment is, is a phony attempt by the Liberal Party to get themselves off the hook without having to grapple with the real issues.

Mr. Chairman: The Honourable Minister. Mr. Patterson is next, but the Minister wanted to make some changes.

COMMITTEE CHANGE

Mrs. Hammond: With leave of the committee, I would like to change Downey for Connery -(interjection)- What am I doing, I am putting Downey on for Connery.

Mr. Chairman: Is there leave of the committee to make these changes? The change is agreed to?

Some Honourable Members: Agreed.

Mr. Allan Patterson (Radisson): I think my Honourable colleague, the Member for St. James (Mr. Edwards) and our Labour Critic, must be considerably flattered by the allegations that have been going on here tonight. I would understand from what is being said that he is some all-powerful individual that leads the other 20 Members of our caucus around by the nose. I am sure that all other critics of the various portfolios of the other two Parties would be most pleased if they had this alleged, this similar power to exert their particular will on the complete caucus.

I would like to put it on the record that the position that our Labour Critic has very clearly, concisely and, I might say, eloquently presented is the decision of our caucus and our Party, and it is arrived at in a very democratic, open manner. How the other caucuses operate, we neither know nor necessarily care. However, Mr. Chairperson, I have nothing to add to, as I said, the complete and eloquent presentation of our case made by our critic. I would like to make a response to some of the comments or allegations made by the Honourable Member for Churchill (Mr. Cowan) whose command of the English language I greatly admire and

also his eloquence and his use of the language, but unfortunately his eloquence sometimes degenerates into utter diatribe.

Now, the Honourable Member, Mr. Chairperson, a few minutes ago or some minutes ago I might say, made some allegations about the way the Liberal Party, or the Liberal Caucus and its Members, looked down on and denigrate union leaders. I take very, very serious exception to that allegation. It has offended me personally and also other Members of my caucus. We have never at any time denigrated the working people of this province or the union leaders. I want that clearly on the record. I might say that the—

Some Honourable Members: Oh, oh!

Mr. Chairman: Order, please. Mr. Patterson has the floor and we listened very quietly to you, so I think we should give him the same courtesy.

Mr. Patterson: I might say, Mr. Chairperson, that the utter diatribe that the Member for Churchill (Mr. Cowan) and other Members of his Party direct against the business people of Manitoba is not of a very, very high order. I might point out that proposal that our Labour Critic has put forth is not all that popular with the Chamber of Commerce in whose hip pocket the New Democratic Party likes to think we sit. Let me assure you again it is not so.

I might say that the rhetoric of the New Democratic Party, Mr. Chairperson, certainly does nothing to build any bridges between the labour movement and the employers. It would seem to be in their best interest to create the gulf and widen it to the extreme left and extreme right. They might also understand that again they misuse the term Chamber of Commerce and always throw in big business, big business, big business, but they know full well, they can read and see the statistics, that the businesses in Manitoba are largely made up of small and medium type businesses and so is the membership of the Chamber of Commerce.

Many of these alleged fat cats, I guess, as the Members opposite might call them, Mr. Chairperson, put in very, very hard long hours and toil to keep the businesses afloat and to provide employment for many of the working people that the New Democratic Party alleges to be the exclusive representatives of.

We might also bring to their attention and put on the record that while it is the major voice of labour in Manitoba and Canada, the Manitoba Federation of Labour does not happen to be the only central labour congress in the province, nor the CLC the only central labour congress in Canada. There are other central labour congresses representing workers, and also a good many unaffiliated unions.

So just let us get a few of these facts on the record and point out that much of the rhetoric they have been hearing is not so much debate as the same record being played over and over and over again. Some of it is diatribe, as I have said, but some of it has been quite elegant admittedly, but at any rate, I would just like to set the record straight on some allegations that

have been made that are not in line with the facts. Thank you, Mr. Chairperson.

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

Mr. Ashton: Mr. Chairperson, I have made many comments during this debate.

COMMITTEE CHANGE

Mr. Edwards: Mr. Chairperson, if I might just interrupt, I would like, with leave of the committee, to substitute the Member for Kildonan (Mr. Cheema) for the Member for Radisson (Mr. Patterson) if that is acceptable to committee Members.

Mr. Chairman: Is it the will of the committee to do so? That is agreed then. Agreed and so ordered. Mr. Ashton.

* (2240)

Mr. Ashton: I have made many comments as Labour Critic for our caucus on this issue. Tonight, last night, throughout the public hearings, during the debate in the Legislature. My colleague, the Member for Churchill (Mr. Cowan), who spoke so eloquently throughout all stages of the debate, has made many comments.

All of our caucus Members have spoken on this Bill. In terms of this amendment, I will be the last Member of our caucus to be speaking, but I want the Members of this committee to know that this fight continues. It goes beyond this amendment. I want this committee to know that our caucus has only begun to fight. We will continue, Mr. Chairperson, but any efforts to pass the Bill through this Legislature that will repeal final offer selection will repeal it in such a way, whether it be according to the Conservatives or the Liberals, that there will be no study or else there will be no study until after its repeal.

Let there be no doubt about the position of our caucus, in terms of final offer selection. I have talked about final offer selection tonight, Mr. Chairperson, as I have throughout this debate, perhaps in some broader terms than I am going to on this particular amendment. I have talked about the people who came before this committee. I talked about people I have spoken to, people our caucus has spoken to and their position on final offer selection.

We have spoken time and time again, Mr. Chairperson, and we have attempted to persuade Members of this committee to listen. I do not believe they have. This amendment from the Liberal Labour Critic is not a new vision, not taking a second look. It is not giving a fair chance to final offer selection. It does none of that. This amendment does not reflect what the people who came before this committee said.

They did not say, kill it and then study it afterwards. They said, no such thing. Each and every person who said they supported final offer selection said, give it a chance. Give it a chance. Give it the five-year period, the four-year period, but review it first, give it a chance.

So let the Liberals not pretend that this amendment in any way, shape or form reflects the procedures of this committee. It does not. It flies in the face of the 90 percent of the presenters who came before this committee and said, give final offer selection a chance.

What does this amendment do, Mr. Chairperson? This amendment provides a stay of execution for final offer selection. That is all it does. Do not let anyone on this committee be fooled by the sections of this amendment to this Bill, Mr. Chairperson, the sections that talk about a review. A review after you have repealed final offer selection, repealed it, period. A review that comes into place six months afterwards?

(Mr. Richard Kozak, Acting Chairman, in the Chair)

That may be fine for somebody in the academic community who wants to write an article for an academic journal. That may be fine in the mind of the Member for St. James (Mr. Edwards) or his colleagues in the Liberal Caucus. It would probably make a very interesting article in some academic journal, but what is at stake is not a study, a study in some academic journal. What is at stake—(interjection)—it is indeed, it is an autopsy. We are talking about people's lives. We are talking about people's lives.—(interjection)—

Well, I want to talk to the Member for Fort Rouge (Mr. Carr) personally, because as I said, I perhaps had not realized until we got into this committee that I had come full circle as Labour Critic for the New Democratic Party.

You know in 1981, as I have indicated in this committee, I was on strike. Yes, Mr. Acting Chairperson, 1981, I was on strike. I was employed at Inco.—(interjection)—

Well, for the Member for wherever he is going to be a Member from, for now, the Member for this moment for Springfield (Mr. Roch), I was—(interjection)—a lot of people in my community. I worked at Inco. Why did I work at Inco? I needed a job. In 1981 the contract came up, and I found myself at the union meetings and the membership meetings voting on whether there should be a strike. I voted for the strike because I believe that the offer that Inco had given was not the best offer that they could have given at that time.

As I said, in 1976 I was also involved in another strike, once again, working at Inco, because I needed a job, and that was the strike in which we took on the federal Government. In that case, I actually voted against the strike, because I did not believe we could win.

Well, Mr. Acting Chairperson, I said before I would admit when I was wrong. I was wrong in 1976, we won. We took on the federal Government—it was a Liberal federal Government at the time, Mr. Acting Chairperson, you may be interested to know—on the Anti-Inflation Board guidelines. It was the most bizarre strike I had ever seen, in the sense that it was not just the workers who were saying they wanted a higher contract settlement, it was Inco as well. We took on the federal Government, Premier Schreyer, the then Premier, supported our fight and we won. The Liberal Government of the Day backed down. The Anti-Inflation

Board backed down and we won, Mr. Acting Chairperson.

As I said, 1981, we are into another strike and just as the strike began the bottom began to drop out of the nickel market. Within a couple of weeks, I think most people on the picket line realized it was not going to be an easy strike.

* (2250)

Mr. Acting Chairperson, I remember when the election was called I was like many other people walking the picket line doing my picket duty—incidentally, at the time, our Member of the Legislature was the Minister of Labour. He chose not to talk to people on the picket line. I remember people saying at the time, we will see if you remember where you are today, if you get elected. I told people I would not forget what they were fighting for, and would not forget the sacrifice they were going through.

I can still remember when I was elected on November 17, 1981, by the margin of 72 votes. I had people come up after we had won and lost and won on the same night—and that is a story in itself. They came up to me, Mr. Acting Chairperson, and said, we will see you again in four years, Steve. I said, no. I said, the New Democratic Party has a different philosophy and approach. We do not forget who we represent and where we come from. I remember going to the picket lines, after the election as I did, to the shopping malls and to people in their homes. I remember thanking people for their support. Once again, there was an element of cynicism, people said, we will see if you remember.

(Mr. Chairman in the Chair)

Well, Mr. Chairperson, this is 1990. I want to say to the Members of this committee that I have not forgotten.

As a footnote, I want to tell people what happened with that strike. There was no final offer selection. The strike lasted for three months. It went a full month after I was elected, although I will say quite proudly that the then Minister of Labour, Vic Schroeder, was instrumental in bringing the parties back together. The newly-elected NDP Government helped settle that strike.

There was no option at the time, Mr. Chairperson. I can tell you what people did when they went back to work. They accepted an offer that was probably not much different from what the original offer was. As I said, the bottom had dropped out of the nickel market. They went back in accepting an offer that they had not considered to be fair when the strike began, and I dare say that many did not consider fair when the strike ended.

As I approach this debate on this amendment, I am reminded of that. I remember what people went through. As I have said to Members of this committee, I did not have a family to support at the time. I was married, perhaps did not have as much at stake as the Westfair workers, the Unicity Taxi workers, the many other people that came before this committee and pleaded with us to keep final offer selection.

I remember, Mr. Chairperson, and I want to say to those constituents, and they will remember who they

were, who said in 1981 that I would forget, that what I am about to do and what Members of our caucus are about to do stems fundamentally from the fact that none of us have forgotten where we come from and who we represent.

It would be very easy for us to display this amendment for what it is, a cheap camouflage of what I believe is the true Liberal position. It would be very easy for us, Mr. Chairperson, to dissect the supposed arguments of the Member for St. James (Mr. Edwards). It would be very easy for us to rip this amendment up, to display it for what it is and the Liberal Party for what it is. God knows, it would be easy to do.

Some Honourable Members: Oh, oh!

Mr. Chairman: Order, please. The Honourable Member for Thompson has the floor.

Mr. Ashton: I have not forgotten 1981. For the Liberal Members, if they will listen, I want to say to them what our caucus is going to do on this amendment is based, each in our own way, on our own personal experience.—(interjection)— Oh, for the Member for Inkster (Mr. Lamoureux), I will tell the Member for Inkster what we are going to do.

Mr. Chairperson, we will never support the passage of a Bill that will repeal final offer selection before a review. Just as the Inco workers in 1981, when their back was against the wall, accepted an offer that was unacceptable, just as we have desperately tried to save final offer selection, if it comes down to this cheap, politically-motivated amendment, if it buys 10 more months, we will support this amendment. I want for the Liberals to know we will support this amendment, and we will vote against the Bill as amended, because we will never, ever see the day when a New Democratic Party will support a Bill that will repeal final offer selection.

This is probably one of the most difficult things that any of us in the New Democratic Party Caucus will ever have to do, Mr. Chairperson. We do not do it with a great deal of satisfaction. We do it because we remember. If it means 10 more months, so be it. I can tell the Members of the Liberal Party our support of this amendment does not mean in any way, shape or form that we have given up the fight to save final offer selection. We will fight, Mr. Chairperson, we will fight against the Tories and the Liberals in their efforts to ram through rollbacks to labour legislation. All we are doing by supporting this amendment at this committee is supporting the stay of execution but as soon as this amendment, as it will, be passed, we are going to go to the people of Manitoba and we are going to say, we got the stay of execution, let us withdraw the execution that is being brought in by the Tories and Liberals on final offer selection and give it a chance. Let us bring on the vote. Let us get this amendment on, but the fight continues.

