



Legislative Assembly of Manitoba

HEARINGS OF THE STANDING COMMITTEE

ON

INDUSTRIAL RELATIONS

Chairman

William Jenkins, M.L.A.

Constituency of Logan



2:15 p.m., Saturday, June 5, 1976.

THE LEGISLATIVE ASSEMBLY OF MANITOBA
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Chairman: Mr. William Jenkins.

MR. CHAIRMAN: I'll call on Mr. David Newman. Bill 57. Proceed

MR. DAVID NEWMAN: I'm appearing on behalf of the Piling Contractors Association of Manitoba. I was out of the province until yesterday when I became aware that this legislation was in bill form last Friday and I didn't see it until yesterday. I got up at 6:00 o'clock this morning to prepare the submission on behalf of the people I represent and I regret that I can't do more justice to the case that I think should be stated on behalf of my client and on behalf of anyone in the Province of Manitoba who is affected by this legislation. I'd like the opportunity to do it more justice, I think more justice should be done by myself and other people who have an interest in legislation which is going to affect the people of Manitoba.

The Piling Contractors Association is an employers' association composed of eight employers employing in excess of 100 persons in the construction industry. The Association wishes to go on record as being vigorously opposed to certain provisions of Bill 57. It believes a number of the provisions are inappropriate in the Manitoba context of labour relations at this time. Some are dangerous because they can be interpreted and administered so as to frustrate the normal way of doing business in managing a company in the province. Other provisions trample with an unwarranted cynicism, an uncompromising zeal on basic rights of free speech and religious belief. The question I put to this committee is why, what is the quid pro quo for these dramatic and significant changes? Is it better labour relations? Is it stronger unions, or something else? With these questions in mind let us look at the specific sections we are particularly concerned with in order that the numbered sections of the Act be amended.

I deal first with subsection 6(2). This section apparently makes it illegal for managers and even supervisors to talk honestly and sincerely about their views of unions with their fellow workers, on or off the workplace. The way this section is worded, free speech is not just eliminated within a particular area but on a subject where dialogue and free informed discussion should be encouraged, not feared and outlawed. Is it the union movement and its leaders that is so silent, fragile and gentle, may lead to eliminate any opposition to their views? It is surprising that the movement which struggled for and obtained some positive freedoms which we today take for granted, such as the freedom to associate and to picket for the purpose of communicating information, has become so weak and helpless that it must go to the government to protect itself from the views of supervisors by gagging them.

I hope we're not approaching a society where everyone must smile without meaning it and when they must indicate without meaning it that they love unions, that the union movement is so weak or its message and conviction and efforts so atrophied. The unions now depend on the government to protect them, but they can't succeed on their own to persuade on the basis of reasoned arguments that employees should join them. It's my submission that this "gag section" should be eliminated entirely.

Dealing with the wording of that section, its breadth is astounding. Even if your fellow worker is a next door neighbour you can't indicate to him - and I think Mr. Christophe this morning gave us some idea of what he meant by "indicate" or what he'd like to have "indicate" mean - even how an employer looks; it's what he mentions, not just what he says which is of concern to him. The word in that section is "indicate" to an employee, indicate to him or her that you object to unions. For example, you're having a barbecue in your back yard, your neighbour is a fellow worker, you're a supervisor, you indicate to him, you might even not say it, but you indicate to him you prefer the Steelworkers to CEMA, is that a contravention of the section? That's absurd.

If I were anti-union I would say from a long term point of view, leave it in the bill, because it is provisions like this that are going to kill the independent strength and credibility of the union movement. And what are we getting in return for this exchange? We give up a certain portion of the right of freedom of speech, what do we get in return? Why are we asked to give it up?

(MR. NEWMAN cont'd)

I make a similar comment about the proposed amendment to Section 68(3) which is the deletion of that provision from the legislation and the substitution of a new one. I also refer to the transitional section, Section 30, sub 2. Talk about unions being insecure. Are the unions so afraid of a handful of people whose religious beliefs compel them not to pay dues to a union but to groups like the Red Cross, that they say religious belief or not, even it means it can't work you must pay union dues and thereby support an organization you have no use or respect for and cannot by reason of your religious belief support. What do we get in return for giving up this right which was granted by the 1972 legislation? Does this alleviate the insecurity of the union position? I doubt it.

The second set of sections I deal with are the Unfair Labour Practices part. I'm just going to deal with that generally, I haven't had time to do more. But what I think happens here most significantly is the shift of the reverse onus concept to the Labour Board from the courts which brings with it also the removal of any right of appeal from an unfavourable or unjustified or improper court decision and now brought in the context of the legislation that deals with the Labour Board. Now why should this concern me? What's wrong with the Labour Board dealing with this particular type of case? My comments are of a general nature here, and it may be that at some time the Board will be in a position and have the resources to deal with matters of more significance than they now deal with, but I don't think in Manitoba in the evolution of Industrial Relations' legislation that this is yet warranted, and I think it's dangerous to give more power to a Board which has difficulty because of lack of resources and because of the composition of the Board, in dealing with present situations.

Now what are these particular problems that the Labour Board has now constituted? I just highlight some of them. We have short-term appointments to the Board. I don't think the Board - to deal with matters of the significance which it wants to deal with, if I read this legislation correctly - is at this time right and proper. There's a tendency within the short-term appointments not only to give the appearance of political influence, but there is the insecurity of that amount of tenure which is a fact, a sort of security which has been recognized as being necessary to preserve the independence of judiciary. And we have other jurisdictions where they have Labour Boards which now give longer terms, and those are jurisdictions where more powers have been granted to the Labour Boards. I cite for example, Ontario and British Columbia. There's no publication of Board policy, decisions are made without, for the most part, published reasons being given. The publication of reasons, the requirement the Board give reasons for its decision is a constraint, it's a pressure to have them give thought to the decisions that they are making and to justify them and articulate, and then those decisions are subjected to the scrutiny of members of the public and persons interested. Out of this comes a certain predictability, a certain policy which members of the public can understand and govern their affairs accordingly. The Board has a small staff, it pays limited amounts to the people that are on the Board, the consequence is that it's a part-time job for the people. Another consequence can be the public respect for the Board is not what it should be and what it can be. It is my submission that a specialist tribunal may be appropriate to shift those matters like unfair labour practices if the proper foundation is laid. I don't think that foundation is there.

Section 30, dealing with certification. Again I put the question: Why change what was there before? If I understand it correctly, the reason for that change was to make it necessary for persons applying for union representation to have 50 percent rather than 35 percent before they apply. But the section goes further than that. If it didn't - if it didn't go further than that, if it were just that way, I wouldn't object to it, but I just put out to you, should not an application be dismissed if there are not 35 percent applied for a bargaining unit? In fact, shouldn't it be dismissed if there aren't 50 percent support on the basis of the evidence which is filed with the Board by the union? Should there not be a vote required if there is a doubt about whether a majority support the union? If there's 50 percent on the basis of the evidence filed, why shouldn't there be a vote to determine that; if for some other reason there's doubt in the mind of the Board why shouldn't they be compelled to hold a vote? Why should that be discretionary? What is there to fear about a vote, a vote by secret ballot?

(MR. NEWMAN cont'd)

Next section I deal with is Section 119.1, which is I think the most significant potential expansion of power given to the Labour Board. And we're talking about an exclusive and absolute power within the framework of the Legislature. Other jurisdictions have an equivalent, or roughly, I emphasize the word "roughly" equivalent section. I haven't had time to research the point, but I do know that British Columbia's Section 37 is somewhat similar. I also know that Federal legislation has a roughly equivalent section. But even in those jurisdictions where there is more protection, more foundation built in to ensure that the decisions are more likely to be objected or less likely to be absolute, there were qualifications in that sort of provision which are not here in Section 119.1. For example, there's no guarantee that in a Board hearing dealing with an application before the Board where an issue under Section 119.1 is raised that the employer will be given an opportunity to express his views. No guarantee. There is in the Federal legislation. An employer might not be advised beforehand, might not know that there is a potential expansion of the unit which he contemplates might form the bargaining unit.

In the Federal legislation there's a term in there which says that the Board must afford an opportunity to the employers affected to make representations. There's another qualification in the Federal legislation, also in the B.C. legislation, which makes it clear that this section can only be used for the purposes of this Act, that is for labour relations purposes. Experience in British Columbia has shown with regard to Section 37, that a very complex set of policies had to be worked out, articulated and published to enable the Board and the public to understand how this section would be applied, and a number of written judgments, written reasons for decision were given in reports of the initial cases dealing with this section. I repeat, in B.C. such policies must be published and are readily available to members of the public, or their advisers.

In summary, we do not yet have in Manitoba, in our view, the resources allocated to our Labour Board to enable it to perform the additional responsibilities contemplated by this Bill 57, up to a standard which will benefit labour relations in Manitoba. Even if our Labour Board were given these powers, it is too much power to give exclusively and absolutely.

I could deal with other sections of the Act, but I don't feel sufficiently informed to do so. But I would like to make some comments with regard to that religious objection provision. Now these comments are my comments, they're not on behalf of the organization I have up until now spoken on behalf of.

Sid Green asked a question this morning which concerned me because I wish he'd saved it for me. He'll probably ask it again anyway. But he said what about the Law Society? What about physicians? What about dentists? What concerns me about that, Sid, is the fact that there seems to me a fundamental difference. We're talking about unions imposing membership on people, we're not talking about the Law Society imposing lawyers among lawyers. Lawyers choose to be lawyers, doctors choose to be doctors, you don't choose to pay dues to a union.

Since 1972 compulsory check-off has made it obligatory for even non-members, persons that don't choose union membership to pay dues to the union where there's a collective agreement. To illustrate the sort of problems which I envisage with granting more power to the Board, I'd like to refer to some of the religious objection cases that have appeared before the Board. To my knowledge two applications have succeeded out of all the applications that were presented. Both of those came after the Court of Appeal decision in the Funk case. After the Funk case in Brandon there was a hearing involving four employees of a nursing home. The Board gave written reasons in all those decisions which were all against the applicants. In those reasons an interpretation was given to Section 68(3) of the Labour Relations Act which was a different interpretation that had even been articulated to my knowledge before the Funk case.