COMMITTEE CHANGE

Hon. Gerrie Hammond (Minister of Labour): With leave, Mr. Chair, I would like to substitute Penner for Mitchelson.

Mr. Chairman: Is there will of the committee to grant leave? Is the change agreed to? Agreed and so ordered.

Mr. Chairman: We are dealing with the amendment to Clause 5. Is it the will of the committee to pass the amendment? Yeas and Nays. All those in favour say yea. (Yea) All those opposed say nay. (Nay) The show of hands. Okay. All those in favour of the amendment raise their hands—six for. Those opposed—four. The amendment is passed.

Clause as amended—pass; Preamble—(pass on division); Title—pass. Bill as amended be reported—pass.

What is the will of the committee? Did you want to keep going? Is that the will of the committee? Agreed. Okay, let us get them while they are hot.

BILL NO. 57—THE PENSION BENEFITS AMENDMENT ACT

Mr. Chairman: Bill 57. Did the Minister responsible have an opening statement? Bill 57, The Pension Benefits Amendment Act. Did the critic from the official Opposition Party have an opening statement? Did the critic from the Second Opposition Party have an opening statement?

Clause by clause is the will of the committee? Clause 1—pass; Clause 2—pass.

Clause 3—pass. Mr. Edwards.

* (2300)

Mr. Paul Edwards (St. James): I hope you recognized that my hand was up before Clause 3 passed.

Mr. Chairman: Your finger was up, your whole hand was not, but we are not nitpicky, go ahead.

Mr. Edwards: Thank you, Mr. Chairperson. One of the amendments which was proposed by the —(interjection)— I am glad you are not a nitpicker, Mr. Chairperson.

An Honourable Member: As a Liberal he was just testing the wind.

Mr. Edwards: Well, Mr. Chairperson, the Minister of Natural Resources (Mr. Enns) says I was testing the wind. We know which way the wind is blowing in here tonight.

There was a concern about Section 3 expressed by the Charter of Rights Coalition and their concern arose from the fact that they felt it was unclear that a, b, and c were cumulative in this section and were not an

“or” situation but should be an “and” situation. They suggested putting in “and” at the end of sub (a) so that it was patently clear. Has the Minister any intention of dealing with that concern because I do think it is important? While I think it does read as cumulative, it is not as clear as perhaps it should be, and I suggest that it may be rectified by simply putting an “and” in after sub (2) of sub (a) of Section 3.

Hon. Gerrie Hammond (Minister of Labour): Yes, I have been advised by legal counsel that an “and” is not necessary for this particular amendment, so I would hope that we could leave it the way it is. They are suggesting that it is the same as saying a hat and a coat and shoes, rather than -(interjection)-

Mr. Edwards: Mr. Chairperson, with respect I disagree. I think that it is important in this situation to make it obvious that all three are cumulative. Obviously, the Minister has indicated that they were intended to be. I would therefore move that the word “and” be—

Mr. Chairperson, I have been advised that there will need to be some time to translate this amendment. Therefore, we might move on to other Bills at this time, stand this down until we have time to draft up an amendment. It is a very brief amendment. I feel it is important and I would ask you, Mr. Chairperson, to give leave to come forward with that amendment.

Hon. James Downey (Minister of Northern and Native Affairs): Mr. Chairman, on a point of order, I would suggest that if the Honourable Member has an amendment he should write it out and introduce it so we can put the question to see whether we have to proceed any further to put it in any more than the language of which it is presented in. There is a proper way of doing it. I would suggest that he does it. If he has an amendment, present it, and we will pass the judgment as a committee on it.

Mr. Edwards: Fine, Mr. Chairperson, I will accordingly write that out. I will have it translated into French. I will ask for a 15-minute recess to achieve that. I do not believe it will take any more than 15 minutes, but if my honourable friends do not agree with that, while I agree that amendments must be moved in English and French, I certainly in this committee have made amendments, as all Members I think have witnessed, orally, and they are translated at a later date. I will make that motion orally at this time. I believe that is within the Rules of this committee.

Hon. Harry Enns (Minister of Natural Resources): Mr. Chairman, I tend to support the Liberal spokesperson. I am disturbed that the works of a committee of this nature cannot proceed in a normal way. I know that there are certain provisions that are made. I have great difficulty in accepting the fact that we cannot accept an amendment, particularly a small amendment, in the manner in the way it is. It can then be dealt with as my colleague, the Member for Arthur (Mr. Downey) has dealt with it. It seems that we are imposing undue obstacles for Members of this committee to make these kinds of amendments. I recognize that times have moved on and perhaps legal counsel is correct in what

he is saying. If that is the case then I regret it, because it has caused I think serious disruption in the manner and the way in which this committee has operated for many years.

I would ask legal counsel whether or not whatever constitutional requirements are felt necessary to have it in the other official language, whether or not that cannot be accommodated in the translation of the proceedings, in the official recording of the proceedings. Surely as we are trying to expeditiously move the committee work along, we ought to be able to move in the direction that the Member for St. James (Mr. Edwards) has suggested.

Mr. Downey: A question on the proposed amendment, I understand by the Minister that she said that the word “and” she has been advised is not necessary to accomplish what she has intended to do with this Act. Is that correct?

Mrs. Hammond: I have been advised by legal counsel that this is the usual way of drafting all our Bills. We could add the “and” but it is not necessary. I am feeling that if we put it through this way that it will not be a problem for the Bill.

An Honourable Member: A question.

Mr. Chairman: We cannot take a question. There is no motion at the present time -(interjection)- No, not yet.

An Honourable Member: Do you want me to make it?

Mr. Chairman: If you so desire.

Mr. Edwards: Mr. Chairperson, am I given to understand then that I may make this motion at this time orally, and presumably committee Members will accept that the translated version will be done within a relatively short period of time?

Mr. Chairman: Is that the will of the committee? Agreed? Is that the will of the committee? Agreed.

Mr. Edwards: I am going to move the motion first?

Mr. Chairman: You will have to move the motion.

Mr. Edwards: Mr. Chairperson, I therefore move THAT subsection 31(3.1), as set out in Clause 3 of Bill 57, be amended by adding “and” after Clause (a).

(French version)

Il est proposé que le paragraphe 31(3.1), ainsi qu'il paraît à l'article 3 du projet de loi 57, soit amendé par adjonction de “and” à la fin de l'alinéa a), dans la version anglaise.

I make the motion in both English and French.

Mr. Chairman: On the amendment by Mr. Edwards, is it the will of the committee to accept the amendment?

Mrs. Hammond: Mr. Chair, I am just a little concerned here that by adding the "and" that we make a Bill sloppier than it needs be. I think I would prefer to leave it as is.

* (2310)

Mr. Chairman: All those in favour of the amendment say yea. All those opposed say nay. In my opinion the Nays have it.

Mr. Edwards: I would call for a show of hands.

Mr. Chairman: Correct. Those in support of the amendment, please raise your hands.

An Honourable Member: They only have three.

Mr. Chairman: Only three Members can vote. Three for. Those opposed? Four opposed. The amendment is defeated. Clause 3—pass; Clause 4—pass; Preamble—pass; Title—pass. Bill be reported—pass.

* (2320)

BILL NO. 80—THE CIVIL SERVICE SUPERANNUATION AMENDMENT ACT

Mr. Chairman: We have one more Bill for here, The Civil Service Superannuation Amendment Act. We have to have a new list of committee Members. Bill 80, The Civil Service Superannuation Amendment Act. Did the Minister responsible have an opening statement?

Hon. Gerrie Hammond (Minister responsible for The Civil Service Superannuation Act): I just wanted to say that the liaison committee and the task force agreed to this Bill. That is why we are bringing it forward.

Mr. Chairman: Did the critic for the official Opposition Party have an opening statement? Did the critic from the Second Opposition Party have an opening statement?

Clause by Clause; Clauses 1 to 3—pass; Clauses 5(5) to 6(1.2)—(pass); Clauses 6(3), 6(5)—(pass); Clauses 7 to 10.1(6)—(pass); Clauses 8 to 15(1.3)—(pass); Clauses 15(1.4) to 11—(pass); Clauses 11 to 17—(pass); Clause 18—pass; Clauses 19 to 23—pass; Clauses 24 to 26—pass; Clauses 27 to 28(5)—pass; Preamble—(pass); Title—(pass). Bill be reported—pass.

* (2330)

Mr. Chairman: Report. Mr. Downey.

Hon. James Downey (Minister of Northern and Native Affairs): On a point of order, Mr. Chairman, it is my understanding that we should take a five-minute recess and bring some of the other Bills from the other committee in to deal with them in this committee.

Mr. Kevin Lamoureux (Inkster): Mr. Chairperson, I would suggest maybe a 15-minute recess because we might have to go to the other committee.

Mr. Downey: Mr. Chairman, seeing that I am such an easy person to get along with, I would suggest we would make that 6 minutes rather than 5. How about 10 minutes? Is that better?

Mr. Chairman: Is that the will of the committee? Ten minutes. Committee rise. We will take a ten-minute recess.

RECESS

* (2342)

Mr. Chairman: I call the committee to order after the brief recess. We will be considering Bill 56, Bills 101, 47, 48, 50, 51 and 52.

COMMITTEE CHANGES

Mr. Downey: Mr. Chairman, I would like to move a committee change, that Mr. Connery replace Mrs. Hammond.

Mr. Chairman: Is that the will of the committee? Agreed and so ordered. Mr. Edwards.

Mr. Paul Edwards (St. James): Mr. Chairperson, I would move a committee change, Ms. Gray for Dr. Cheema; and Mr. Patterson for Mr. Kozak.

Mr. Chairman: Is that the will of the committee? Agreed and so ordered. Mr. Ashton.

Mr. Steve Ashton (Thompson): Yes, Mr. Chairperson, I move, by leave, that the Member for St. Johns (Ms. Wasylycia-Leis) be substituted for the Member for Logan (Ms. Hemphill).

Mr. Chairman: Is that the will of the committee? Agreed? Agreed and so ordered.

Hon. James McCrae (Minister of Justice and Attorney General): Just before we proceed, I want to ensure that we have the order of the Bills to be dealt with in the correct sequence. The order that was agreed on in the House was Bill 56—

Mr. Chairman: I will read them out again—Bills 56, 101, 47, 48, 50, 51 and 52. Is that a bingo?

Mr. McCrae: Bingo, Mr. Chairman. Thank you.

BILL NO. 56—THE WORKERS COMPENSATION AMENDMENT ACT (2)

Mr. Chairman: Attention. We are on Bill 56, Section 34. The Honourable Minister. Mr. Lamoureux.

POINT OF ORDER

Mr. Kevin Lamoureux (Inkster): Mr. Chairperson, on a point of order, when we had last left discussion on

this particular Bill, we were discussing the validity of Mr. Minenko's vote. I have talked with the Government House Leader (Mr. McCrae), and he had stated that he would be going along with the committee to have leave to go back to that particular clause, because in fact the Member for Seven Oaks (Mr. Minenko) was a Member of the committee at that time.

Mr. Chairman: That is what we are doing. The Honourable Minister.

Hon. Edward Connery (Minister of Co-operative, Consumer and Corporate Affairs): We are in Clause 34 now, or Section 34?

Mr. Chairman: Section 50 to 50.2, Clause 34.

Mr. Connery: We are in Section 34 of the Bill. I have an amendment here, which I hope—

POINT OF ORDER

Mr. Chairman: Yes. Mr. Lamoureux?

Mr. Lamoureux: He just gave me the impression that we were at that particular clause. I am referring back to the Clause 10.1 in which we had a vote in which the Member for Seven Oaks (Mr. Minenko) was told that he was not a Member of the committee. We are revisiting that vote through leave.