The Funk case as I understand it decided that the tenets of one's religious belief were not the governing feature or the proper consideration for the Board. It was personal religious belief, it was the belief of the individual which had to be looked at. The Funk case decided that. The Board referred to the Funk case and those decisions in the Brandon situation. It distinguished the Funk case, because it said the Funk case

(MR. NEWMAN cont'd) dealt with a closed-shop situation where a person was compelled to become a member of the union by virtue of wording in the collective agreement. So if they didn't grant the exemption, this person, if he didn't believe and couldn't by reason of his belief join the union, would not be employed with that organization. They distinguished the case before the Board on the basis that this only involved a situation where they alleged - that is, the four employees alleged that they could not pay dues to the union. The Board found and was satisfied according to the reasons that these persons were sincere religious believers and sincerely could not belong to the union by reason of their religious belief. They gave an interpretation to Section 68(3) which was that the section was only designed and was only intended to cover that situation where there was a closed-shop provision in the collective agreement, compulsory membership to the union.

Subsequently another case came before the Board. The Chairman in this case was Vice-Chairman Jamieson instead of Murdoch MacKay who's the normal chairman. In that case, a person in a non-closed-shop situation, a person whose collective agreement by virtue of the compulsory check-off provisions of the legislation, required that employee to pay union dues. So if the interpretation given to that section in the previous case were to apply here, there's no way that the Board could grant the relief sought by the applicant, no way in that interpretation of the law.

However, the application was approved. Conclusion, and lesson to me, and I think it should be a lesson for you, is that there is not consistency in the decisions of the Labour Board, there is not an articulation of the policies of the Labour Board. Now, I'm not blaming it. If I sat on the Labour Board I would be as likely to be guilty as Murdoch MacKay, because there is no system, there's no foundation laid for doing those sorts of things. That when you're granting additional discretionary powers to this Board which are of the magnitude of what I suggest Section 119.1 has the potential of being - and there are two other areas, the Code of Employment, I think is a similar sort of situation, the declaratory power granted to the Board under what appears to be slight amendments to Section 121.1 - are of the same ilk.

My submission therefore in conclusion is that at the very least more serious consideration, more opportunity for expression of views should be given to this legislation. If that is not to be done, I think this Section 19.1, Section 6(2) and its religious objection change should not be part of any changes in the existing legislation. By saying what I've said, I don't want to give any impression that I'm acknowledging the desirability of any other provisions, I just haven't had time to examine them to prepare any comments. Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Newman, Mr. Green wishes to ask some questions.

MR. GREEN: Dave, my question to you is as follows: If I was acting for a client and you were acting for a client, and I went to your client and told him that he had a bad lawyer who was doing him in, would not I be censured and possibly disbarred by the Manitoba Law Society?

MR. NEWMAN: I think you'd be subject to censure, deservedly so.

MR. GREEN: Yes. But are you not infringing on my right of free speech to talk to your client? Doesn't the Law Society have sufficient confidence in your ability to represent your client, that they shouldn't interfere with my right of free speech to tell your client that you don't know what you're talking about?

MR. NEWMAN: I think it would depend on the circumstances. Certainly in some cases it's warranted to make fair comment of that sort.

MR. GREEN: But is it not a fact that as long as you are acting for a client that the opposite counsel is engaged in a breach of ethics for which he could be disbarred, denied the right to practise law in the Province of Manitoba for the rest of his life, if he went and spoke to your client?

MR. NEWMAN: Yes.

MR. GREEN: So that is an interference with his right of free speech.

MR. NEWMAN: Yes.

MR. GREEN: Okay. You say that the Labour Board sometimes makes inconsistent decisions. Does not the court make inconsistent decisions?

MR. NEWMAN: I'd like to say, Sir, that that's a self-imposed restriction, a restriction which you accept when you become a member of the Bar . . .

MR. GREEN: Pardon me?

MR. NEWMAN: . . .because you accept the ethics, or you would object and would try and change it if you don't agree with it. . .

MR. GREEN: No, this self-imposed restriction that you are talking about is something that the Law Society which I must join if I choose to be a lawyer, imposes on me.

MR. NEWMAN: If you choose to be a lawyer. Right?

MR. GREEN: Yes. So that if I choose to be a lawyer I have to accept that imposition of an infringement of my free speech.

MR. NEWMAN: I don't think your word is well chosen, but I think that you do accept that. . .

MR. GREEN: Yes. You don't think it's well chosen because it doesn't happen to agree with your opinion, Dave.

MR. NEWMAN: No, because it's self-imposed, Sir.

MR. GREEN: No, because you don't happen to agree with it, Dave.

MR. NEWMAN: It's self-imposed and practical.

MR. GREEN: Well, how it is self-imposed, if the Government of Manitoba has enacted a law, not that I have chosen it as a lawyer, but the government has enacted a law saying that if I practise law without being a member of the Law Society I can go to jail. You say that I self-imposed that? I tell you, Dave, that you are misinformed. I did not self-impose that, that was imposed on me by a government.

MR. NEWMAN: That was. But joining the legal profession wasn't. That was a free choice.

MR. GREEN: I cannot join the legal profession unless I become a member of the Law Society.

MR. NEWMAN: Well, these don't have to be a lawyer.

MR. GREEN: Then you are saying that is a self-imposed restriction.

MR. NEWMAN: That's right.

MR. GREEN: And is it not equally self-imposed that the employee who doesn't wish to belong to a union . . .

MR. NEWMAN: You don't have to belong to a union. . .

MR. GREEN: . . . doesn't have to be an employee in that plant. Well, okay, let's accept, Dave, your suggestion - or Davey boy, that your suggestion . . . --(Interjection)-- Well, Mr. Chairman, then I tell the honourable member that when he appears before a committee that he is not to address the members as "Sid" and "Russ" and anybody else, that we are here as legislators and Ministers of the Crown, and if it is wrong to talk about "Davey boy", it is wrong to talk the other way.

MR. NEWMAN: Call me what you want, Sid, it doesn't hurt me.

MR. CHAIRMAN: Order please.

MR. GREEN: Okay, Davey boy, let's continue.

MR. CHAIRMAN: Order please. I will take the responsibility that I allowed the person who is making the brief to address one of the members on a personal basis and in future I would ask that you address them by their proper names.

MR. NEWMAN: My apologies, Mr. Chairman, I certainly will in future questions we have.

MR. GREEN: Yes, Mr. Newman. We have heard your distinction between free speech as it applies to employers and unions and free speech as it applies to lawyers and we'll take it into consideration when we are adopting laws. You have indicated that the Labour Board is not consistent. Are you suggesting that the courts are?

MR. NEWMAN: I'm suggesting that there are constraints which put pressure on them to be more consistent. First, of course, is the principle of stare decisis which, as you know, courts are obliged to follow, they're obliged to follow decisions of superior courts. Reasons for judgment are given in court cases and one has the opportunity to determine what courts have done in the past by virtue of those published reported decisions.

MR. GREEN: Well if I tell you, Mr. Newman, that in the courts of the

(MR. GREEN cont'd). . . . Province of Manitoba the same judge in one year said that a union cannot prosecute a grievance in court because it is not a legal entity, the next year the same judge following the dictates of stare decisis said that I was wrong last year, and this year a union can be sued because they are the defendant rather than the applicant, the same judge.

MR. NEWMAN: It's fortunate that the decisions were available for you to study so that you could raise this comment here today.

MR. GREEN: Mr. Chairman, it's not a question of me being available to study, I happened to have been the lawyer in both cases. One year they said that you cannot take this action because a union is not a legal entity and the next year they said I was wrong last year - excuse me, I was not the lawyer in both cases, I was not the lawyer in the second case.

MR. NEWMAN: But you also had the Right of Appeal which, if you'd been Counsel, maybe you would have exercised.

MR. GREEN: But you have suggested Mr. Newman . . . I then appealed a case following year when they said that you are again not a legal entity, and they said that you are a legal entity and they said that you weren't; that the court has reversed itself on the question of unions being a legal entity depending on whether or not if the union was being sued or suant, and they have done it on four occasions, not two.

MR. NEWMAN: I'm sorry that you got frustrated by the decisions, Mr. Chairman.

MR. GREEN: Well, I am equally sorry that you are frustrated by the decisions of the Labour Board.

MR. NEWMAN: Well, at least they were available for public scrutiny and the criticisms could be delivered openly, based on the information as to what those decisions were and the Right of Appeal of those decisions if you were dissatisfied. Perhaps the mistake was made in not appealing the first decision.

MR. GREEN: Mr. Newman, all of those decisions, almost all of them were appealed, the ones that I'm referring to, not the two where the judge reversed himself within a year, but the decisions vis-a-vis the legal entities of courts have been appealed several times to the Court of Appeal of the Province of Manitoba with conflicting decisions.

MR. NEWMAN: Well, I'm not going to carry a brief on behalf of the courts except as a member of the legal profession. I'm reasonably satisfied with the composition of our courts. I think in Manitoba we should be proud of the quality of the judges we have. For the most part they make pretty good decisions.

MR. GREEN: Then let me say, Sir, that I am more than reasonably happy with the qualifications of the members of the Labour Board and for the most part they make excellent decisions far superior to those that are made in court.

MR. NEWMAN: Maybe you know what the decisions are and therefore the benefit of informed judgment on that, Mr. Chairman, I don't have the benefit of that.

MR. GREEN: Mr. Newman, you indicated that there should be some respect for the Labour Board, some public respect for the Labour Board. I think you said that.

MR. NEWMAN: I agree with that, Mr. Chairman.

MR. GREEN: Would you say that it militates in favour or against respect for the Labour Board, that a Judge of the Superior Court of the Province of Manitoba in his written judgment would say that no Labour Board in its right senses could come to that conclusion.

MR. NEWMAN: Yes.

MR. GREEN: . . . say he's fined \$1,000 by the courts, would you say that that is a conduct which is conducive of respect to citizen-appointed quasi judicial boards in the Province of Manitoba.

MR. NEWMAN: I would think that the object of the judge in that case was not to show respect, but quite the contrary.

MR. GREEN: To show disrespect.

MR. NEWMAN: To show disrespect.

MR. GREEN: And you think that that is a proper procedure for the courts to take.

MR. NEWMAN: I'm not to judge the comments that the judges make, but I would

(MR. NEWMAN cont'd)assume that he believed what he was saying.

MR. GREEN: Yes. But you are judging the comments of the Labour Board.

MR. NEWMAN: I'm judging the written decisions of the Labour Board.

MR. GREEN: Yes. Well, this is a written decision of the Court of Appeal.

MR. NEWMAN: Well, I'm not judging the conduct that he referred to, perhaps you are. Perhaps you're . . . the conduct, Mr. Chairman, of the Labour Board in that particular case.

MR. GREEN: You are indicating that you are much happier to discuss the conduct of the Labour Board than the conduct of the courts.

MR. NEWMAN: I'm just judging it based on one particular case which I used as an illustration of the sort of problems which I would envisage were they granted more power.

MR. GREEN: I'm worried about the power of the courts.

MR. NEWMAN: Well you have the right to appeal from the courts and they have an obligation to give reasons, Mr. Chairman.

MR. GREEN: Tell that to the Minister in Consumer Affairs in Ottawa.

MR. CHAIRMAN: Any further questions by members of the committee? Hearing none, thank you, Mr. Newman.

MR. NEWMAN: Thank you.

MR. CHAIRMAN: Next we have Mr. Edward Mailey, Bill No. 57.

MR. MAILEY: Mr. Chairman, the Honourable Mr. Paulley and members of the committee, I appreciate the privilege of speaking at this time. I'm a believer in the Lord Jesus. I trust it's more than just an abstract of going to Heaven when I die. I believe that the teachings of Christ and the moral principles set out should govern me in my life.

It's not the first time that I've had the matter of the Rand Formula to meet as an employee of the City of Winnipeg; in 1952 when the City accepted the Rand Formula representation was made to them and provision was made in the working agreement for persons whose convictions prevented them from contributing to a union. I would just like to read that particular clause if I may, Mr. Chairman. The clause that was in the working agreement read as follows: "The union agrees that, in respect to moneys collected from employees who by affidavit state they are members of a religious body which precludes membership or financial support to a trade union, said moneys shall be turned over to an agreed upon charitable organization."

When Bill 81 was passed, I contacted my employer and also Mr. Jamieson of the Labour Board to determine what procedure I should take in view of taking advantage of Clause 68(3). We were advised at that time that if the request was not contested and all parties agreed there was no need for that matter to appear or to be sent to the Labour Board. I understand the City of Winnipeg made similar enquiry to the Labour Board at that time. I'm sure you can see the position that I am now in, in the 30th year of service with my employer I find that the provision for my conscience having been removed from a jurisdiction of the city by Bill 81 and then extended in that bill, is now suddenly repealed. Before this committee, I would just appeal to you to allow Clause 68(3) to remain unchanged in the Labour Relations Act.

I've had matters, of course, in this position put to me before such as has already been raised as to benefits, but to clarify my view in the thing I would just like to use a simile. It might be that a political party in government might claim being the source of all the benefits that the citizens enjoyed; that might even go on to pass a law on account of that, that all citizens must contribute and pay dues to the party. In such a case my position would be the same. I only refer to that because I do distinguish between a political party and government, and I do distinguish between a trade union and my employer.

MR. CHAIRMAN: Thank you, Mr. Mailey. There may be some questions members of the Committee may have. Hearing none, thank you. Mr. Alex Plater.

MR. ALEX PLATER: Mr. Chairman, Honourable Mr. Paulley, members of the committee, I do not wish to take up much time but I do wish to support what Mr. Henry and Mr. Mailey have presented in relation to 68(3) and its repeal. It is my firm conviction that this matter is a matter between my conscience and God and I would most respectfully request the government to leave Section 63 as it is, because paying dues to a

(MR. PLATER cont'd) union is no different to belonging to the union as it infringes upon my conscience before God. I fully support what these men have stated and they are personally affected. I am not personally affected but I am concerned for them and for future generations which might find it very difficult to find suitable employment if this clause is repealed. I think that is all that I have to say.

MR. CHAIRMAN: Thank you, Mr. Plater. There may be some questions some members may have. Hearing none, thank you. Mr. Charles Bouskill.

MR. BOUSKILL: Mr. Chairman, I do have copies of my presentation which you may wish to circulate.

MR. CHAIRMAN: You can proceed, Mr. Bouskill.

MR. BOUSKILL: Mr. Chairman, honorary members of the Legislature, I am appearing on behalf of the Association of Professional Engineers of the Province of Manitoba.

On reviewing Bill 57, we are pleased to note that a number of desirable amendments to the Labour Relations Act are proposed, particularly in areas on which we commented in a brief submitted to the Standing Committee of the Legislature on Industrial Relations in March, 1976. Although the Association of Professional Engineers of the Province of Manitoba does not purport to be an expert on the subject of Labour Relations, inasmuch as the inclusion of professional employees under Labour Legislation is a relatively recent development, we respectfully recommend that the following sentence be added to the proposed sub-section 29(3):

"The professional organization that is authorized by statute in force in Manitoba, of which the professional employee is, or is eligible to be, a member shall be the authority in deciding who is practising the profession."

We believe the addition of this provision in sub-section 29(3) would assist the Labour Board by clarifying an area of decision which appears to have posed a problem to the Board in the past. This Association is of the opinion that the Professional Acts hold the governing body of each professional organization responsible for determining who is, and who is not practising the profession. We believe the professional organization is best qualified to make this decision or, in the case of a dispute, the courts. For example, in compliance with the provisions of "The Engineering Profession Act", the Association has established, and from time to time upgrades, the standards for admission to the profession and for professional competence and conduct. A.P.E.M considers it's primary responsibility to be to provide for the physical and economic well being of the public. We therefore respectfully submit that the professional organizations are in the best position to decide impartially who is practising the profession.

MR. CHAIRMAN: Thank you, Mr. Bouskill. I have Mr. Green.

MR. GREEN: Mr. Bouskill, your Engineering Profession Act says that each person who is registered a licence to practise under this Act shall pay in advance to the secretary or any person deputed by the council to receive it, such annual fee as may be determined by the bylaws of the Association and the fee is a debt due by the member to the Association and is recoverable in any court of competent jurisdiction. You're a member of this Association, are you not?

MR. BOUSKILL: That is correct, Mr. Green.

MR. GREEN: And you are in fact speaking for the Association of Professional Engineers which this Act incorporates?

MR. BOUSKILL: Yes, Mr. Green.

MR. GREEN: Then it says, "where a member omits to pay the prescribed annual fee within six months of the date upon which it becomes due, the Registrar shall cause the name of that member to be erased from the register and he shall thereupon cease to be a member." And then it provides that he can reinstitute himself by paying the dues. Now if he ceases to be a member, only those persons who are members of the Association or who have received a licence from the Council as hereinafter provided are entitled within the province to engage in the practise of professional engineering. So if a person does not pay that fee prescribed by your Association he is prohibited by law from practising professional engineering?

MR. BOUSKILL: That is correct, Mr. Green.

MR. GREEN: And if he does so he is subject to fine and imprisonment?

MR. BOUSKILL: Yes, Mr. Green, that is correct.

MR. GREEN: And that is not available to any trade union to put somebody in jail because he practises employment although he is not a member of a union.

MR. BOUSKILL: That is my understanding, Mr. Green.

MR. GREEN: Now would your professional engineering association consent to us putting into your Act a section which says that a person on religious grounds can continue to practise professional engineering but need not pay his dues to the Association?

MR. BOUSKILL: I don't believe that it would look very kindly on that clause and legislation. May I expand on the response that I've given, Mr. Chairman. The members of the Association that I represent are of the understanding that trade unions are . . . one of their prime purposes is to represent and be concerned about the interests of the members of that particular organization, that particular trade union, and for that reason - sorry, let me carry on. On the other hand, it is our belief and our understanding that the professional acts of this Legislature were established as a means of the Legislature ensuring that the practise of whatever the profession might be would be in the best interests of the public and in ensuring that the public is well served. We believe that the councils or governing bodies of the professional associations are established by virtue of the power of the Act and that those governing bodies or associations were established to assist the Legislature in ensuring that the practice of whatever that profession might be, is done so in the best interests of the public.

I raise this point because in our view there is a distinct difference between an organization that is established by legislation of this province and therefore however loosely is responsible directly to the Legislature on the one hand and a trade union which we believe is not directly responsible to the Legislature on the other hand.

MR. GREEN: So those of us who believe that the establishment of employee and employee relations and the way in which they are carried out are something which we are doing in the public interest to see to it that these are carried out in the best manner and for the protection of the public, we are entitled to think other than you?

MR. BOUSKILL: I respect that, Mr. Chairman.

MR. CHAIRMAN: Are there any further questions? Hearing none, thank you, Mr. Bouskill. Mr. William Wilberforce.

MR. WILLIAM WILBERFORCE: Mr. Chairman, members of the Committee, Honourable Mr. Paulley, I am a believer in the Lord Jesus Christ and I appreciate the opportunity to appear before the Committee today just to simply appeal that Section 68(3) of the present Labour Relations Act be maintained in its present form.

I wrote a letter to each of the members of the Committee and to the Minister. I wonder if I might be permitted to read it. "This letter is written to register my vital concern as to the proposed amendment to repeal Section 68(3) of the Labour Relations Act contained in Bill 57 presently before the Legislature. As one of the persons who made representation to the Industrial Relations Committee in July 1972 when Bill 81, now the Labour Relations Act, was being considered it was recognized by the present government that provision should be made for persons whose conscience before God does not permit them to join or belong to a union or other like association, nor pay dues or financially contribute to such union or association. I, along with others who made representation at that time were most thankful for the provision that was made for us in Section 68(3) of the Labour Relations Act which permitted us to make the payment of the equivalent of union dues to the Red Cross.

In the collective agreement between my employer, the City of Winnipeg and the Association representing certain employees, this arrangement has been agreed to between all the parties concerned and is working out in a mutually satisfactory manner. With the repeal of Section 68(3) I am placed in a very difficult position which could involve my being forced out of my employment with the City which I have been in continuously for 35 years. On this account I would respectfully urge that this proposed amendment be withdrawn and that Section 68(3) of the Labour Relations Act 1972 be allowed to remain intact as providing an essential safeguard to the right of all persons whose conscience before God does not permit them to belong to nor financially contribute to unions or other similar associations.

MR. CHAIRMAN: Thank you, Mr. Wilberforce. Mr. Green.

MR. GREEN: Mr. Wilberforce, I just have one question. You say that you'd be required to leave your employment that you've had for 35 years?

MR. WILBERFORCE: Yes, Mr. Green.

MR. GREEN: Where are you employed, Sir?

MR. WILBERFORCE: The City of Winnipeg.

MR. GREEN: And you have been employed with a union contract there for some years prior to 1972, before this provision came in.

MR. WILBERFORCE: When Section 68(3) was passed into law in 1972 there was no collective agreement covering employees in my classification at that time, but it was a view that there would be possibly a union formed, an association, which has come about, the Winnipeg Association of Public Service Officers.

MR. GREEN: Was there not a union - what classification are you, Sir?

MR. WILBERFORCE: I'm a Secretary in the Assessment Department.

MR. GREEN: And the union didn't cover those people prior to 1972?

MR. WILBERFORCE: No it didn't. The WAPSO group was not formed. The Canadian Union of Public Employees covered persons in other classifications, but I was not in a classification covered by CUPE at that time.