Mr. Chairman: Okay, I was hoping we could expedite this, but during the clause-by-clause consideration of Bill No. 56 a problem arose. The Chairperson had ruled an amendment to Bill No. 56 out of order on the grounds that the amendment went beyond the scope of the Bill. The ruling of the Chair was challenged and upheld on a voice vote. A counted vote was then requested. During the process of conducting the counted vote, Mr. Minenko, the Member for Seven Oaks, was deemed not to be a voting Member of the committee as his name did not appear on the list of committee Members.

It was subsequently discovered that at or about 3:15 p.m., the Liberal Whip, Mr. Lamoureux, had substituted Mr. Minenko onto the Law Amendments committee in place of the Member for St. James (Mr. Edwards). This substitution had been done in the Chamber. Unfortunately the Chair was not aware of this fact when it ruled that Mr. Minenko was not a voting Member.

After investigating the situation, the Chair is now satisfied that Mr. Minenko is indeed a voting Member of the committee, but at the same time, the Chair has some serious concerns to express.—(interjection)—

It is just a little lecture by our House Leader. Do you want to listen to it all?

An Honourable Member: Take it as read.

Mr. Chairman: Take it as read. Is it the will of the committee to accept this as read? So I put it to the committee. Did the committee wish to once again vote

on the question of whether the ruling of the Chair should be sustained once we resume consideration of Bill No. 56? What is the will of the committee.

POINT OF ORDER

Mr. Steve Ashton (Thompson): Point of order, and I hate to have to raise this, but I believe that we have to hold votes or at least deal with all the clauses that had been dealt with because it is not just the one clause that is in question. It is virtually everything the committee dealt with. I would refer this, and I know the Government House Leader is here. I know he has advised me of a court case. I am sure he can provide Members of this committee with information where a discrepancy at the committee stage became an issue in the courts. I believe it was in Ontario.

I do not wish us to run into that problem and I do believe that essentially we have to start from Clause 1 and go through it.

Mr. Chairman: The Chair suggests that only the counted vote be redone as there was only vote where Yeas and Nays were called for.

Mr. Ashton: Do you want to take the risk?

Mr. Chairman: No. I think we should just go right back and ramble right through it. Mr. Downey.

Mr. Chairman: Bill No. 56, The Workers—Mr. Minister.

Mr. Connery: A point of order. Do we have to read in every amendment again?

An Honourable Member: Yes.

* (2350)

Mr. Connery: Okay. Just asking for clarification.

Mr. Chairman: Clause 1—pass. The Honourable Minister.

Mr. Connery: Section 2.

Mr. Chairman: Yes, Section 2.

Mr. Connery: I have an amendment for Section 2. I move, in English and in French:

THAT the definition of "accident" in subsection 1(1) of the Act, proposed in section 2 of the Bill, be amended by deleting subclauses (a)(iii) and (iv). I move it in English and French.

(French version)

Il est proposé que la définition d' "accident", figurant à l'article 2 du projet de loi, soit amendée par suppression des sous-alinéas a)(iii) et (iv).

Mr. Chairman: Section 2 as amended—pass; the amendment—pass. Mr. Patterson.

Mr. Allan Patterson (Radisson): I might recall, Mr. Chairperson, that we had proposed some amendments to that clause, and it was agreed that we would hold it over till the remainder of the Bill was completed and then come back to our amendments, seeing that I neglected to let the Minister know ahead of time.

Mr. Chairman: Well, do they not have the amendments ready now?

An Honourable Member: He has the amendments. They have been circulated. We have to get them analyzed.

Mr. Chairman: Okay. Section 2. Do you have an amendment?

Mr. Patterson: Yes, they were circulated at the last meeting. Is it okay to go ahead with them now?

Mr. Chairman: Yes.

Mr. Patterson: I move

THAT the definition of "employer" in clause 2(c) be amended by striking out clause (a) and substituting the following:

- (a) a person
 - (i) who has in service under a contract for hiring of apprenticeship, written or oral, expressed or implied, a person engaged in work in or about an industry, or
 - (ii) who employs a person for more than 24 hours a week
 - (A) in domestic service,
 - (B) as a sitter to attend primarily to the needs of a child who is a member of the household, or
 - (C) as a companion to attend primarily to the needs of a child who is a member of the household;

(French version)

Il est proposé que la définition d' "employeur", figurant à l'alinéa 2c) soit amendée par substitution, à l'alinéa a), de ce qui suit:

- a) de toute personne:
 - (i) qui emploie, en vertu d'un contrat de louage de services ou d'apprentissage, écrit ou verbal, exprès ou implicite, une personne qui effectue un travail se rattachant à une industrie,
 - (ii) qui emploie pendant plus de 24 heures par semaine une personne:
 - (A) à titre de domestique,
 - (B) à titre de gardien chargé principalement de pourvoir aux besoins d'un enfant qui est membre de la maisonée,

(C) à titre de compagnon chargé principalement de pourvoir aux besoins d'un enfant qui est membre de la maisonée;

I move this in the English and French language.

Mr. Chairman: On the amendment to Clause 2(c). Shall the amendment pass? All those in favour, say yea. All those opposed, say nay. In my opinion, the nays have it. The amendment is defeated. Mr. Patterson.

Mr. Patterson: A show of hands or something.

Mr. Chairman: A show of hands. To avoid confusion, we will read the list of committee Members for the voting: Mr. Ashton; Mr. Burrell, Chairperson; The Honourable Mr. Downey, by leave; Mr. Cowan; The Honourable Mr. Driedger, by leave; Mr. Connery; Mr. Patterson; Ms. Gray; Mr. Penner; Ms. Wasylycia-Leis; and Mr. Edwards, of course. Those in favour, raise your hands. This is the amendment to Section 2(c) as proposed. Five in favour. Those opposed, raise your hands. Four opposed. The amendment is carried.

COMMITTEE CHANGE

Hon. James Downey (Minister of Northern and Native Affairs): Mr. Chairman, I wonder if I could make a committee change. I would like to have Mr. Cummings (Ste. Rose) replace Mr. Albert Driedger (Emerson).

Mr. Chairman: Now the Honourable Minister. Is that change agreed to? Is it the will of the committee for the change? Agreed.

Mr. Chairman: Shall Subsection 2 as amended pass—oh, do you have another amendment, Mr. Patterson?

Mr. Patterson: I have an amendment in the same, one more.

Mr. Chairman: Would you read the amendment please?

Mr. Patterson: I move

THAT the definition of "worker" in clause 2(e) is amended by striking out clause (j) and substituting the following:

- (j) a person who is employed for more than 24 hours a week by the same employer
 - (i) in domestic service,
 - (ii) as a sitter to attend primarily to the needs of a child who is a member of the household, or
 - (iii) as a companion to attend primarily to the needs of a child who is a member of the household.

(French version)

Il est proposé que la définition d' "ouvrier", figurant à l'alinéa 2e) soit amendé par substitution, à l'alinéa j), de ce qui suit:

j) de la personne qui travaille pendant plus de 24 heures par semaine pour le même employeur:

- (i) à titre de domestique,
- (ii) à titre de gardien chargé principalement de pourvoir aux besoins d'un enfant qui est membre de la maisonnée,
- (iii) à titre de compagnon chargé principalement de pourvoir aux besoins d'un enfant qui est membre de la maisonnée;

I move this in the English and French versions.

Mr. Chairman: We are now dealing with the amendment. Clause 2(e)—Mr. Patterson.

Mr. Patterson: Just by way of explanation, Mr. Chair, that is just bringing the definition of worker in line with the employer.

Mr. Chairman: Amendment to Clause 2(e)—Yeas and Nays, those in favour say yea. (Yea) Those opposed say nay. (Nay) The Yeas have it. The amendment is carried then. Subsection 2 as amended—pass; Subsection 3—pass; Clause 4—pass.

Clause 5—The Honourable Minister.

Mr. Connery: Mr. Chairman, I move

THAT clause 1(3)(f) of the Act, as proposed in section 5 of the Bill, be deleted and the following substituted:

- (f) a person who
 - (i) ordinarily resides outside of Canada;
 - (ii) is employed in the cartage trucking industry by an employer whose principal place of business is outside Canada; and
 - (iii) is temporarily working in or passing through the province.

(French version)

Il est proposé que l'alinéa 1(3)f) de la Loi, figurant à l'article 5 du projet de loi soit remplacé par ce qui suit:

- f) une personne:
 - (i) dont la résidence habituelle se trouve à l'extérieur du Canada;
 - (ii) qui travaille dans l'industrie du camionnage pour un employeur dont l'établissement principal se trouve à l'extérieur du Canada;
 - (iii) travaille temporairement dans la province ou ne fait que la traverser.

I move this in English and French.

Mr. Chairman: Okay, we will deal with that amendment. Shall the amendment on Section 5(f) pass—pass.

Okay, your amendment, Mr. Patterson.

Mr. Patterson: Mr. Chairman, I have an amendment to move

THAT section 5 be amended by adding the following after clause (c):

- (c.1) by repealing clause (c);

(French version)

Il est proposé que l'article 5 soit amendé par insertion, après l'alinéa c), de ce qui suit:

- c.1) par suppression de l'alinéa c);

Mr. Chairman: That is in English and French. Have you any more there?

Mr. Patterson: By way of explanation, Mr. Chairperson, these three amendments are all related. The first two are just definitions to really apply to this subsequent change. In Clause (c) comes under Section 1(3) which restricts the definition of worker. The restriction is a person employed in a private family home and paid by a member of that family, where the person primarily employed is a sitter to attend primarily to the needs of a child who is a member of the household or is a companion to attend primarily to the needs of an aged, infirm or ill member of the household.

The thrust of these amendments is to have these persons covered by the Act if they work more than 24 hours a week for the same employer.

Mr. Chairman: Is that the end of your amendments, Mr. Patterson?

Mr. Patterson: Yes.

Mr. Chairman: Shall the amendment to Section 5(c) be passed?

An Honourable Member: Yeas and Nays.

Mr. Chairman: Yeas and Nays. Those in favour?

Section 5(c), those in favour of passing the amendment, please say yea. Those opposed, please say nay. It is weak on both sides, and I think the Nays have it this time. Mr. Patterson.

* (0000)

Mr. Patterson: Mr. Chairperson, I might point out there is absolutely no point in rejecting this if the previous two have been passed. That might have called for a recorded vote, please.

Mr. Chairman: Okay. All those in favour of the amendment raise your hands.

Clerk of Committees (Ms. Patricia Chaychuk-Fitzpatrick): Five for.

Mr. Chairman: All those opposed, raise your hands.

Madam Clerk: Four opposed.

Mr. Chairman: Okay, the amendment is carried. Section 5, as amended—pass; Section 6—pass.

Shall Section 7 be passed?

Mr. Connery: No. I move

THAT the Bill be amended by deleting Section 7 in both English and French.

(French version)

Il est proposé que le projet de loi soit amendé par suppression de l'article 7.

Mr. Chairman: The Honourable Minister moves that the Bill be amended by deleting Section 7. Is that agreed? Okay. The amendment is passed. Section as amended—pass; Section 8—pass; Section 9—pass; Clause 10—pass.

Clause 11—Mr. Ashton.

Mr. Ashton: I have an amendment, Mr. Chairperson, to Section 10. I move

Section 4.1 added

10.1 The following is added after Section 4:

Definition

4.1(1) In this section, "fire fighter" means a full time member of a professional fire fighting department.

Presumption relating to heart injury

4.1(2) An injury to a fire fighter shall be presumed, unless the contrary is shown, to arise out of and in the course of employment as a fire fighter, where

- (a) the fire fighter suffers an injury to the heart and is so diagnosed by the duly qualified medical practitioner;
- (b) the fire fighter has been in continuous service as a fire fighter during the 2 years preceding the injury; and
- (c) the fire fighter, on or before beginning service as a fire fighter, has undergone a physical examination required by the fire fighting department of which he or she is a member that included an examination of the circulatory system, and was, in light of the physical examination, approved for service as a fire fighter.

Recovery from heart injury

4.1(3) A fire fighter who suffers an injury to the heart and was medically certified to be fit for return to service as a fire fighter is in the case of a later injury to heart entitled to the benefit of subsection (2).

Presumption relating to other types of injuries

4.1(4) Where a fire fighter suffers an injury to his or her lungs, brain or kidneys, the injury shall be presumed, unless the contrary is shown, to rise out of and in the course of the employment as a fire fighter resulting from the inhalation of smoke, gas or fumes.