MR. GREEN: I am advised, although I couldn't be 100 percent sure, that CUPE has an arrangement vis-a-vis religious objectors and that they deal with this on their own.

MR. WILBERFORCE: Yes, they do, Mr. Green, and the provision has been made in the WAPSO agreement in the same fashion.

MR. GREEN: If that arrangement has been made by the union with the employer, at least it would not affect your job. I'm not saying that the section wouldn't affect people, but you've indicated that it would affect your job. If the union does have an arrangement it won't affect your job. I'm not saying, in principle, that you're any less right for objecting, but I'm talking about your particular job. My understanding was that CUPE has some arrangement respecting religious objectors and that this would not result in your losing your job. If I'm wrong, I want to know.

MR. WILBERFORCE: Mr. Green, if I might enquire. The working agreement between the city and the Canadian Union of Public Employees as well as the agreement between the City of Winnipeg and the WAPSO group provides specifically in the agreement for the recognition of conscience and the paying of union dues, the equivalent of union dues, to the Red Cross in our case.

MR. GREEN: This legislation wouldn't supersede the collective agreement. Now I'm not saying that that means your objections are any less sound in terms of the principle but I think the union that you are a member of has recognized your problem and have signed a collective agreement with the city which sees to it that you won't lose your job. The union has done that as a union.

MR. WILBERFORCE: They have done that, that is true, Mr. Chairman, Mr. Green. But with the passage of this section of Bill 57 I was under the understanding that that would remove the right of the union to exempt me were the city to continue the arrangement that presently exists.

MR. GREEN: I don't think so. I'm not saying that that couldn't happen if the union changed its position, therefore your objection is still sound and I appreciate it, but I think that the present condition that your union has with the city, which I expect they will continue, and I'm aware of the circumstances under which it was made many years ago because my partner had something to do with it, that that wouldn't happen. But your objection still has the force and effect. I just don't think that you'll lose your job and I want to thank you.

MR. CHAIRMAN: Mr. Pauley.

MR. PAULLEY: Mr. Chairman, just following on the points of Mr. Green and Mr. Wilberforce. As I understand it this is a fear that individuals like Mr. Wilberforce have at the present time, that while under the collective agreement at the present time where there is a piece of paper in existence at the present time by the representative union that persons in the situation of Mr. Wilberforce are protected, by virtue of the present no. 68(3) that is confined in legislation. The basic fear is the possibility with the possible change of legislation that assurance that they have at the present time in the collective agreement and in the piece of paper could go by the way. And that is the fear. Is that correct?

MR. WILBERFORCE: Yes it is, Mr. Paulley.

MR. PAULLEY: Thank you.

MR. CHAIRMAN: Any further questions? Hearing none, thank you, Mr. Wilberforce.

Mr. Norman Plater. Mr. Plater, you may proceed.

MR. PLATER: Mr. Chairman, members of this committee, Mr. Paulley. I don't want to prolong this discussion in connection with the conscience clause but I just wanted to speak to this committee as a believer in the Lord Jesus Christ and one whose conscience would be affected by compulsory payment of union dues. I would like to support the position taken by these other speakers.

This legislation, as has already been mentioned, was passed in 1972 and I for one was very thankful for the provision made by this government. I would urge the government to leave the section stand as being protective of the rights of persons who have genuine conscience before God. The authority of government, I believe, is God given and along with the authority is the responsibility which I'm sure would be recognized.

It's already been referred to, but there are other jurisdictions that have such provision and I believe without negative results, Australia and New Zealand and the Canadian Government, in connection with the Second World War, made such provision on the basis of conscience in respect to other matters. Thank you.

MR. CHAIRMAN: Thank you, Mr. Plater. There may be some questions. Are there any members of the committee who wish to ask any questions? Hearing none, thank you, Mr. Plater.

Next we have Mr. Frank Fowler.

MR. FOWLER: Mr. Chairman, committee members and the Honourable Mr. Paulley. I represent today the Road Builders and Heavy Construction Association of Manitoba. There are approximately 90 members in the association and we employ somewhere in the neighborhood of 8,000 or 9,000 people at our peak season. We do perhaps 90 percent of the contracted municipal and highway work in the province.

Last winter we did not receive a copy of the White Paper and we were really unaware of what was going on until very recently. It was not until yesterday, in fact, that I saw it and it was not until Tuesday afternoon and Wednesday morning that we were able to acquire a copy of the legislation.

We have briefed through it and we feel we have not had time to make a submission and we're requesting that time be given. In Mr. Paulley's own words, we would like very much to be able to read this document thoroughly and understand it and come again before this committee to make a submission.

MR. CHAIRMAN: Thank you, Mr. Fowler. Are there any questions any members of the committee may wish to ask? Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, just one question in terms of the cursory look that you've had at it. Are there any areas that strike you as being objectionable at the start that you would require further examination or assessment?

MR. FOWLER: Oh, yes, definitely there are.

MR. AXWORTHY: Well could you indicate those briefly to us.

MR. FOWLER: Well 119(1) - these have already been referred to and of course we share a lot of the feelings that have been reflected here today. 6(2) is another, and really that is just the start. You must understand, Sir, that our association functions on the volunteer basis. We do our own studies, we make our own policies and make our own decisions, so we must gather together the people in the organization to do this. We don't have anybody that does it for us. Since this only came into our hands on Wednesday, we just have not had time.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: Mr. Chairman, since 1955 at least and for many years before, I believe, it has been the law that no employer shall interfere with the internal administration or the organization of a trade union. Have you understood that to mean that an employer could go running around and tell his members that he doesn't believe in unions and that they should not belong to unions, or that they should belong to one union or another union? Because that has always been the law. I mean, always, it's been the law for the last 20 years.

MR. FOWLER: True enough, but they seem to be trying to make it more and more difficult for a person to speak at all.

MR. GREEN: But it has always been the law that no employer - and I'm now trying to quote it from memory - that no employer shall interfere with the internal administration or organization of a trade union. I have some small knowledge in the law, I always believed that that meant that an employer could not go and tell his members to join a union or not to join a union or that it would be good for them or that it would be bad for them, because it says that he shall not interfere with the administration or the organization.

Now I think that this section merely indicates what has always been understood by people in the trade union movement.

MR. FOWLER: Mr. Green, if I may say so, if this has been the law for 20 years why do they need the provision in this Act?

MR. GREEN: Because there are people who, of course, have differed from what I think has been the law.

MR. FOWLER: Well, this was what I was saying. . .

MR. GREEN: Well, that's why I asked you, Sir, that's why I asked you in that it will be even a stronger position to enact the law. You are an employers' group. Under the previous law did you think that you had the right during the organization of a trade union to get the employees in to tell them that they shouldn't belong to the union, to tell them that unions are not a bad thing? Has that been your opinion? Because if it has been then for sure we need this law.

MR. FOWLER: No, on the contrary. I agree that that has been the law and I see no reason to make it more stringent. It already exists.

MR. GREEN: So what we say is that this is the law and all we are doing is spelling it out.

MR. FOWLER: I understood it was spelled out previously, Sir.

MR. GREEN: That's fine. So this really doesn't change things, does it?

MR. FOWLER: No, it doesn't. It's redundant.

MR. GREEN: All right, fine. So then you are not worried about it.

MR. FOWLER: Then we don't need it.

MR. GREEN: Okay.

MR. FOWLER: You agree.

MR. GREEN: But for those who believe that we need it, it will not create a problem for you because you always understood it to be the case.

MR. FOWLER: I understood it to be the case but the wording is more restrictive than it ever was.

MR. GREEN: It is more specific than it ever was. You have always said that the restriction was there, now it has been specified.

With regard to the other section that you referred to - and you know I'm really talking about the fact that you haven't had time to prepare - my impression is that the legislation was made public approximately a week ago. The bill was distributed last Friday. --(Interjection)-- Distributed last Friday, Was it? Correct, last Friday.

MR. FOWLER: We were unable to get a copy until Wednesday morning.

MR. GREEN: My understanding is that it was distributed Friday; you couldn't get a copy until Wednesday and I concede that that is a problem. But really, those two points, one with regard to what has been referred to as "freedom of speech" and the other one which deals with an employer who has more than one company operating what the Board may consider to be one appropriate unit, that's the law in six other jurisdictions in this country.

MR. FOWLER: I'm not aware of that. I'm not dealing in law.

MR. GREEN: Those things are, if not simple legal positions, they are concepts which you as a businessman would not have a great deal of difficulty dealing with in four or five days. I mean businessmen have come in and asked us as lawyers to prepare briefs for two days later on much more complicated subjects. Your association really couldn't get a brief prepared for today because of the time when the legislation was brought in.

MR. FOWLER: That is correct.

MR. GREEN: Okay.

MR. CHAIRMAN: Mr. Paulley.

MR. PAULLEY: Mr. Chairman, I would like to ask the delegate a couple of questions of a similar nature. We've been hearing cries of speedup, of the inability of individuals to have had an opportunity of preparing for representation. Are you not aware, sir, that as far back as about July in 1974 advertisements were placed in practically every paper, including the rural papers in Manitoba, asking all interested organizations and firms and individuals who were concerned with labour relations in Manitoba to submit papers or to make representation to the Minister of Labour and the Department of Labour in respect of labour legislation in Manitoba? Further and following that, that in December of last year I sent out or the Department sent out to all of those who made representations earlier in respect of labour relations, copies of those representations with a further press release announcing that this was being done and that if any firm or group or person or individual felt that they could still or would like still to make representation in respect to the labour laws as they were existing or as in the opinion of people should exist, or contributions as to methodologies of making them more amenable to the people of Manitoba that those representations should be forwarded to the Minister of Labour where they would be welcomed. It was on the basis of representations which have been going on now well over a year that following the White Paper - that was also publicized - that there was cause to be compiled the document that we have before us making certain suggestions in changes in our legislation. Now, my question to you, and I'm not trying to berate you at all, Sir, but in that period of a year and a half as against the period of a week or two since we've had Bill 57, have you not seen any of this or have you not given consideration of forwarding to us the benefit of your knowledge and of your input into the Labour Relations affairs and matters of the Province of Manitoba?

MR. FOWLER: Mr. Paulley, I did not see the original advertisement. Perhaps that's why we weren't on the lists that were distributed, your White Paper.

MR. PAULLEY: There was an announcement though. I'm sorry for my interjection. There was a public announcement of the availability of such.

MR. FOWLER: Well, that was obviously missed too.

MR. PAULLEY: I see.

MR. FOWLER: I regret deeply that that happened. But nevertheless if the White Paper is a paper of generalities where the Act is very specific in what they want to do, and regardless of your in-depth knowledge of the White Paper, it wouldn't be until you received a copy of the Act and had an opportunity to study it that you would really know what was in the mind of the legislators.