Presumption relating to carbon monoxide

4.1(5) Where a fire fighter suffers disability by reason of the inhalation of carbon monoxide that the disability shall be presumed, unless the contrary is shown, to be caused by an injury arising out of and in the course of employment as a fire fighter.

Deemed date of accident

4.1(6) Where a fire fighter is disabled by reason of inhalation of carbon monoxide, or by reason of an injury to his or her lungs, brain or kidneys that results from the inhalation of smoke, gas or fumes, the date of the beginning of the disability is deemed to be the date of the accident that causes the disability.

Mr. Connery: Mr. Chairman, prior to introducing this Bill, I gave assurances to both stakeholders that the Government would not introduce substantive change without consultation. I have followed this commitment to the hilt. The industry accepted my insurances in good faith. It appeared that organized labour through the NDP and Liberals obviously are wanting to renege on this process. This Bill is about governance. It enshrines the tripartite structure of the board. It enables the Chair to be neutral and to preside over the board rather than to decide every contested issue. In short order, the Bill created a structure for a co-operative change. If this Bill has to be withdrawn, there are serious consequences. The amendments insisted upon by the Liberals and NDP destroy the intent of this Bill. It subverts the process of co-operative reform. If these amendments are carried into law, there is no possibility of credible benefit reform, financial and administrative integrity within the board. I therefore have no choice but to let you know that the Bill will not proceed to third reading.

I want to read into the Hansard what we are losing, improvements to workers, we have emergency expenditures to family members, we have improved equality for common-law and former spouses. We have enshrined the right to workers to be represented on the board of directors, appeal commission and policy committee, enshrined appeal procedure, guaranteed written reasons, increased penalties to ensure employer compliance, extended benefits to dependent children from the age of 16 to age 18, deletes restrictive provisions such as hernia, occupational skin lesions, it enshrines consultation reappointments which was not in the previous legislation or in the existing legislation, improves benefits to casual emergency workers and deemed Government workers.

There are lost opportunities such as lost assessment revenue, lost interest on assessment revenue, increased bad debt, lost assessment on executive officer coverage, increased collection costs, loss of penalty revenues, increased administrative cost due to late or missing medical reports, possibility of additional claim costs due to no limitation on final appeal reviews, lost interest and under assessment, loss opportunities to reinsure losses, lost opportunities in accident prevention and potential for higher claims in U.S. trucking area.

We have heard tonight the suggestion that we need to have consultations. I think this is very vital in this issue. It is a major change to the Bill. Members of the committee know that this is part of the benefits package,

and the benefits package is the next Bill that we would bring forward.

I have met personally hours and hours with both sides, both with management and labour. Management and labour both are quite satisfied with the amendments the way we are presenting it. To back off on the process and the give and take that both sides gave; both sides, labour and management. They came to us with their concerns, we listened, we made many accommodations to both management and labour, but many, many to labour when they achieved many things.

I think that by putting this in at this time we lose faith in the process that we have, and I am not sure that we can guarantee that this same agreement can be reached in further consultation. One side is breaking the understanding of consultation, and I am very disappointed if Members of the Liberal and New Democratic Party proceed with this firefighters reg when they know that it is being reviewed by the board of commissioners. There will be input from the management side, from labour side, from the public in general. So if they proceed with this, that is their prerogative to do so, but I also have notified both Parties in writing this afternoon that this Bill will not proceed to third reading. The work that has been put in to improve the workers compensation and to improve it for both management and labour to make it a very viable Workers Compensation Bill, then I think you have done disservice to the workers of Manitoba and to reform of the Workers Compensation Board.

Mr. Ashton: I find the statement of the Minister absolutely incredible. He has just announced that this Bill is not going to continue. We have not even had a vote on this particular subsection yet. If the Minister perhaps diverted from his prepared text for a moment and recognized what is happening in the committee, I think he might have at least waited for that.

Mr. Chairperson, I think the Minister's muddled statement is indicative of what this Minister has been doing on this Bill all the way along. This Minister brought in a seriously flawed Bill. This Minister, only through the efforts of individuals who are involved with Workers Compensation was able to bring in and is bringing in amendments that deal with some of those flaws and indeed with Members of the Opposition.

What I find most amazing with this Minister is that he read this prepared text. I do not know why he did not read from what really is his text, Mr. Chairperson, in terms of this particular amendment, and that is a letter from the Canadian Manufacturers' Association. I will not read it in its entirety, but it was sent to the Minister responsible for the Workers Compensation Board (Mr. Connery), March 12, 1990, signed by the vice-president, Manitoba division, of the Canadian Manufacturers' Association. Incidentally, copies were provided to the Opposition Parties.

* (0010)

I just want to read the last paragraph because this is the agenda of this Minister, let there be no mistake. I quote, "In view of the complications that seem to be

arising from Bill 56, The Workers Compensation Amendment Act, we urge you to defeat the amendment referring to firefighters or failing which, we urge you to withdraw Bill 56 in its entirety."

Mr. Chairperson, that is what the Minister's prepared text should have been, that last quote. Just as the Minister responsible for Housing (Mr. Ducharme) has refused to deal with Bill 42 because the landlords, because the money lenders have said that they want that Bill stopped dead in its tracks, now this Minister, even before we have had a vote on this, has said he wants to pull the Bill.

He sent correspondence. He stated it publicly, Mr. Chairperson. He said he wants to pull the Bill. I want to indicate that our concern in terms of this is to put an enabling provision in for the firefighters, so that they do not run into the same problem they did in the court case which stated very clearly that this had to be a matter of legislation, and that the regulation that had been in existence since 1966 and was changed in 1977 would be changed. That is the bottom line.

We, Mr. Chairperson, had indicated quite clearly what our position is. I am amazed that this Minister, before we have even had a chance to deal with this amendment, has taken what I consider to be a very arrogant and misleading direction in this committee. This Minister should not mislead this committee. This Minister should not mislead us about his intentions. He wants to put in place the agenda of the CMA, not the agenda of the stakeholders, as he calls it. I find the comments of the Minister to be a sorry comment on the Government's attitude towards Workers Compensation, and particularly our firefighters.

Mr. Downey: Mr. Chairman, it is my interpretation that such an amendment would be out of order and would think the committee should not be able to deal with it in that regard, that it is out of order.

Mr. Chairman: It was ruled out of order in the last committee, and then the Chairman's ruling was overturned, as you would remember if you were on this particular committee. The reason given by the legal people is the motion is out of order. Bill 56 does not deal with professional firefighters or with presumptions of proof of claim. The proposed amendment goes beyond the Bill's scope which applies to firefighters only in a limited respect.

In singling out firefighters for special and unusual treatment, this would introduce a unique provision into the Act and would relate to the contents of the Bill only in such an indirect way as beyond the scope of the Bill. That is the legal opinion. It is out of order.

Clause 10 pass—pass. I just have to check what section, 14 is the next one we have. Does anyone have an amendment for—

An Honourable Member: No.

Mr. Chairman: Okay. Clause 11—pass; Clause 12—pass; Clause 13—pass.

Clause 14—the Honourable Minister.

Mr. Connery: I move

THAT the Bill be amended by deleting Section 14, in both French and English.

(French version)

Il est proposé que le projet de loi soit amendé par suppression de l'article 14.

Mr. Chairman: Does the amendment pass—pass; Clause 14 as amended—pass; Clause 15—

Mr. Connery: I move

THAT subsection 18(4) of the Act, as proposed in section 15 of the Bill, be amended by deleting “, unless excused by the board on the ground that the report for some sufficient reason could not be made,”.

(French version)

Il est proposé que le paragraphe 18(4) de la Loi, figurant à l'article 15 du projet de loi, soit amendé par suppression de “, à moins que la Commission n'excuse son omission au motif que le rapport n'aurait pu, pour une raison valable, être fait”.

I move it in French and English.

Mr. Chairman: Shall the amendment pass—pass; Section—pass; Clause 16—pass; Clause 17—pass; Clause 18—pass; Clause 19—pass; Clause 20—pass; Clause 21—pass; Clause 22—the Honourable Minister.

Mr. Connery: I move

THAT subsection 27(1.1) of the Act, as proposed in section 22 of the Bill, be amended by deleting “or time lost from employment, or both, owing to the accident” and substituting “as a result of the accident”.

(French version)

Il est proposé que le paragraphe 27(1.1) de la Loi, figurant à l'article 22 du projet de loi, soit amendé par suppression de “et du temps d'emploi perdu”.

Mr. Chairman: Shall the amendment pass—pass; section—pass; Clause 23—

Mr. Connery: I move

THAT subsection 27(11) of the Act, as proposed in section 23 of the Bill, be amended by deleting “doctor's” and substituting “medical”.

Il est proposé que le paragraphe 27(11) de la version anglaise de la Loi, figurant à l'article 23 du projet de loi, soit amendé par substitution, à “doctor's”, de “medical”.

I move it in English and French.

Mr. Chairman: Shall the amendment pass—pass; Clause as amended—pass.

Mr. Connery: I move

THAT section 24 of the Bill be deleted, both in English and in French.

(French version)

Il est proposé que l'article 24 du projet de loi soit supprimé.

Mr. Chairman: Shall the amendment pass—pass; Clause as amended—pass; Clause 25—pass; Clause 26—pass; Clause 27—pass; Clause 28—pass; Clause 29—pass; Clause 30—pass; Clause 31—pass; Clause 32—pass; Clause 33—pass; Clause 34—the Honourable Minister.

Mr. Connery: I move

THAT section 50.1 of the Act, as proposed in section 34 of the Bill, be amended

- (a) by striking out “solicit and may consider nominations” and substituting “consult with”;
- b) by striking out “from” after “(a)” and after “(b)”.

(French version)

Il est proposé que l'article 50.1 de la Loi, figurant à l'article 34 du projet de loi, soit remplacé par ce qui suit:

Consultation concernant les nominations

50.1 Afin d'effectuer les nominations prévues aux paragraphes 50.2(1) et 60.2(1), le lieutenant-gouverneur en conseil consulte:

- a) les personnes auprès de qui des cotisations sont prélevées en vertu de la présente partie en ce qui concerne la nomination de personnes représentant le point de vue des employeurs;
- b) les ouvriers qui travaillent dans des industries visées par la présente partie en ce qui concerne la nomination de personnes représentant le point de vue des ouvriers.

I move it in English and in French.

Mr. Chairman: Shall the amendment pass—pass; Clause—pass; 34, there is another amendment.

Mr. Connery: I move

THAT section 50.1, as added by section 34, be amended:

- (a) by striking out “and” at the end of clause (a);
- (b) by adding “and” at the end of clause (b);
- (c) by adding the following after clause (b):
 - (c) persons on whom assessments are levied under this Part and with workers in industries subject to this Part, regarding the appointment of persons representative of a public interest.

Il est proposé que l'article 50.1 ainsi qu'il paraît à l'article 34, soit amendé:

- a) par suppression de “and” à la fin de l'aliné a) de la version anglaise;

- b) par substitution, au point qui se trouve à la fin de l'alinéa b), d'un point-virgule;
- c) par insertion de ce qui suit:
 - c) les personnes auprès de qui des cotisations sont prélevées en vertu de la présente partie et les ouvriers qui travaillent dans des industries visées par la présente partie en ce qui concerne la nomination de personnes représentant le point de vue du public.

I move it in English and French.

Mr. Chairman, what this is, those people to be appointed in the public sector, we will consult with both client groups, both management and labour, before making any appointments.

Mr. Chairman: Shall the amendment pass—Mr. Aston.

Mr. Ashton: I just wanted to indicate that we had drafted an amendment that we felt would have dealt with the need to make sure the public, the people who represent the public on the board, are reflective of the need for a balance, particularly are acceptable to the stakeholders. I want to indicate that this amendment does not go as far as our amendment would have proposed, but we are willing to give this particular amendment the chance to show itself.

I want to give notice though that if this does not work that we may, at some future point in time, wish to see an amendment, or amendments, Mr. Chairperson, and I am not moving this. I am just indicating what we would have moved if it was not for this amendment, would have added a clause that would state that there would be three members representing the public interest who are acceptable to the representatives, workers and employers. As I said, we would have preferred stronger wording, but we are willing to support this particular amendment and give it some chance to see if it works.

* (0020)

Mr. Chairman: Okay. Thank you, Mr. Ashton. Will the amendment pass—pass; Section 34 as amended—pass; Section 35—pass.