MR. PAULLEY: But would it not be more reasonable for me as a Minister of Labour to expect that while I would agree with you that you might not be knowledgeable of the detailed content of any bill following the announcement or production of a White Paper, that your keenness of interest would cause you to make an endeavour what the production of the results of the year and a half of investigation by the Department of Labour into the affairs of labour were to be.

MR. FOWLER: Sometimes these things move rather slowly as you're well aware and as you've illustrated. . . .

MR. PAULLEY: We're moving quickly, and we're getting . . .

MR. FOWLER: . . . and all of a sudden, bang, it's done. This is the point I'm making, and I'm not the first one to make that point today, Sir.

MR. PAULLEY: That's right.

MR. FOWLER: But we have not had time to study the specific wording, and it is the specific wording like the old maxim, "it's the big print what gives and it's the little print what takes away". We'd like to be able to read the whole thing, the big print and the little print.

MR. PAULLEY: I don't disagree for one moment. Most of the members of the Legislature, the members of this committee are reading the so-called small print for the first time, but they have been involved, others that have been here making representations this afternoon have been involved in the White Papers, or pink papers, call them what you will, but in my opinions I don't know, maybe it was me that failed, that it was my desire, and I'm not trying to blow smoke up me own kilt, but it was my desire as

(MR. PAULLEY cont'd)the Minister of Labour to give to you, Sir, and all people of your inclination, time to have an opportunity to make representation to be heard insofar as our labour legislation is concerned, long before the bill was printed and placed on the desk of the members of the Legislature. Even yourself, and here again I'm not trying to be argumentative, indicated that while you did speak precisely to one section in the bill I believe in answer to a question of my colleague Mr. Green, you said that there were a number of others that you would have wanted to speak on had you have had the opportunity. Now, I just ask you, Sir, and I presume I will be the Minister of Labour for a week or two, can you give me other than, of course, the suggestion of deferment or postponement for another year or two, but for the future apart from that, can you give me some ideas of how you would handle the job differently? That's not a question, Mr. Chairman, it's not fair. It's not fair, Mr. Chairman, and I withdraw it. But I'm sure Mr. Fowler would be more than pleased to quietly take me aside and say, 'Well, now, look Mr. Paulley, I think this would have been a better way of doing it.' So maybe we'd better leave it just at that.

MR. FOWLER: Thank you.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Thank you, Mr. Chairman, Through you to Mr. Fowler. Mr. Fowler, you have said that you didn't have a chance to see the White Paper for one reason or another. You've also pointed out that one of your major areas of concern is the provision in 119(1) relating to Associated Businesses. Since there was no reference to that provision in this piece of controversial legislation that we're dealing with in that section in the White Paper, do you think it would have done you any good to have seen the White Paper?

MR. FOWLER: No, I don't really think so, because the White Paper only talks in generalities.

MR. SHERMAN: I agree with you. I don't think it would have done you any good, because that provision wasn't in the White Paper.

MR. FOWLER: I'm not aware really that it was, because I haven't read the White Paper.

MR. SHERMAN: Well, like you Mr. Fowler, many persons are being exposed to consideration of that provision for the first time, even those of us who saw the White Paper. So you're in a large company there, whether you saw it or not.

Mr. Fowler, notwithstanding the existing laws that Mr. Green referred to with respect to 6(2) Interference by an Employer, or what we call the "Infringement of Freedom of Speech" provision, notwithstanding the earlier existing laws that Mr. Green referred to, would you not say that your interpretation of that provision differs from Mr. Green's interpretation?

MR. FOWLER: I find it very restrictive, the interpretation is very restrictive. I think it's too restrictive.

MR. SHERMAN: Yes.

MR. FOWLER: I think an employer should be able to talk to his employees. Perhaps the right way to do it is to have a forum where the union representatives can talk at the same time to the employees as the employer can talk to them.

MR. SHERMAN: Yes.

MR. FOWLER: What's wrong with that? They won't do it. They won't let us talk to our employees. But the union people can come in and badger them for weeks on end.

MR. SHERMAN: That's right. What Mr. Green is talking about is interference. What you're talking about is the reference to indicating one way or another just in conversation. There's a discrepancy here and there's a difference in interpretation as to whether conversation and indicating constitutes what Mr. Green like to think is interference. So there is a difference in your approach to that section and his approach to that section.

MR. FOWLER: Well, I imagine there are different interpretations of to what the degree of interference or what degree of contact with your employees constitutes interference.

MR. SHERMAN: Yes. You don't consider that the kind of activity that could be implied in the term "indicating" - it's the term "indicating" that is used in that provision - you don't necessarily feel that the kind of activity that could be implied in that kind of

(MR. SHERMAN cont'd) . . . exercise necessarily constitutes interference, it may merely constitute the transmission of information.

MR. FOWLER: I would think that the transmission of information is not interference.

MR. SHERMAN: Right. In other words what you're saying, Mr. Fowler, as I read it, is that the ball game has changed. Actually that you're faced, and many others are faced here with content in this labour legislation that has not been put before the public for examination prior to this time.

MR. FOWLER: I would agree with that 100 percent.

MR. SHERMAN: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: Mr. Chairman, I want to deal with this point again. I rather understood from the witness that he understands that his present restrictions are that he is not to try to tell the employees whether they should or should not belong to a union. I ask you, and I read you Section 7(1) of the existing Act: "No employer or employers' organization and no person acting on behalf of an employer or employers' organization shall participate in or interfere with the formation" - the words are "participate in or interfere with" - "the formation, selection or administration of a union or the representation of employees by a union that is the bargaining agent for the employees or contribute financial or other support to a union." Now do you understand that your rights under that section as it now reads are that you could go to your employees and tell them not to belong to a union?

MR. FOWLER: No. I see nothing wrong. I don't think it would be breaking the law if I went to my employees and said that I don't like that union.

MR. GREEN: Do you think that that would be within your rights at the present time?

MR. FOWLER: I think so, yes.

MR. GREEN: Then I think that we certainly have to change the law, because that has never been my understanding.

MR. FOWLER: What's wrong with saying that you don't like a union?

MR. GREEN: I think that the Act says: "That no employer shall interfere with the selection of a trade union." I think that an employer telling his employees that he doesn't like a particular union or that he like a particular union, the corollary, are both prohibited by the existing legislation. If you think they are not then you have given me reasons for the passing of this law that I never had before. I thought we were really just specifying, but if you really think that this is a change then I think we need the change.

Now I'm going to ask you . . .

MR. FOWLER: Excuse me, Mr. Green, just before we leave that subject, in the existing Act I believe that Section 23(1) "Nothing in this Act deprives any person of his freedom to express his views if he does not use intimidation, coercion, threats or undue influence." If I say to my employees "I don't like that union," is that a threat? That's not coercion, that's not intimidation.

MR. GREEN: I think that the respecting of free speech is carried forward into the new legislation. So there's no change there.

MR. FOWLER: No, I can't say that in the new legislation.

MR. GREEN: The new legislation contains no reference to free speech, freedom of speech being protected?

MR. FOWLER: As I read 6(2) . . .

MR. GREEN: Yes, I believe it does, yes.

MR. FOWLER: As I read 6(2) I can't say.

MR. GREEN: I'm glad, Sir, that we are getting this point cleared up because I practised Labour Law for 15 years; If I could ever prove to the Labour Board that the employers went to the employees and told them that he didn't like that union, I had a good case for unfair labour practices. That was my thinking for the 15 years that I practised. --(Interjection)-- That's right. That was under previous legislation.

However I want to ask you this. Is this a problem for you? "Except with the consent of the employer, no person shall attempt at an employer's place of employment, during working hours of an employee of the employer, to persuade the employee to become

(MR. GREEN cont'd)or to continue to be or to refrain from becoming or continuing to be a member of a union. Now, as I understand that section, if there are two people working for a trucking company and they are driving from here to Thompson - probably about an eight-hour drive - that during that drive if one employee says to the other employee that I think you should join the union or I think you should stay a member of a union that would be an unfair labour practice for which that employee could be prosecuted. Or I think you should be a member of a union. Now, is that an infringement of the free speech of the employees contained in the same legislation?

MR. FOWLER: Mr. Green, as I've said, I have not practised law for 15 years. I am not that familiar with the Labour Act as it stands, or as it's being proposed to be amended, and I am not in a position to debate with you the merits of this Act. This is what we are asking for, time to study so that we can come forward and make a presentation and if necessary answer your questions.

MR. GREEN: Sir, it does interest me, and I ask you the question, that this provision regarding the free speech of the employees has been in the Act for at least 20 years that I'm aware of and employer groups and lawyers and members of the Law Society have not come here or gone to any Legislature and complained about the denial of free speech of employees that is contained within the labour legislation.

MR. FOWLER: I think there's a denial of free speech of the employers, not of the employees.

MR. GREEN: I know that's what you're worried about.

MR. CHAIRMAN: Any further questions? Hearing none, thank you Mr. Fowler. The next delegation is either Mr. A. Dueck or Mr. Harold Jantz. One or the other. It was indicated that one or the other would present their brief. Would you give us your name, Sir?

MR. JANTZ: My name is Harold Jantz. I've copies of this brief. I suppose I'm here speaking on behalf of the Flat Earth Society. Maybe one could just as well say that it's the legislation which is trying to create a Flat Earth Society by forcing everybody into the same mold.

This statement is being made on behalf of the Mennonite Central Committee, Manitoba, a service organization and relief Minister of the Mennonite Conferences of Manitoba. The decision of the Manitoba Government to move ahead with an attempt to remove from the Manitoba Labour Relations Act Section 68(3) a section guaranteeing protection for the person who genuinely objects to membership in a union and paying dues to a union has caused us great concern.

While even the present Act did not appear to give real protection in the manner in which it was initially interpreted, the rulings in the case of Henry Funk in the Court of Appeals and of Mrs. Gertrude Friesen of Swan River and of Gordon Dyck of Winnipeg have been encouraging and gratifying to us. We are persuaded that Section 68(3) can provide adequate protection for the person who wants to exercise his conscience in the difficult area of labour-management strife.

However, the proposed new legislation appears to be an attempt to carefully take away the possibility for appeals of people like Funk, Friesen and Dyck to stand. Now what are some of the reasons why there have been concerns? We have been concerned because the underlying philosophy which has been almost universally accepted by the union movement in this country is an adversary philosophy. We have seen this demonstrated in many ways by the ready use of intimidation to win a point, by the growing militancy of unions and their leaders, by the use of the strike as the major means of achieving the desired results, or the assumption that labour and management must seek questions from opposite points of view, and this has been reflected again and again today by the adoption of unreasonable positions at the start of negotiations as a matter of course and all of these based on the assumptions of a class struggle.