Section 36—

Mr. Connery: No. I move

THAT clauses 51.1(2)(c) and (d) of the Act, as proposed in section 36 of the Bill, be struck out and the following substituted:

- (c) equal numbers of members of the Board of Directors representative of workers, employers and the public interest, none of whom shall be an appeal commissioner.

THAT subsection 51.1(3) of the Act, as proposed in section 36 of the Bill, be amended by deleting everything after "Board of Directors".

(French version)

Il est proposé que les alinéas 51.1(2)(c) et d) de la Loi, figurant à l'article 36 du projet de loi, soient remplacés par ce qui suit:

- c) de membres du conseil d'administration représentant en nombre égal le point de vue des ouvriers, des employeurs et du public, aucun de ces membres ne pouvant cependant être commissaire aux appels.

Il est proposé que l'alinéa 51.1(3) de la Loi, figurant à l'article 36 du projet de loi, soit amendé par suppression du passage qui suit "conseil d'administration".

Mr. Chairman: Shall the amendment pass?

An Honourable Member: Pass.

Mr. Chairman: Do you want an explanation, Mr. Ashton?

Mr. Connery: This is basically to confirm on the policy section that it will be fully tripartite. There have to be equal members so that all sides are of equal representation on the policy development.

Mr. Chairman: Shall the section, as amended, pass?

Some Honourable Members: Pass.

Mr. Chairman: Section 37—pass; Section 38—pass; Section 39—pass.

Section 40—Mr. Ashton.

Mr. Ashton: Mr. Chairperson, I have an amendment on Section 40. I move

THAT section 40 be amended by striking out subsection 58(3) and substituting the following:

Vacancy

58(3) When there is a vacancy on the Board of Directors, the remaining members may exercise the powers of the board if an equal number of representatives of workers and employers are remaining.

(French version)

Il est proposé que l'article 40 soit amendé par substitution, au paragraphe 58(3), de ce qui suit:

Vacances

58(3) Lorsque se produit une vacance au sein du conseil d'administration, les autres membres peuvent exercer les pouvoirs de la Commission si un nombre égal de représentants du point de vue des ouvriers et de représentants du point de vue des employeurs demeurent en poste.

Mr. Connery: Well, I question how it would work. If there is one vacancy, how does the board function? The existing legislation states that when there were only three, as long as there was a majority which meant two there, they could operate as a board, but it really would almost make the board unable to function if there was an absenteeism. They could really veto the

board by just not being there, so there has to be exact numbers at all times, equal numbers, makes it almost prohibitive. If one member of labour or one member of management is not there, then somebody cannot vote. Boards are notified of meetings well in advance, and I find it very difficult how the board would function.

Mr. Ashton: This was one of the areas that was raised as a concern. It is one of areas that has been raised actually by both sides in effect. I think it is important as a matter of fairness that a hearing that takes place, any meeting of the board, be one that is balanced. We have set up a structure and, in terms of the composition, it is very clearly one that is tripartite, if you like; and I believe that is particularly important in this particular case. So that is the intent of this amendment.

Mr. Chairman: Well, your amendment says vacancy, and if there is a vacancy on the board, automatically there are not equal numbers. So therefore the board could not function until somebody else was put on. That would mean that the board if we—time we go through the consultation process, ask people for names and go through the OC process, which it has to be, you could see the board not functioning for two or three months possibly. This was not brought forward in our consultations with labour or management. This is a new one that was brought forth in yours, but it was not one that was brought forward by management or labour, that they wanted this. That is why we just do not quite understand it.

Mr. Ashton: The concern has been expressed, it was raised at committee.

Mr. Chairman: At this committee.

Mr. Ashton: At this committee. If the Minister feels that he has subamendments that can deal with the concept, deal with his concerns, I am more than willing to look at that. I do not know if the Minister wants to perhaps look at it, deal with it perhaps at report stage. I am not trying to propose anything that would create any difficulties. What I am trying to do is put forward the principle which I think is important.

Mr. Connery: I appreciate the accommodation that we are receiving to make the Bill go, but it is still—just because there is a vacancy on the board, it says the remaining members may exercise the power of the board if an equal number of representatives of workers and of employers are remaining. Once there is one vacancy, there are not an equal number. Therefore the board could not function until that vacancy was filled.

As you know, the consultation process, by the time you send out to all of the client groups where the vacancy is created, request for names, and they come back and we finally make an O/C. You know the process in O/Cs; it takes time. We could see the board sitting, not functioning, for a period of time. I really would ask the Member to reconsider it. I am prepared to take a look at it in the next package of amendments if there really is a major concern, but it was not raised to me by the employee groups, by the union.

Mr. Patterson: I certainly understand the concerns raised by the Member for Thompson (Mr. Ashton) over the tripartite nature of the board and some of the, shall we say, apprehensions of the labour movement as to the functioning of the board.

I think, while we are prepared to look favourably on the amendment that the Member for Thompson had ready, I think what the Minister has put forth goes considerable way to allaying those concerns. The same thing arises here of course, but I do think you must recognize the practical implications of it that the Minister has mentioned. Then too, this new tripartite board, it is a significant break with the past, but this is a proposal of the Government, and they are the Government. This is a policy they want to implement. I think that we of course will be monitoring what happens with the board over the next short period of time, and the Government will stake its reputation and so on—and I think give them a chance to see how it works. If it does not, we will let them no.

Mr. Chairman: Shall the amendment pass? Yeas and nays. Those in favour, say yea, signify. We have to do voice vote first. Those in favour say yea. Those opposed say nay. In my opinion the nays have it. Do you want a count or did you—

Section 40 as amended—pass; 41—(pass); 42—(pass).

Mr. Connery: Hold on, hold on—41.

I move

THAT subsection 59(1) of the Act, as proposed in section 41 of the Bill, be deleted and the following substituted:

C.E.O. and other employees

59(1) The Board of Directors shall appoint a person to be known as the Chief Executive Officer, and shall fix his or her salary and prescribe his or her duties, which shall include employing such persons as are necessary to carry out this Part, prescribing their duties and fixing their salaries; and the salaries shall be paid out of the accident fund.

* (0030)

I move this in both English and French.

(French version)

Il est proposé que le paragraphe 59(1) de la Loi, figurant à l'article 41 du projet de loi, soit remplacé par ce qui suit:

Premier dirigeant et autres employés

59(1) Le conseil d'administration nomme un premier dirigeant, fixe sa rémunération et détermine ses fonctions, lesquelles comprennent le recrutement des personnes jugées nécessaires à l'application de la présente partie, la détermination de leurs fonctions et la fixation de leur rémunération. La rémunération que touche le personnel est payée sur la Caisse des accidents.

Mr. Chairman: Will the amendment pass—pass; Section, as amended—pass. Clause 42—pass; Clause 43—pass. The Honourable Minister, Clause 44.

Mr. Connery: I move

THAT section 44 of the Bill be amended

- (a) by deleting proposed section 60.3;
- (b) by re-numbering proposed section 60.4 as 60.3;
- (c) by adding the following after the new section 60.3:

Conflict of interest

60.4 An appeal commissioner shall not participate in the hearing of a matter in which he or she has a direct personal interest, or in which the chairperson of the Board of Directors determines that the appeal commissioner has an actual or apparent conflict of interest.

I move this in English and French.

(French version)

Il est proposé que l'article 44 du projet de loi soit amendé:

- (a) par suppression du nouvel article 60.3;
- (b) par substitution, au numéro d'article 60.4, du numéro 60.3;
- (c) par insertion, après l'article 60.3, de ce qui suit:

Conflit d'intérêts

60.4 Les commissaires aux appels ne peuvent participer aux audiences portant sur des questions dans lesquelles ils ont un intérêt personnel direct ou relativement auxquelles le président du conseil d'administration indique qu'ils ont un conflit d'intérêts réel ou apparent.

Mr. Chairman: Shall the amendment pass—pass; Clause, as amended—pass. Clause 45—pass; Clause 46—pass; Clause 47—pass; Clause 48—pass; Clause 49—pass; Clause 50—pass; Clause 51—pass; Clause 52—pass; Clause 53—pass; Clause 54—pass; Clause 55—pass; Clause 56—pass; Clause 57—pass; Clause 58—pass; Clause 59—pass; Clause 60—pass; Clause 61—pass; Clause 62—pass; Clause 63—pass; Clause 64—pass; Clause 65—pass; Clause 66—pass; Clause 67—pass; Clause 68—pass; Clause 69—pass; Clause 70—pass; Clause 71—pass; Clause 72—pass; Clause 73—pass; Clause 74—pass; Clause 75—pass; Clause 76—pass; Clause 77—pass; Clause 78—pass.

Clause 79—the Honourable Minister.

Mr. Connery: I move

THAT subsection 97.1(1) of the Act, as proposed in section 79 of the Bill, be deleted and the following substituted:

Research and safety programs

97.1(1) The board may conduct research and safety programs on accident prevention, safety in the workplace, and treatment of workplace injuries, and on scientific, medical or other issues relating to workers compensation, and for that purpose the board may

make such expenditures from the accident fund as it considers necessary or expedient.

I move this in English and French.

(French version)

Il est proposé que le paragraphe 97.1(1) de la Loi, figurant à l'article 79 du projet de loi, soit remplacé par ce qui suit:

Recherche et programmes de sécurité

97.1(1) La Commission peut conduire une recherche et mettre sur pied des programmes portant sur la prévention des accidents, la sécurité au lieu de travail et le traitement des lésions subies à cet endroit ainsi que sur des questions ayant trait à l'indemnisation des ouvriers, notamment des questions scientifiques ou médicales; à cette fin, elle peut faire les dépenses qu'elle juge nécessaires ou indiquées sur la Caisse des accidents.

Mr. Chairman: Shall the amendment pass—pass; Section, as amended—pass. Clause 80—pass; Clause 81—pass; Clause 82—pass; Clause 83—pass; Clause 84—pass; Clause 85—pass; Clause 86—pass; Clause 87—pass; Clause 88—The Honourable Minister.

Mr. Connery: I move

THAT Section 88 of the Bill be deleted, in English and French.

(French version)

Il est proposé que l'article 88 du projet de loi soit supprimé.

Mr. Chairman: Will the amendment pass—pass; Clause 88, as amended—pass. Clause 89—pass; Clause 90—pass.

Clause 91—The Honourable Minister.

Mr. Connery: I move

THAT section 91 of the Bill be deleted, in English and French.

(French version)

Il est proposé que l'article 91 du projet de loi soit supprimé.

Mr. Chairman: Will the amendment pass—pass; Section, as amended—pass. Clause 92—pass; Clause 93—the Honourable Minister.

Mr. Connery: I move

THAT section 93 of the Bill be deleted, in English and French.

(French version)

Il est proposé que l'article 93 du projet de loi soit supprimé.

Mr. Chairman: Shall the amendment pass—pass; Clause as amended—pass.

Clause 94—the Honourable Minister.

Mr. Connery: I move

THAT section 94 of the Bill be struck out and the following substituted:

Subsection 105(10) repealed

94 Subsection 105(10) is repealed.

(French version)

Il est proposé que l'article 94 du projet de loi soit remplacé par ce qui suit:

Abrogation du paragraphe 105(10)

94 Le paragraphe 105(10) est abrogé

Mr. Chairman: Shall the amendment pass—pass. Shall the section, as amended, pass—pass.

Mr. Connery: Hold it, hold it. At 95, we will go back to it. I move

THAT section 95 of the Bill be deleted.

(French version)

Il est proposé que l'article 95 du projet de loi soit supprimé.

Mr. Chairman: Shall the amendment pass—pass; 95, as amended—pass; 96—pass.

97—Mr. Ashton.

Mr. Ashton: I have an amendment on 97, Mr. Chairperson. I move

THAT section 97 be amended as follows:

- (a) in clause 109.1(1)(a), by adding “knowingly” before “makes a false statement”;
- (b) in clause 109.1(1)(b), by adding “deliberately” before “fails to inform”;
- (c) in clause 109.1(1)(c), by adding “knowingly” before “makes a false statement”;
- (d) in clause 109.1(1)(d), by adding “knowingly” before “makes a false statement”;
- (e) by striking out the words following clause 109.1(1)(d) and substituting the following:
is guilty of an offence and is liable
- (e) where the person is a worker, to a fine not exceeding \$1,000 or to imprisonment not exceeding three months, or both; and
- (f) where the person is an employer, to a fine not exceeding \$5,000 or to imprisonment not exceeding three months, or both.

(French version)

Il est proposé que l'article 97 soit amendé:

- a) par insertion, à l'alinéa 109.1(1)a), de “sciemment” après “fait”;

- b) par insertion, à l'alinéa 109.1(1)b), de “délibérément” après “omet”;
- c) par insertion, à l'alinéa 109.1(1)c), de “sciemment” après “fait”;
- d) par insertion, à l'alinéa 109.1(1)d), de “sciemment” après “fait”;
- e) par suppression de “et encourt une amende maximale de \$5000 et un emprisonnement maximal de trois mois, ou l'une de ces peines,” et par adjonction, après l'alinéa d), de ce qui suit:

La personne encourt, s'il s'agit d'un ouvrier, une amende maximale de \$1000 et un emprisonnement maximal de trois mois, ou l'une de ces peines, et, s'il s'agit d'un employeur, une amende maximale de \$5000 et un emprisonnement maximal de trois mois, ou l'une de ces peines.

Mr. Connery: We do have some concern about the “knowingly” and that sort of thing, because we think judges take that into account. The fines, I know there will be some concern from the business community that we are having two different things, but I think we can live with the discrepancy because I do not think an employee would be fined \$5,000.00. It was not the intent of putting the amount in there for an employee. It was basically for employers who would be carried away. While we have some concerns, it is not that significant a thing that we cannot live with it.

Mr. Ashton: I appreciate the Minister's comments. I just want to explain that the first part of this amendment is to deal with the concerns that were raised both by business and labour representatives in terms of the degree to which the clauses in the existing Act could be interpreted.

I am not just talking about courts of law here. I am talking about the individuals involved. We are trying to ensure that it is very, very clear that only people who deliberately or knowingly have been involved in making a false statement will be subject to this Act and not people who have inadvertently. I just want to explain too that in terms of the fines, I agree with the Minister. I would hope anyway that the courts, even under the current proposed Bill, would not go to that degree. I just want to indicate that we have listened not only to the worker representatives, but also to the business representatives.

Our intent is that by having the \$1,000 in terms of workers that it will be quite clear that the fine is not meant to be both the minimum and a maximum. That should also apply in terms of employers. The reason we did not move a similar reduction in terms of employers is because there are not many small employers who, I believe, would be unfairly treated by a fine of up to \$5,000, but we wanted corporations to still be subject to the same fine. This is an attempt I believe to listen to both sides.

Mr. Chairman: Thank you, Mr. Ashton.

Mr. Connery: We have to get to the next committee. They are waiting for us in the next committee.

An Honourable Member: Question?

Mr. Chairman: There are no questions. Shall the amendment pass—pass; the section, as amended—pass; 98—pass; 99—pass.

Section 100—the Honourable Minister.

Mr. Connery: I move

THAT section 100 of the Bill be deleted and the following substituted:

Accidents to which this Act applies

100 The following provisions of the Act, as amended by this Act, apply only with respect to accidents that occur on or after the day that this Act comes into force:

- (a) sections 28, 29.1 and 32;
- (b) the definition of “spouse” in subsection 1(1), and subsections 1(8), 29(1), 35(1), 77(3) and (4).

(French version)

Il est proposé que l'article 100 du projet de loi soit remplacé par ce qui suit:

Accidents visés par la présente loi

100 Les dispositions suivantes de la Loi, telles qu'elles ont été modifiées par la présente loi, s'appliquent uniquement aux accidents qui surviennent à compter de la date d'entrée en vigueur de la présente loi:

- a) les articles 28, 29.1 et 32;
- b) la définition de “conjoint”, figurant au paragraphe 1(1), ainsi que les paragraphes 1(8), 29(1), 35(1), 77(3) et (4).

I move in English and French.

* (0040)

Mr. Chairman: Shall the amendment pass—pass; Clause as amended—pass; 101—The Honourable Minister.

Mr. Connery: I move, that Bill 56 be amended by adding the following after subsection—oh, I am sorry. Pass 101.

Mr. Chairman: 101—pass; 102—

Mr. Connery: I move

THAT Bill 56 be amended by adding the following after section 101:

Criminal acts to which amendments apply

101.1 The amendments to subsection 1(2) of The Criminal Injuries Compensation Act under section 101 of this Act apply only with respect to a criminal offence that occurs on or after the day that this Act comes into force.

(French version)

Il est proposé que le projet de loi 56 soit amendé par adjonction, après l'article 101, de ce qui suit:

Actes criminels visés par les modifications

101.1 Les modifications apportées au paragraphe 1(2) de la Loi sur l'indemnisation des victimes d'actes criminels en vertu de l'article 101 de la présente loi s'appliquent uniquement aux infractions d'ordre criminel qui sont commises à compter de la date d'entrée en vigueur de la présente loi.

I move in English and French.

Mr. Chairman: Shall the amendment pass—pass; Clause as amended—pass; 102—(pass); 103—(pass); 104—(pass); 105—The Honourable Minister.

Mr. Connery: I move

THAT section 105 of the Bill be struck out and the following substituted:

Coming into force

105 This Act comes into force on a day fixed by proclamation.

(French version)

Il est proposé que l'article 105 du projet de loi soit remplacé par ce qui suit:

Entrée en vigueur

105 La présente loi entre en vigueur à la date fixée par proclamation.

I move in English and French.

Mr. Chairman: Shall the amendment pass—pass; Clause as amended—pass; 104—pass; 105—pass; 105.2—pass; Preamble—pass; Title—pass; Bill as amended be reported—pass.

Mr. Ashton.

Mr. Ashton: One final comment. I just want to put it very clearly on the record to the Minister that we will be continuing to fight for the firefighters of this province. We are very disappointed that the Minister has not taken the opportunity either to adopt our Bill which was introduced, our separate Bill which would have dealt with their concerns, and that we, based on a technicality at this committee meeting, have not been able to insert that. Even if we had inserted it, the Minister would not have lived with that. I want to indicate that we will be continuing—and I appreciate the support also the Liberals have given to the firefighters. I believe that should be noted as well. We expect the concerns of the firefighters to be met, and will continue to fight regardless of what has happened on this Bill.

Mr. Chairman: Thank you, Mr. Ashton. We have one more small amendment.

Mr. Connery: I move

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to

carry out the amendments adopted by this committee, in English and French.

(French version)

Il est proposé que le conseiller législatif soit autorisé à renuméroter le projet de loi et à modifier les renvois internes qu'il contient.

Mr. Chairman: Is it the will of the committee that I report the Bill as amended? Agreed and so ordered.

**BILL NO. 101—THE STATUTE
RE-ENACTMENT AND BY-LAW
VALIDATION (MUNICIPAL) ACT**

Mr. Chairman: I will call the committee to order. Mr. Penner.

COMMITTEE CHANGES

Hon. Jack Penner (Minister of Rural Development): I would move that there be a committee change, McCrae for Downey.

Mr. Chairman: Is there leave of the committee for McCrae for Downey? Agreed.

Mr. Steve Ashton (Thompson): By leave, I move that the Member for Rupertsland (Mr. Harper) be substituted for the Member for Churchill (Mr. Cowan), by leave.

Mr. Chairman: Is it the will of the committee to accept Mr. Ashton's Harper for Cowan? Agreed.

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Chairman, I would ask that Hammond be replacing Connery on the committee for our Party.

Mr. Chairman: Is it the will of the committee to replace Connery with Hammond? Agreed.

Madam Clerk: I have before me the resignation of Mr. Burrell as Chairperson; therefore, the position of Chair is open. Do we have any nominations?

Mr. Penner: Mr. Helwer be Chair.

Madam Clerk: Mr. Helwer has been nominated. Are there any further nominations? If not, Mr. Helwer is the Chairperson.

Mr. Chairman: Okay, we will bring the committee back to order. We will start with Bill 101, page by page. Mr. Edwards.

COMMITTEE CHANGE

Mr. Paul Edwards (St. James): Mr. Chairperson, just so we get these things out of the way, I would like to ask for leave of the committee to replace Patterson with Evans, Fort Garry.

Mr. Chairman: Is there leave to replace Patterson with Evans, Fort Garry? Leave. Agreed.

Page 2, Clauses 1 to 6—pass; Clause 7.1—pass; Clauses 7.2 to 9.1—pass; Clauses 9.2 to 12.2—pass; Clauses 13 and 14—pass; Schedule A—pass; Schedule B on page 9—pass; Schedule C on page 13—pass; Preamble—pass; Title—pass. Bill be reported—pass.

* (0050)

**BILL NO. 47—THE DEPENDANTS
RELIEF ACT**

Mr. Chairman: The next Bill is Bill No. 47. Bill No. 47, Clause 1—Ms. Wasylycia-Leis.

Ms. Judy Wasylycia-Leis (St. Johns): Yes, I have an amendment. The packages are here.

Mr. Chairman: The amendment, is it for Clause 1?

Ms. Wasylycia-Leis: Yes.

Mr. Chairman: Have the amendments been distributed? Would you like to move your amendment, Ms. Wasylycia-Leis?

Ms. Wasylycia-Leis: I move in both English and French THAT the definition of "dependant" in section 1 be amended by striking out clauses (e), (f) and (g).

(French version)

Il est proposé que la définition de "personne à charge" à l'article 1 soit amendée par abrogation des alinéas e), f) et g).

Mr. Chairman: Shall the amendment pass?

Ms. Wasylycia-Leis: If I could speak to that briefly, Mr. Chairperson.

First let me, in speaking to this proposed amendment, express our regrets that the Minister had chosen to not move on the introduced Bill No. 49, The Dower Amendment Act. It was in our view a Bill that needed major amendments dealing with the fact that it did not yet deal with the fact that a surviving spouse could be denied less than 50 percent of the estate. The Minister withdrew that Bill on the grounds that these were major amendments that needed further discussion. Yet in our view, these are areas that had been discussed for years and areas where there was a need for action immediately.

They were long overdue in terms of change. Yet in this Bill 47, the Minister has introduced and the Government has introduced a major new area by way of the expanded definition of dependant in terms of the division of the estate without lengthy discussion, without it being a part of the discussion paper that was circulated and part of the community discussion over a number of years.

In our view, it is a dubious addition to this whole question of family law. It is an area that needs much further debate. We have very strong views about the inclusion, or this expanded definition of dependant and we would at least ask, as a minimum gesture on the part of the Minister and Government, if they are prepared not to move on major amendments discussed over a number of years when it comes to The Dower Act, to at least agree not to proceed with this major new direction in terms of dependant's relief. In our view, the question of adding this new definition of dependant creates a situation where there will be a possibility of less economic security for the surviving spouse.

It is our view, in all of these Bills before us, when dealing with family law, when dealing with succession legislation that the first principle must be adhered to, and that is the principle of recognizing marriage as a partnership of equals and recognizing the question of economic security for the surviving spouse. In our view, this amendment detracts from that very basic principle. It in our view is questionable in terms of the benefits for society as a whole. In fact, it would seem to us that it has the possibility of doing precisely the opposite of that which the Minister and the Government has indicated it would do, and that would be to create greater cause for society, for Governments, for taxpayers in terms of increased welfare cost, because it can possibly lead to a reduction in benefits for the surviving spouse to the point where she may or he may have to turn to social assistance while able-bodied dependants have a chance to apply for and make a case for benefits through this provision.

As I said, it is certainly a questionable area. It is a new area. It should be in our view, if not defeated or withdrawn on the basis of the principle and the detraction from the fundamental principle of equality and economic security, then at least it should be withdrawn because it needs further discussion, and it needs a much broader input from the community as a whole.

Hon. James McCrae (Minister of Justice and Attorney-General): Mr. Chairman, this amendment has been the subject of discussion between the Honourable Member for St. Johns (Ms. Wasylycia-Leis) and myself and others, and suffice it to say the Honourable Member and I disagree on this point.

Mr. Paul Edwards (St. James): Mr. Chairperson, firstly, I want to join the Member for St. Johns in expressing some regret that The Dower Amendment Act has been withdrawn from this package. We have waited many, many years in this province, and many people have worked very, very hard over those years to come forward with a family law package. It is with great regret I think that we did not see in The Dower Amendment Act the kind of significant change to the regime presently existing in Manitoba that we had all hoped for. Obviously discussions took place about how we could attempt to put in the substantive changes to The Dower Amendment Act that it so desperately needs to be fair to spouses in this province, and of course, particularly women, as the majority of the surviving spouses tend to be.