We are concerned about the adversary stance because Christ taught us a way of reconciliation and love. He taught us to look to the interests of the disadvantaged and the poor, the sick and the helpless before we look to our own interests. He taught us that both employers and employees are answerable to the same Lord, and we want to assert this, and therefore ought to look at one another as partners rather than adversaries. And for a Christian to lend support to a movement which easily adopts intimidation, force and

(MR. JANTZ cont'd)strikes to gain its goals creates a serious crisis of conscience.

We are concerned because of the growing disrespect for both a signed contract and for the law of the land which has been demonstrated by many unions, and while the average citizen is frequently fined heavily or otherwise made to suffer if he is in violation of the law, all of us have repeatedly been witness to a flagrant disregard for the law and for signed agreements on the part of Canadian unions. These are reasons why some of our members have been particularly forced into situations of crisis of conscience where they have been required to join unions.

We are concerned because of the attitudes reflected in the shrill demands for an increasingly higher standard of living. We already enjoy one of the highest standards of living in the world and yet our demands are not ceasing to climb. There is a kind of attitude of selfishness which is constantly being encouraged by the demands which unions put forward.

In many cases these demands do not correspond to the real increase in productivity of the working people that they claim to represent. There's a demand for a higher standard of living which are made here frequently at the expense of others who are worse off than they. The greatest demands are frequently being made by those already among the most favoured and best organized while the impact is felt by those worst off and least organized.

Our concern as Christians is that unions have lost the ability to ask themselves the questions which a keen sense of justice would suggest. They no longer ask about the needs or the concerns of others. "To hell with society" would sum up the attitude of many. If hospitals have to be evacuated, as has happened in Manitoba, if schools have to be closed, if the elderly have no buses, if roads cannot be adequately maintained, if police and fire protection are withdrawn, if the postal service is stopped, all of these can be accepted so long as we achieve our goals. Much less do we ask ourselves what our growing demands do in terms of the needs of the rest of the world. What about the 85 or 90 percent of this world's people who have to live with much less, much less than we, who are perhaps even asked to feed our insatiable desires, since our six percent of the world consumes forty percent of the world's goods.

We're also concerned about the acceptance of the principle that right be established through force and exercise of might. It is a reflection of the sterility of the thinking of both government and labour leaders - and, of course, of management in many cases as well, I think one could just as well direct this to management - that force should be seen as the only effective means of coming to some solution on differences. This encourages the use of intimidation and makes the definition of right dependent on the side which can develop the greatest force. Justice and morality are minimized in favour of force. It should be clear to any thinking person that this is deeply troubling to many, not least of all Christian believers who wish to allow the spirit of Christ who taught love and openness to others, reason and reconciliation and concern for others to permeate their lives.

I'd like to say something specifically in relation to the proposed repeal of 68(3) and its replacement with a new section. This change is deeply troubling to our Mennonite community as I believe it is to many others within the Christian community and other faiths perhaps as well but certainly within the Christian community in the province, it is troubling because it is clearly more restrictive than the previous legislation. On the fourth page I have the two sections side by side, and it's quite clear that the new proposed legislation is much more restrictive than the previous, which was itself already a compromise.

It should not be necessary for a free, ostensibly democratic society such as ours to have to make special provision to allow someone to keep on working if he opposes membership in a union and paying dues to a union with which he is fundamentally opposed. We have already had to accept that we have to make a special appeal to stay out of that kind of an association and withhold our dues to that kind of an association, but now even that compromised legislation is being further withdrawn. This is a shame to our government and to our province.

The new legislation, secondly, removes the right for an employee to withhold

(MR. JANTZ cont'd) dues from a union with which he does not wish to associate or identify. It is not enough to say that a person should be content to simply remain outside of a union to which he is opposed. If that right is granted and then he is still compelled to support that union with his money, the right to disassociate becomes a mockery. For the right to be real, he must be granted the right to at least apply the equivalent of the dues to a mutually agreed upon charity. This position is well-established in jurisdictions across this country and elsewhere.

Paying dues to a union with which one cannot identify in principle means that one has to give tangible, material support to the tactics, the leaders, the political affiliations and the goals of the unions in question. To make such extraction of funds legal is a direct contradiction of the human rights code of both this province and our nation which professes to protect the rights of all citizens of this nation regardless of their race, creed, sex or nationality.

The new legislation removes the references to conscience as you will have seen, referring only to his religious beliefs. The intent appears to be to disallow tests of the individual's belief and conscience and to allow the Labour Board to enquire again concerning the religious beliefs of the church to which the applicant may belong. This is how the Labour Board began to interpret Section 68(3) at the beginning, but as a result of the Funk case they were compelled to enquire concerning the beliefs of the applicant not his church. We should be very aware of the implications of this change. The Mennonite churches of this province and most other Christian churches do not have specific teaching or church rules against union membership. They never will. They do not function that way. They teach general guidelines and principles which they believe are taught in the Bible from which the individual must draw his conclusions in the situations in which he finds himself in every day life. This is what is meant by the functioning of one's conscience. If we are disallowed the right to make an appeal on the basis of a religiously instructed conscience we will effectively deny the real right of most genuine conscientious objectors in labour unions to some protection. We will move in a direction which is counter, as well, to a proper definition of what is religious.

When conscience is emphasized, religion is clearly whatever is an ultimate significance to the person himself. A definition for religious or religion which appeals only to church rules or clearly stated church positions, however, will ultimately have little meaning since there is no reason to assume that they will shed a definitive light on the real state of the individual's convictions.

A fourth concern. The new legislation appears to be a direct response to the successful appeals to the earlier legislation. This places into question the motives of the government in providing the legislation in the first place since the obvious reading of the earlier legislation clearly seemed to give opportunity for sincere appeals. And I want to just read the wording. It says: "Where an employee in a unit in respect of which a collective agreement is in effect has satisfied the Board that by reason of his religious beliefs he is by conscience opposed (a) to joining a union; (b) paying dues to a union, the employer shall not remit to the bargaining agent" and then continues.

Now the reading seemed to be quite clear and the rulings in the end followed that reading. I think it should be drawn to everyone's attention that at the very conclusion of Bill 57, the transitional provisions, we have in 30(2) "all orders of The Manitoba Labour Board made under subsection 68(3)," that is in relation to the conscience clause of The Labour Relations Act, as that subsection was before the repeal thereof by section 22 of this Act, "cease to have force and effect on the date that section 22 of this Act comes into force." I think that this is a dreadful provision for a government to propose to pass. In other words, to put a law before the Legislature which will make null and void rulings that were handed down prior to the passage of this legislation. I think it creates the impression of a cynical piece of legislation of a legislation that was not really intended as it appears to read.

Number Five. The new legislation may make "economic martyrs" of people who will not be able to accept the compulsion to support with their dues organizations to which they are principally opposed. Thank you.

MR. CHAIRMAN: Thank you, Mr. Jantz. I have Mr. Green and Mr. Johansson.

MR. GREEN: Mr. Jantz, just on that last point about the Legislature undoing previous decisions. If the previous decisions denied a right of a person to opt out where we thought that he did have the right to opt out - let us say that the court ruled that a person can't opt out and we had thought we passed an Act that said he could opt out, would you complain if we then came into legislative session and said, what we thought we passed is the right to opt out, the court has ruled against it, we are now going to rule that he can opt out which makes these decisions null and void. Would you object to that?

MR. JANTZ: If the intention that you had in mind was to allow opting out and it didn't work that way, I think we would be . . .

MR. GREEN: It's not really the court decision that's sacrosanct, what you're looking for is a principle and if the principle that we wanted is not in fact the principle that's adopted then there'd be a difference of opinion between what you are suggesting and perhaps some of us are suggesting, but the fact of passing legislation to undo what we consider a wrong decision is not a horrendous thing to do. We do that all the time. Depends on who thinks it's horrendous.

MR. JANTZ: I am a simple layman in law but when I read the law on the face of it it appears to provide protection for a genuine conscientious objector, and I take it that this is what the government had in mind, that the government was sincere in this. I believe, Mr. Green, that you were sincere when you passed this, but now you are saying that you were not sincere by what appears to have been there.

MR. GREEN: Well, Mr. Jantz, if you would read what I said in the Legislature at the time you will see that I said that this opting out section is going to go much further than what the Legislature says it will do and I did not approve of the legislation. So my sincerity is there and I think that the members of the Legislature did not think that the Funk case would be decided as the court did but as the Labour Board did. And if we did, if we thought that it was the Labour Board's decision that reflected the view of what we passed in legislation then you wouldn't call what we are now doing horrendous; you would think it was horrendous because you don't agree with it but in terms of registering our intention it's not horrendous.

MR. JANTZ: Well there is a Fair Interpretation Act that seems to me to be in conflict with what you're doing in the end of Bill 57.

MR. GREEN: Mr. Jantz, I accept the fact that you don't agree with what we are doing and really that wasn't the point that I wanted to bring up and if you still stick to the position that's being horrendous I'm not going to try and argue you out of it. I rather think that if you were in favour of it you would not be calling it horrendous. However, I want to deal with another point. What you are saying is that as the individual believes his conscience dictates to him is the essence of the religion. I would gather that you are not talking about your own religion, you are talking about anybody's religion.

MR. JANTZ: That's right.

MR. GREEN: And that the essence of the religion is what a man in conscience feels, that it may be reflected to a divinity of one kind or another or perhaps divinity need not enter into it, that a religion is the searching and adherence to conscience. I think you said that in your brief.

MR. JANTZ: What a person considers to be of ultimate significance and what he would seek to shape his life by.

MR. GREEN: Right. And it doesn't matter what religion, it could be Christianity, could be Judaism, could be Mohammedan, could be Confucism or it could be an "ism" that you and I aren't even mentioning, that doesn't exist in the sort of formal religion. And if any of these religions dictate to a person that he should not associate himself with paying to trade unions then he should be able to use that religious clause.

MR. JANTZ: If he could persuade the Board that he was genuinely in conscience acting upon his belief and in good conscience, then our position would be that the Board should respect that, yes.

MR. GREEN: Well now, Mr. Jantz, do you not agree that what you are saying, that anybody who does not believe in unions should not have to pay union dues, period.

MR. JANTZ: If he can persuade the Board in that particular work situation in relation to that particular union that that is a genuine matter of conscience for him, yes, then our position is that that should be respected.