With those comments made, we understand that the Minister has withdrawn that Act simply because there were to have been amendments proposing that Section 16 be deleted. We understand the concerns expressed by him and those of his advisors. That does not mean that we accept them. We thought it was high time we took that action; however, we do understand that was his reasoning.

With that said, I simply ask him to commit to speedy revision, substantive revision, of The Dower Amendment Act. He has indicated it will be done; many Governments have said that; many Ministers have said that. We do need some action for the women of this province, and I encourage him to commit here tonight or very shortly on a timetable for substantive revision of The Dower Act. With respect to this amendment on this Act, I do not share the view of the Member for St. Johns (Ms. Wasylycia-Leis), and I can tell her that has not come easily to me. I have looked at the arguments made by herself, by the Charter of Rights Coalition, by the Manitoba Association of Women and the Law, by the Minister himself and I have weighed the pros and cons of deleting these subsections with some very serious consideration.

I simply want to draw to the Member for St. Johns' (Ms. Wasylycia-Leis) attention that Section 19.1 of The Dependents Relief Act does include a provision which provides that the rights of the spouse under The Dower Act do take precedence over any claim made under The Dependents Relief Act. I want to point out to her that we will be amending that, and the Government has given us some assurances—obviously they are not bound by it—that we can amend that to further clarify that. That in fact, there is no way that a spouse's rights under The Dower Act will be usurped in any way by a claim under The Dependents Relief Act. I think it is important to make that point.

One other point I want to make about this particular amendment is that Section 9 of this Act specifically states that, in determining the amount that a judge might give to a dependant, the judge shall take into consideration the size and nature of the estate, shall further take into consideration the assets and financial resources that the dependant has or is likely to have, c) the measures available for a dependant to become financially independent. I refer to e), the capacity of the dependant to provide for his or her support. When you take that in conjunction with Section 2 of this Act, which says that a judge only may give order that reasonable provision be made out of a testator's estate, I think that in many respects the fears brought to our attention by the Charter of Rights Coalition and the Manitoba Association of Women and Law have been met. I simply want to put on the record that I did not accept the argument that people will abuse perhaps their elders or others in their family in their lifetime, because they fear that those people might have a claim on a part of their estate.

* (0100)

I cannot see that as a great fear. I think that if people are going to take that attitude that they would not support their grandmother, or they would not support

their grandchild or their brother or sister who may be mentally retarded, who may be handicapped, who may need that type of assistance, if they are the kind of people who would not do that because they fear that those people might make some claim on their estate at a later date, I submit that they are not the kind of people who would have supported them in the first place. I simply bring that to the attention to the Member for St. Johns (Ms. Wasylycia-Leis) to show where I differ and where the Charter of Rights Coalition has lost me on their argument.

I appreciate their concern. I think it was an important issue for me and for other caucus members in my caucus to debate. Having reviewed the entire Act, I cannot support the amendment.

Ms. Wasylycia-Leis: Just a quick comment, with all due respect, and I certainly appreciate the comments from the Member for St. James (Mr. Edwards), I think it is also important to point out that an individual has the option to ensure that a will ensures protection for those individuals if that kind of commitment was made during one's lifetime and intended to be carried out after death.

I would also say that we are dealing with trade-offs in this kind of a situation. I want to put on record that, in recognizing what the Member has said, and I would assume the Minister also believes that we will err on the side of the surviving spouse because there is no guarantee that the surviving spouse will be left with an adequate income after the death of the spouse, there is no test that applies to the courts in terms of assessing the income available to the surviving spouse. It is in our view if one is going to make trade-offs and err on a certain side, we must do it in terms of the surviving spouse, recognizing the poverty of older women, recognizing that older women are among the poorest members in our society and that it is our job as legislators to ensure that in all cases we work to guarantee a decent economic security for the surviving spouse. That is the ultimate principle that is factored in, in terms of our decision, why we believe this amendment is so critical, why we are so concerned about this new direction in terms of family law and succession legislation, and why we would once again put on record our demand or our concern at least that this expanded definition of dependant be deleted.

Mr. Edwards: I also appreciate the comments of the Member for St. Johns.

Two quick points, first of all, we will never have a guarantee that spouses will be properly provided for until we revise The Dower Act. We are not here tonight, unfortunately, revising The Dower Act and that is a shame. To that extent I agree with the Member for St. Johns, that it is a shame, but the deletion of The Dependants Relief Act or parts of it will not affect the fact that The Dower Act is grossly deficient.

Secondly, the Member for St. Johns (Ms. Wasylycia-Leis) should know that unfortunately many, many people in our society do not write wills. It is very unfortunate, but a very high percentage get to a later stage in life and still do not write wills. I guess as a final point let

me say that there are many elderly women who are grandmothers who are supported by their sons or their daughters, their grandsons, their granddaughters. Elderly women are given a chance under this Act to apply for some relief too. I think it is important to do that.

Mr. Chairman: Ready for the question on the amendment? Shall the amendment pass? All those in favour say aye. All those against please say nay. In my opinion the nays have it. So be it.

Clause 1—Ms. Wasylycia-Leis.

Ms. Wasylycia-Leis: I just have a question on Clause 1(c). There was a concern expressed in the presentation by the Charter of Rights Coalition during the hearings on this Bill about the deletion or the reference to "of the opposite sex to the deceased." I would simply ask the Minister if he could explain why that is in this Bill and if he is not concerned that it will be challenged either in terms of Manitoba Human Rights Act or the Charter of Rights and Freedoms?

Mr. McCrae: The Bill and the clause the Honourable Member refers to does not infringe the Manitoba Human Rights Code nor the Canadian Charter of Rights and Freedoms.

Ms. Wasylycia-Leis: The Minister answered the second part of the question in part. I am wondering if he could answer the first part of my question which was why he felt it was necessary to include that in this new legislation?

Mr. McCrae: Would the Honourable Member repeat the question?

Ms. Wasylycia-Leis: Yes, it was just simply why the Minister felt it was necessary to include that phrase in this legislation, "of the opposite sex to the deceased."

Mr. McCrae: To reference common-law relationships.

Mr. Chairman: Clause 1—Mr. Edwards.

Mr. Edwards: I frankly find the answer from the Minister—and I was prepared to listen to an answer because I think this has been a concern which has been raised many weeks ago with some seriousness. I do not think that answer does the Member for St. Johns' (Ms. Wasylycia-Leis) question justice.

I might say I have read this section and that particular phrase, opposite sex. It does not sanction in any way or deal with the sanctioning of same sex marriages. That is an issue which was very controversial, that whole issue area as it was going through this House recently. This really does not apply to that, in my view. This is simply saying any people who happen to cohabit in any type of a relationship. It can be a purely platonic relationship between sisters.

This section would preclude that. I frankly do not understand it. It is not, in any way, getting us into a sanctioning which I know would cause an enormous

problem in the outside community and the controversy which it has in the past.

That is not the issue here. This deals strictly with defining a person who happens to be dependent. It excludes anyone who happens to be dependent and the same sex and under the same roof. I frankly, Mr. Chairperson, do not understand it. It could be mother-daughter, it could be sisters. I would like a further explanation from the Minister, if he can give it, as to the rationale for having this in there. I am willing to listen. I would just like to know if he has any cogent reasons.

* (0110)

Mr. McCrae: Mr. Chairman, the language in this legislation is consistent with language in all of our other family law legislation in this province. The reference to the human rights code earlier was a reference to what is contained in the human rights code. That has to do with protection for people in relation to housing, employment and services being offered. What we are talking about here is the same kind of unions that we are talking about in all the rest of our family law.

Mr. Edwards: I note that the definition of child of the deceased does reference at sub (d)(1) who is under the age of 18 years at the time of the deceased's death. Can the Minister give us some explanation, and I do not know the answer to this, I am simply asking does this preclude a relationship of dependency between a mother and a daughter or a grandmother and a grandchild if they happen to both be over the age of 18? What implications is this actually going to have, restricting it to coverage under this Act to people of the opposite sex?

Mr. McCrae: We have, Mr. Chairman, with the definition of dependent and a definition of a child of the deceased, the first part of that clause refers to the age of majority in our province being 18, and the second part deals with persons in other circumstances who are dependent. They may very well be over the age of 18, but they are dependent nonetheless.

Mr. Edwards: Just for clarification, in fact a child would not be able to apply under this Act for dependent status if they were over the age of 18.

Mr. McCrae: That is not what I am saying. If the Honourable Member reads (d)(ii), who by reason of illness, disability or other cause was at the time of the deceased's death unable to withdraw from the charge of the deceased or to provide himself or herself with the necessities of life—no reference to age in that subclause. That is similar to other family law legislation.

Mr. Chairman: We will proceed. Clause 1—pass; Clause 2.1 to 2.3—pass.

Clauses 4 to 73—Mr. Edwards.

Mr. Edwards: Mr. Chairperson, I was not aware that on this Bill we were going to be going page by page. Did I hear you say we are passing page by page here?

Mr. Chairman: Nobody said that.

Mr. Edwards: He just said it.

Mr. Chairman: We can go page by page.

Mr. Edwards: I do not want to—

Mr. Chairman: Do you want to go clause by clause?

Mr. Edwards: Yes, Mr. Chairperson. I believe we were on Clause 4. We should pass Clause 4.

Mr. Chairman: Clause 4—pass.

Clause 5—Mr. Edwards.

Mr. Edwards: Mr. Chairperson, I would like to move an amendment

THAT section 5 be deleted.

Mr. Chairperson, this was a concern raised at the committee. It is a new provision. It joins with Subsection 10(2)(f) in allowing the Government, under The Social Allowances Act, to use funds which would go to dependants under this Act to make up for monies rightfully paid under The Social Allowances Act for the maintenance and support of the dependant. It is a system whereby the Government will be in effect after a dependant has gone to court and gotten monies from an estate, proving dependency, the Government will then be able to step in and take that income away, and say that because they are making social allowance payments they should be allowed to reimburse themselves.

Mr. Chairperson, I do not think that is appropriate. I am not sure why it was put into this Act at this time. I guess first and foremost, I have asked for an explanation from the Minister and he might want to comment further on it, but it becomes clearer with Section 10(2)(f), and I will be moving an amendment there as well, that the payment to the Minister charged with the administration of The Social Allowances Act—

Mr. McCrae: On a point of order, Mr. Chairman, if it helps the Honourable Member we find his amendment acceptable.

Mr. Edwards: Good.

Mr. Chairman: Shall the amendment pass—pass; Clause 5, as amended—pass; Clause 6—pass; Clause 7—pass; Clause 7(1)—pass; Clause 7(2)—pass; Clause 7(3)—pass; Clause 8(1)—pass; Clause 8(2)—pass; Clause 8(3)—pass; Clause 9(1)—pass; Clause 9(2)—pass; Clause 9(3)—pass; Clause 10(1)—pass.

Clause 10(2)—Mr. Edwards.

Mr. Edwards: Mr. Chairperson, I move

THAT clause 10(2)(f) be deleted, and clause (g) be renumbered as clause (f).

Mr. McCrae: This amendment is acceptable if it helps save time.

Mr. Edwards: You will notice I made no comment.

Mr. Chairman: Can the amendments be distributed? Shall the amendment pass—pass; Clause 10(2), as amended—pass; Clause 10(3)—pass; Clause 10(4)—pass; Clause 10(5)—pass; Clause 11—pass; Clause 12(1)—pass; Clause 12(2)—pass; Clause 13(1)—pass; Clause 13(2)—pass; Clause 14(1)—pass; Clause 14(2)—pass; Clause 14(3)—pass; Clause 14(4)—pass; Clause 15(1)—pass; 15(2)—pass; 15(3)—pass; 16(1)—pass; 16(2)—pass; 16(3)—pass; 16(4)—pass; 17(1)—pass; 17(2)—pass; 18—pass.

19(1)—Mr. Edwards.

Mr. Edwards: I move

THAT subsection 19(1) be struck out and the following substituted:

This Act subject to The Dower Act

19(1) The rights of a surviving spouse under The Dower Act have priority over the rights of a dependant under this Act.

(French version)

Il est proposé que le paragraphe 19(1) soit remplacé par ce qui suit:

Assujettissement à la loi sur le domaine

19(1) Les droits que la loi sur le donaire confère au conjoint survivant ont priorité sur les droits que la présente loi confère aux personnes à charge.

Mr. McCrae: If it will help save time, this amendment is satisfactory to the Government.

Mr. Chairman: Shall the amendment pass—pass; shall the clause as amended pass—pass; 19(2)—pass; 20—pass; 21—pass; 22(1)—pass; 22(2)—pass; 23—pass; 24—pass.

* (0120)

Mr. McCrae: Mr. Chairman, I move

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

(French version)

Il est proposé que le conseiller législatif soit autorisé à changer tous les numéros d'articles ainsi que les renvois nécessaires à l'adoption des amendements faits par le présent comité.

I move this motion in the French and English languages.

Mr. Chairman: Moved by the Honourable Minister. Shall the motion pass—pass; Preamble—pass; Title—pass. Bill as amended be reported—pass.

COMMITTEE CHANGE

Ms. Wasylcyia-Leis: I move, by leave, that the Member for The Pas (Mr. Harapiak) be substituted for the Member for Thompson (Mr. Ashton).

Mr. Chairman: Does the Member for St. Johns have leave to make a committee change? Agreed.

BILL NO. 48—THE INTESTATE SUCCESSION AND CONSEQUENTIAL AMENDMENTS ACT

Mr. Chairman: We will go on to Bill No. 48, Clause 1. Shall the clause pass—pass; Clause 1(2)—pass; Clause 1(3)—pass; 1(4)—pass; Clause 2(1)—pass.

Clause 2(2)—Mr. Edwards.

Mr. Paul Edwards (St. James): Mr. Chairperson, I move:

THAT section 2 be deleted and the following substituted:

Intestate estate to surviving spouse

2 If an intestate dies leaving a surviving spouse, the entire intestate estate goes to the surviving spouse.

(French version)

Il est proposé que l'article 2 soit remplacé par ce qui suit:

Succession de l'intestat au conjoint survivant

2 La totalité de la succession de l'intestat va au conjoint survivant.

Mr. Chairperson, I want to explain briefly, because I think it is important. This has been the subject of some controversy and some discussion between the Minister and myself—oh, I make the motion in both French and English—and the Member for St. Johns (Ms. Wasylcyia-Leis), I might add. While I have made the motion, I understand that the Minister will be stating that he is not willing to have this motion go ahead with respect to this piece of legislation and that he will withdraw this legislation if in fact this amendment is forced upon him.

I move the motion at this point. I am going to ask him to clarify his position on the record, and we will make our judgement accordingly.

Hon. James McCrae (Minister of Justice and Attorney General):

I take it this motion is now moved. I am having trouble understanding. I was having a little trouble understanding the Honourable Member, because I did write to the Honourable Member, and I wrote to the Member for St. Johns (Ms. Wasylcyia-Leis) telling them that if such an amendment were to come forward—if it was to be passed, that is correct—that this matter would not be going further. I will confirm the letter, the sentiment expressed in the letter written to the Honourable Members.

Mr. Edwards: With that confirmation given, there are many other important things which are gained under

this amendment Act. It is unfortunate in our view that this cannot go forward as an all-to-the-spouse principle coming to fruition under this Act; however, by our judgement, we see that the other important parts of this Act need to go forward and I will, given that confirmation from the Minister, withdraw the motion.

Mr. Chairman: Does Mr. Edwards have leave to withdraw? Agreed.

Ms. Judy Wasylcia-Leis (St. Johns): Yes, if I could just make a few comments on this matter while we are dealing with it. It had also been our intention to move a number of amendments pertaining to 2(1), 2(2), 2(3), 4(1) and 10. In our view, all of those sections contravene the true meaning of the principle all-to-the-spouse. We feel very firm about the need to move in the direction of a pure all-to-the-spouse principle and have been concerned all the way through this process about the Minister's suggestion that the principle of all-to-the-spouse has remained intact in terms of this particular Bill, Bill No. 48.

It is clear in our view that this Bill is not consistent totally with the principle of all-to-the-spouse. It is clearly a Bill which moves in the direction of ensuring that the surviving spouse could receive less than the share of the estate she or he is entitled to as a result of the provisions made by the Minister made by the Government. As I said earlier, our bottom-line principle is the question of applying the question of "marriage is a partnership of equals" to all of these Bills. We also believe very firmly that the issue of economic security for the surviving spouse must be respected in all possible ways.

We found it very interesting that the Minister in his letter to us dated March 12, in which he indicates that if any amendments are made to Bill 48 he would withdraw the Bill, we find it disturbing that in that letter he suggests that the principle of all-to-the-spouse is respected. We also find it curious in the same letter for the Minister to suggest that this legislation, that intestacy legislation, does not have as its focus the economic security of a surviving spouse. In our view, that is an appalling comment in terms of this whole process and the principles behind this family-law package.

We had assumed that the intentions of this package, the principles behind these Bills, certainly were to respect the principle of economic security for the surviving spouse, to bring these Bills in line with the Charter of Rights and Freedoms. We do not feel that Bill 48 as presented to us does meet those conditions, that it does do the utmost on the part of the Province of Manitoba to bring our succession legislation in line with the Charter of Rights and Freedoms.

We have major concerns with this Bill in terms of its inadequacies of respecting all-to-the-spouse and respecting economic security for the surviving spouse. This whole process, needless to say, has been disconcerting and disturbing. We are very alarmed that, because we are trying to improve the legislation to make it more consistent with some very fundamental principles, the Minister would then threaten to withdraw the legislation.

However, we have recognized that this Bill takes us a little step further in the direction of equality and economic security. In the interest of not losing the positive steps that are taken in this legislation, we will not move those amendments. We will not create an opportunity for the Minister of Justice (Mr. McCrae) or this Government to withdraw Bill 48 as they have done in the case of Bill 49, The Dower Act.

Needless to say, Mr. Chairperson, the concerns are very much reflective of many groups in our society. We will be working steadfastly to ensure that we move closer to an all-to-the-spouse regime, to recognizing the poverty of older women and working to ensure economic security for the surviving spouse.

Mr. McCrae: I have discussed this matter, Mr. Chairman, with the Honourable Member and with many others. Suffice it to say, I disagree.

Mr. Chairman: Okay. We will proceed. Clause 2(1)—pass; Clause 2(2)—pass; Clause 2(3)—pass; Clause 2(4)—pass.

Clause 3—The Honourable Minister.

Mr. McCrae: Mr. Chairman, I move

THAT clause 3(b) be struck out and the following substituted:

- (b) during the period of separation, one or both of the spouses made an application for divorce or an accounting or equalization of assets under The Marital Property Act and the application was pending or had been dealt with by way of final order at the time of the intestate's death;

(French version)

Il est proposé que l'alinéa 3b) soit remplacé par ce qui suit:

- b) au cours de la période de séparation, les conjoints ou l'un d'entre eux ont présenté une action en divorce ou ont fait la demande de reddition de comptes prévue par la Loi sur les biens matrimoniaux, laquelle action ou demande était pendante ou avait été réglée par ordonnance définitive au moment du décès de l'intestat;

I move this motion in both languages, French and English.

This motion clarifies Subsection (b), and this motion is as requested by the Charter of Rights Coalition and by the Manitoba Association of Women in Law.

* (0130)

Mr. Chairman: Shall the amendment pass—pass.

Clause 3 as amended—Mr. Edwards.

Mr. Edwards: Mr. Chairperson, I move

THAT section 3 be amended

- (a) by deleting clauses (a) and (c);
- (b) by adding "or" at the end of clause (b);
- (c) by renumbering clauses (b) and (d) as clauses (a) and (b) respectively.

(French version)

Il est proposé que l'article 3 soit amendé:

- a) par suppression des alinéas a) et c);
- b) par adjonction de "or" à la fin de l'alinéa b) de la version anglaise seulement;
- c) par substitution, aux désignations d'alinéa b) et d), des désignations d'alinéa a) et b).

Mr. McCrae: Reluctantly, Mr. Chairman, we accept this amendment.

Mr. Chairman: Okay, shall the amendment pass—pass; Clause 3—pass; Clause 4(1)—pass; Clause 4(2)—pass; Clause 4(3)—pass; Clause 4(4)—pass; Clause 4(5)—pass. Is it the will of the committee I go page by page (interjection)- Okay, I will go groups of clauses. Clauses 4(6) to 5(1)—pass; Clauses 5(2) to 8(1)—pass; Clauses 8(2) to 11—pass; Clauses 12(1) to 17.2—pass.

Clauses 17.3 to 17.3(4)—the Honourable Minister.

Mr. McCrae: I move

THAT subsection 17.3(4) of The Law of Property Act, as added by section 14, be amended by adding "Subject to section 36 of The Wills Act," at the beginning of the subsection.

THAT subsection 17.3(5) of The Law of Property Act, as added by section 14, be amended by adding "Subject to section 36 of The Wills Act," at the beginning of the subsection.

(French version)

Il est proposé que le paragraphe 17.3(4) de la Loi sur les droits patrimoniaux soit modifié par substitution, à "Les", de "Sous réserve de l'article 36 de la Loi sur les testaments, les".

Il est proposé que le paragraphe 17.3(5) de la Loi sur les droits patrimoniaux soit modifié par substitution, à "Dans", de "Sous réserve de l'article 36 de la Loi sur les testaments, dans".

I move the amendment in both languages.

Mr. Chairman: Shall the amendment pass—pass; Clause 17.3(1) to 17.3(4)—pass; Clause 17.3(5) to 17.3(7)—pass; Clause 17.3(8) to 17.5—pass; Clause 17.6 to 17.7(3)—pass; Clause 17.7(4) to 17.8(3)—pass; Clause 17.8(4) to 18—pass; Preamble—pass; Title—pass. Bill as amended be reported.

**BILL NO. 50—THE WILLS
AMENDMENT ACT**

Mr. Chairman: Clauses 1 to 4—pass; Clauses 5 to 10—pass; Preamble—pass; Title—pass.

Bill as amended be reported—Ms. Wasylycia-Leis.

Ms. Judy Wasylycia-Leis (St. Johns): I just wanted to put one comment on the record. Obviously, this amendment is significant and important. However, as we have indicated time and time again, in the absence of significant changes to The Dower Act we are left with a much incomplete family law package. It is in our estimation far from being satisfactory in terms of meeting the objectives that we were outlined.

It is clear that this Bill and this proposed amendment would be far more acceptable if The Dower Act were still before us and it had been open to us to amend that Act to guarantee that a surviving spouse received one half of the estate of a deceased spouse.

Mr. Chairman: Bill be reported—pass.

**BILL NO. 51—THE MARITAL
PROPERTY AMENDMENT ACT**

Mr. Chairman: Clauses 1 to 3—pass; Preamble—pass; Title—pass. Bill be reported—pass.

**BILL NO. 52—THE FAMILY
MAINTENANCE ACT**

Mr. Chairman: Clauses 1 to 3—pass; Clauses 4 to 8—pass; Clause 9—pass; Preamble—pass; Title—pass.

Shall the Bill be reported? Is it the will of the committee that it report the Bill—Ms. Wasylycia-Leis.

Ms. Judy Wasylycia-Leis (St. Johns): I did want to put one other comment on the record. Obviously, we could put comments on the record for all of these Bills, and let it be clearly stated on the record that we find that there are significant flaws in all of the Bills before us. As a package this attempt to address some inequities in our society and to bring our succession legislation more in line with the Charter of Rights and Freedoms falls short of the mark, and it fails many women in our society particularly.

With respect to the last Bill we are dealing with, Bill No. 52, while we obviously support the amendments to this Act and see them as positive ones, it does leave a major gap, it fails to address a major issue, and that is the question of guidelines for establishing the amount of child support and spousal maintenance. In our view it is not acceptable to continue to say that this must be addressed, studied and considered in terms of national standards and federal-provincial dialogue. We feel that enough discussion has taken place, and it is time for and in line for Manitoba to take the lead in their regard. We will continue to push on this matter and to try to maintain the leadership position that Manitoba has held over the years in terms of family law.

Mr. Chairman: Bill be reported—pass.

Committee rise.

COMMITTEE ROSE AT: 1:38 a.m.