MR. GREEN: Well if there was a certification proceeding and 70 voted for the union and 30 voted against the union and each of those 30, and you would respect a person's beliefs, each of those 30 came to the Labour Board and said I said I did not vote for this union because I don't believe in unions, I think they are a bad thing, I think they create dissention, I think they create conflict, I think they create situations which are intolerable, it is contrary to my conscience to belong to such a union. Then each of those people should be able to opt out in accordance with what your standard would be.

MR. JANTZ: Is that wrong?

MR. GREEN: I, Mr. Jantz, am asking you whether, am I wrong about your feelings? I don't want to discuss the . . . Am I correct in assessing that to you?

MR. JANTZ: Yes, you are.

MR. GREEN: So what you are really saying is that there should be no such thing as . . .

MR. JANTZ: A closed shop. Yes.

MR. GREEN: . . . not a closed shop, but a shop where everybody is required to be a member of a union.

MR. JANTZ: Right.

MR. GREEN: Well, that puts it squarely on the table. The reasons that have been given by Mr. . . . So you are asking me to unlegislate the procedures which by certification says that a majority will decide that there's going to be a union and that everybody will be in the union.

MR. JANTZ: Which would certainly be in the direction, yes.

MR. GREEN: Now, I gather you say that some of your members have opted out on the grounds that they feel that there's force and militancy and grasping demands, and I think that you said that that applies the other way too.

MR. JANTZ: Yes.

MR. GREEN: That the employers try to pay as little as possible, that they argue about what wages are, that they try to resist the demands of their employees, that from time to time they will hire other employees rather than ones that are asking for higher demands, that they will engage in conflict. Are you aware of any of your members who have refused to sit on a board of directors because employers are engaged in conflict with employees?

MR. JANTZ: I couldn't speak of members either joining or not joining for that reason.

MR. GREEN: So you know of no person who on account of his religion who has refused to be either an employer or a member of a board of directors of employer on the ground that being an employer involves him in conflict with his employees?

MR. JANTZ: I know of people who have taken very critical positions towards what employers and employer-management groups have done. In most cases I think I should say that the employers that I know are usually small business people who may not find themselves in those groupings. But I can't speak of specific situations.

MR. GREEN: But you know of no sort of Mennonite Church movement which has asked people to not be employers or not be members of board of directors because they are liable to be involved in conflict and intimidation practices and class war against employees, or things of that nature?

MR. JANTZ: Well, I know of several Mennonite organizations, Mennonite Economic Development Associates, Christians in Business and Industry, groups like that, among Mennonite business owners, employers who have formed these organizations for the purpose of trying to help one another to know how to act as Christians in their business practices. That would be the extent to which I am aware of, of attempts on the part of employers to try to work with the issues of strife and injustice in the economic marketplace from a business or management point of view.

MR. GREEN: Would you also know of many employees of Mennonite background who have participated and worked in unions on the very same basis?

MR. JANTZ: Yes, I know of a great number of Mennonite workers who have been parts of unions.

MR. GREEN: So it is possible for a person of the Mennonite Church who believes in what we all believe in, better things, less hatred as between people, who are

(MR. GREEN cont'd) able in conscience to the Mennonite Church to work within trade unions for the achievement of those results?

MR. JANTZ: Well I should say that many of them work with a troubled conscience because they've seen the amount of strife, they've seen the kind of militancy that's been pumped into the union movement in this country, and who work with a great deal of conscience. I should think that some of us would be deeply disturbed, for instance, that a hospital has to be evacuated in this province because of a threatened strike.

MR. GREEN: Would you think that people should not be on the hospital board because they, on the hospital board, may be involved in creating a conflict by trying to get their employees to work for less than adequate wages? That they should leave the hospital board for that reason?

MR. JANTZ: Well, you say that this is a one-sided thing.

MR. GREEN: That it's the unions that are causing the trouble and that everybody who has to pay wages is doing good and everybody who has to work for them is doing bad.

MR. JANTZ: By no means, Mr. Green. I feel very deeply that the problem isn't on one side.

MR. GREEN: But basically to follow your position to its ultimate logical conclusion, anybody who firmly, strongly, believes against trade unions should be able to opt out of any union.

MR. JANTZ: Yes.

MR. GREEN: That's fine.

MR. JANTZ: I should just like to add this one comment. That there's a great deal more freedom in association in management groups, employer groups than there is in worker groups. There isn't that kind of freedom and this is our concern. Wherever it becomes totalitarian, as it's becoming here, undemocratically, we become seriously concerned.

MR. GREEN: Can you tell us where that freedom is for me and my profession? I mean I am required by law, not by any type of union militancy or support that they have obtained by 50 percent, but I am required by law to pay \$220 to the Law Society to be able to practise law. You know that the medical profession got up and didn't have a secret ballot, had a standing vote, to see whether they were going to withdraw their services from the patients in the Province of Manitoba. Have any of your Mennonite colleagues felt that it is necessary for them in conscience to withdraw from the medical profession on that account?

MR. JANTZ: I know that some of them are struggling with their conscience in this situation. I'm not aware of any who have withdrawn. I think that the professional societies that tried to say themselves that they were not unions in the sense in which labour unions are unions, and that they are even operating on a different set of standards, and this might make membership there more acceptable . . . But I might very well have the same problems with the Law Society as I would either.

MR. GREEN: Mr. Jantz, do you agree that I should have the same rights in my society as you are asking for the members of your employees, that if I firmly believe in conscience that it was wrong, that it created a class elite within society. for there to be a society which runs its affairs and drives members out when they don't do exactly as they say when they engage in free speech, that we should put a provision in the Law Society Act which permits me to send my money to a charity?

MR. JANTZ: Well, in that situation I would say yes. So yes, moreover that the way to go would be to form Law Societies that would allow people to identify with the kind of philosophy which does represent their convictions. That is to say, for those of us who feel that there are some principles which Christians ought to operate with which are different than those accepted by the Law Society, then perhaps we ought to have a Christian Law Society in this province. What reason is there for assuming that that couldn't work as well as what we have now?

MR. GREEN: Yes. But at the present time we have a Law Society which is secular, which I have to belong to. We have the same with regard to the medical profession. I am really now going to terminate my questions. Do you believe that the

(MR. GREEN cont'd) members of those professions should have the same freedoms vis-a-vis their professional associations as you are now saying should apply to trade unions?

MR. JANTZ: I would say if the professional societies adopt the practices and the philosophy of the labour unions, then you should have the same right to opt out there as you do in the labour unions.

MR. GREEN: But, Sir, you will respect my rights. You say that not whether you think they are adopting those practices, but you say that every individual member of the Law Society has a right to judge for himself on the basis of his religious deep-felt conscience whether in fact they are acting the way he thinks they should act; not that you say that they are acting properly or improperly, but the members of the society should have that right. Is that not your position?

MR. JANTZ: Yes.

MR. GREEN: Therefore you say that the same provision you are now asking for with regard to trade unions should be given to the members of those learned societies and professions.

MR. JANTZ: Yes.

MR. GREEN: Okay, we're a long way from doing that, Sir.

MR. JANTZ: Yes.

MR. CHAIRMAN: Mr. Johannson.

MR. JOHANNSON: Through you, Mr. Chairman, to Mr. Jantz. Mr. Jantz, you in effect, say that the government members of this committee are being cynical and totalitarian in supporting this piece of legislation, and you're speaking as a Christian. Now I will not say that you are being cynical or being totalitarian in proposing your viewpoint, but I do want to ask you a number of questions on your brief.

You made the position on behalf of individual conscience being the key factor with regard to the conscience clause.

MR. JANTZ: Yes.

MR. JOHANNSON: But I gather you're not speaking as an individual today.

MR. JANTZ: I've been asked by the Mennonite Central Committee of Manitoba to speak on their behalf.

MR. JOHANNSON: So this statement then has the support of the Mennonite Central Committee of Manitoba.

MR. JANTZ: That's right.

MR. JOHANNSON: I see. You state in your listing of concerns reasons for concerns about unions, that you're concerned about the adversary philosophy of the union movement. I would agree with you that there is an adversary philosophy. Does your church oppose the present economic system in which we live, the private enterprise system?

MR. JANTZ: It frequently has difficulties with it.

MR. JOHANNSON: But does it oppose the basic concept of the so-called private enterprise or free enterprise?

MR. JANTZ: I would say that's hard to answer precisely in those terms. It very frequently condemns many aspects of the free enterprise system, there is a deep criticism that is constantly taking place.

MR. JOHANNSON: I perhaps haven't lived in this province long enough, I haven't heard that kind of criticism coming out very frequently and I haven't heard it from the Member for La Verendrye who represents a predominantly Mennonite area.

Now the whole concept of free enterprise is an adversary concept and it frequently involves the use of intimidation of all kinds. Do you approve of this or do you disapprove of it?

MR. JANTZ: I would disapprove of that.

MR. JOHANNSON: You disapprove of it?

MR. JANTZ: Yes.

MR. JOHANNSON: You disapprove of the use of intimidation. You disapprove of precisely what in the free enterprise system?

MR. JANTZ: I think where there is manipulation of people through advertising, where there is manipulation of employees through practices which demean people,

(MR. JANTZ cont'd) depersonalize people, a disregard for the dignity of the person, where there's a drive for consumption without regard for the real needs of people or the needs of people in other parts of the world, certainly we are against those things. Those are things that we would criticize. Listen, I don't want to sound pious or hypocritical. I know that you could point to any number of cases, any number of people within our own community who may do those things and yet I think there are also very many people who sincerely believe as Christians within a Mennonite tradition that these things are not right and seek to live a different way.

MR. JOHANNSSON: You've just criticized much of the free enterprise system.

MR. JANTZ: Yes.

MR. JOHANNSSON: I'm rather astounded. Has your organization ever appeared before a Legislative Committee and voiced these criticisms? Because I've never heard them before.

MR. JANTZ: Well, we're expressing them within our community all the time. I'm not aware that there's been a committee which has provided the forum for that kind of an expression, so it may have, and I stand to be corrected on that.

MR. JOHANNSSON: What is the basis of your opposition to these characteristics of both unions and management? What's the basis of the opposition within your community?

MR. JANTZ: To the adversary system?

MR. JOHANNSSON: Yes.

MR. JANTZ: In the first place we might say that Christ has taught us to love our enemies. To say that I have to look at an employer as an enemy or as an adversary simply does not correspond with Christ teaching us how we ought to live with one another. Furthermore, we believe that both employees and employers are accountable to God and that ought to make us partners rather than adversaries. I see no reason why we ought not to work on a partnership concept rather than an adversary concept.

MR. JOHANNSSON: Okay. May I ask you a further question along that line?

MR. JANTZ: Yes.

MR. JOHANNSSON: You talked about living along the lines of partnership rather than along the lines of an adversary system.

MR. JANTZ: Yes.

MR. JOHANNSSON: There is a section in the Bible in Acts which deals with the teachings of the early community of Christians, and this is the basis I gather of the Huttarian Faith, the Hutterite Faith.

MR. JANTZ: Yes.

MR. JOHANNSSON: Acts IV 32 states: "But they had all things common." And this was the fundamental teaching of the early Christians. Has your church accepted this?

MR. JANTZ: We accept it in some places in precisely those terms. In other cases we believe that as a church community we form the kind of community where if someone has a need we will try to meet that need; whether it's through help when someone's sick or if there's a disaster that has struck someone we try to provide that kind of help.

MR. JOHANNSSON: But the early Christians believed far more fundamentally in it than that. You're talking about a kind of charity. They talked about all things common. No private ownership. In fact there's a story of one Ananias and Sapphira, his wife, who were struck dead because they failed to share with the other members of the early Christian community. So there is a very fundamental faith in common ownership among the early Christian community, not a question of charity to those who were poor. Now, you reject this do you as a church?

MR. JANTZ: I'm not sure if you're trying to say that the only interpretation that one can give to the New Testament teachings is that this ought to be practised as you've interpreted here. There seems to be plenty of evidence throughout the Book of Acts and later on that there were communities of Christians in other places who had what you might call private property and still had a community of goods. In other words, they helped one another in their needs and yet had a certain amount of private property.

MR. JOHANNSSON: So you are saying that there are possibilities of finding different interpretations in different areas of the Bible which may conflict one with the other.

MR. JANTZ? Oh, I'm sure.

MR. JOHANNSON: There is also a section in Isaiah which is very famous, "They shall not build and another inhabit, they shall not plant and another eat, for the days of a tree are the days of my people and mine elect shall long enjoy the work of their hands." This would seem to oppose the very basis of the private enterprise system where the worker does not enjoy the fruits of his labour but the employer certainly gets a part or more than a part of his labour. Do you reject that?

MR. JANTZ: I'm not sure of the precise passage that you're citing; I'm not sure that you're citing it in context even. It may be that in that particular situation there was some situation which appeared to give advantage to one group against another. I don't think that that is very helpful really.

MR. JOHANNSON: Okay, just one more question, Mr. Jantz. In your bottom of Page 2 you state that it should not be necessary to make a special provision to allow someone to keep on working if he opposes membership in a union, paying dues to a union with which he is fundamentally opposed, and you say this is a shame to the government and our province. Would you concede, if you want the right of an individual on the basis of individual conscience to reject or to be free of the obligation to join a union or to pay dues to it, would you also concede to the other workers who may work with this individual the right to refuse to work with him if they in their conscience do not find that they want to work with him, that he is doing something which is fundamentally opposed to their individual conscience? Will you give them that right?

MR. JANTZ: Well I can think that if a group of employees felt that strongly about the person who wished to opt out of the union and wished to apply the dues elsewhere, I think they should have that right certainly, and I think the person who really out of genuine conscience takes this position and then suffers this consequence, I think you won't have that person coming back and complaining. I think he'll say that he's willing to accept that kind of penalty.

MR. CHAIRMAN: Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, I pause because I don't have my own scripture here from which I can do an exegesis on, so I'll have to ask questions in fairly prosaic terms. Mr. Jantz, earlier in the day we had a representation from a group of people who objected to the repeal of this Act on the basis that their own religious beliefs didn't allow them to join any kind of secular organization or association whatsoever. So it was a very personal matter, that it didn't matter what the organization or association was they just personally could not involve it because of their beliefs. Now I believe that is not the case with the Mennonite Brethren, that there is no inhibition about joining associations or organizations but you are objecting to this particular class or group of organizations on political, social or economic grounds. Is that a fair statement?

MR. JANTZ: Yes. We have many people who join a wide variety of associations and in many cases, perhaps in most cases without any serious problems. We've increasingly had difficulties with membership in unions against which there is no church regulation in my particular conscience within the Mennonites, but we've increasingly had problems because of the stance that unions have taken, the kind of philosophy which has permeated the whole union movement.

MR. AXWORTHY: So really in effect the objection that you're raising is not one that is necessarily ground in the personal religious beliefs but in the position that the church is taking in relation to certain social and economic developments in this organization or of society as a whole.

MR. JANTZ: No, I should say our churches, the Mennonite Church or its conferences have a very strong predominant theme in terms of a peace position, in terms of trying to implement the practice of love in our working situations, in the various situations in which we find ourselves. But the problem is really a personal problem because the individual has to try to find what is the Christian response within his individual situation, his personal situation. So it still is a personal matter and you won't hear from any of our pulpits, unless I'm mistaken, but I think it would be very few pulpits where one would hear someone saying from the pulpit you shouldn't join a union, you are not to belong to a union. But we'll have teachings saying Christ teaches us to love our enemies, Christ teaches us to work as partners with one another, and then the individual trying

(MR. JANTZ cont'd) to find his way within his work situation and encountering perhaps a very militant union and saying I cannot identify with this kind of practice and then asking for the opportunity to opt out of that association.

MR. AXWORTHY: Mr. Chairman, could I ask Mr. Jantz this though, under the legislation you are not required necessarily to belong to the union but simply to transfer your dues. Now the people who have appeared before us said they considered that to be tantamount to belonging. Now the argument we've heard from the union side is simply that people are getting the benefits in effect of union bargaining and in representation for them in the workplace. Would the kind of position that you're representing object to the question of just being able to opt out of the union? Can they not exercise their sense of indignation or reaction simply by saying I will not be part of that but at the same time be prepared to pay the dues and such because . . . I think one of the union representatives said they pay for services all the time. They pay for school teachers to teach although they may object to education the way it's taught, and so forth.

MR. JANTZ: I think some have perhaps been willing to accept that, others have not been willing to accept it because they felt that to have to pay the dues even though one is not a member is still in a sense, and in a very material, very real sense, being forced to provide support to this organization with which he is quite fundamentally opposed. And I'd like to just respond to that a little further by saying that those who have not been willing to pay dues to a union have still been willing to pay the equivalent of those dues to a charity. In other words it has not been a matter of trying to get this extra money for themselves. So they've been willing and I think if there was a fine that was imposed on those who wouldn't pay dues to the union I think they would be willing to pay the fine. If you had wanted to make it double the dues, I'm sure that they would be willing to pay a fine that was double the dues because they are fundamentally opposed to paying this material support. But I think one should also say that while we're quite content to pay our taxes we feel that this isn't the same as the tax. If the union movement would be willing to allow, at least from our standpoint, if the union movement would be willing to allow the organization of multiplicity of unions which would reflect the varying philosophies or ideologies of workers within that workplace then we'd be quite happy to pay our dues to the union with which we would choose to identify. This is what is happening in some other countries. But here we're imposing a single union on these working people. In our country we at least have the choice of voting for the political party with which we might want to identify, not all of course who are here today would do even that, but we would be quite prepared to vote for the party of our choice, but here we don't have that choice. Here we have one organization which is imposed upon us which often takes a stance with which we cannot identify.

MR. AXWORTHY: Mr. Chairman, we could go off in several directions, but when you say you're concerned about the question of choice, is it not true though that within the union shop you have a choice of electing the kind of union leadership that would represent different points of view, there is theoretically that pluralism within the union movement itself in terms of offering those kind of choices as there is theoretically in government to offer those kind of choices, although the theory never really quite is exemplified in practice?

Well I'll tell you, Mr. Jantz, what my problem is: I have a very strong feeling about trying to protect the rights of individuals who happen to practise a belief that is different or unusual compared to the normal stream, and I believe that in some of the representations that have come before us that position has been held, that they just feel that they cannot belong to any association. In yours I'm having a little more trouble because in effect you're saying you don't want to belong really because you don't like what unions are doing, which is a very different thing. And I think, as the previous lines of questioning point out, there doesn't seem to be the same reaction to business organizations or professional organizations or educational organizations, whichever they may be. And I'm really trying to say: Are you objecting to them really because they are unions, not simply because of what they're doing?

MR. JANTZ: I think the objection is to what they've been doing, the position that they've been taking, the stance that they've been taking, that's largely, I would say, the place where the objection has come. In some cases I should say that the opposition

(MR. JANTZ cont'd) is more general, and there isn't one mind within the Mennonite community certainly, there are some who would be opposed to membership in any union, any kind of association, much like a position that's been presented earlier here today. For others, the concern has been with particular associations which have reflected a stance, attitude, a philosophy, which is very fundamentally different from the kind of stance we feel we as Christians could take, and so the opposition has developed on those grounds.

MR. AXWORTHY: A final question, Mr. Chairman. Do you suggest that really this position was taken because of the recent legal . . . decisions taken in the courts that have provided for some release from payment of union dues? In a practical way, do you see that now becoming a much more widespread occurrence now that there's been a couple of cases won, so that in effect there would be a danger of breaking apart union shops or union units if this became a much more common and frequent occurrence?

MR. JANTZ: Well I really have no idea to what extent that might happen, though in Ontario, where the law has been interpreted much more generously than here in Manitoba, there has only been several hundred perhaps who have exercised that choice. I couldn't see that it could be a tremendous threat, but on the other hand I would think that we would not ask that as the first question. I think we would ask: do we really want to respect the conscience of people? And if there is any basis for believing that a person wants to opt in or out, out of genuine conscience, then we ought to try by all means to respect that, whatever the price might be. And surely for a society as ours, which is already a very favoured society, that ought not to be too high a price to pay.

MR. AXWORTHY: Okay, thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Shafransky.

MR. SHAFRANSKY: Mr. Jantz, you indicated that you are opposed to the amendment which would allow for objectors on matters of conscience to have their union dues be paid into the unions, rather than they should be paid into a charity of their choice. Then you would also favour that any gains that were arrived at as a result of the collective bargaining, that the amounts of money gained by the union in negotiations should also be turned over to a charity, in fact, actually would be that they would be working at the minimum wage as established by the Province of Manitoba?

MR. JANTZ: Well I would say in the first place the person is employed by the employer not by the union, and if the employer chooses to pay him the wage then he ought to accept it. It's not the union that ought to decide. In the second place, I would say that if the union is really concerned about justice, as the unions generally say they are, then they ought not to be that worried about doing something for those who are the disadvantaged in that situation. What we're hearing here all the time is that the unions really are not concerned about others, they're concerned about themselves.

MR. SHAFRANSKY: Well that's not my understanding. I understand unions are formed because the people within a plant are concerned about the working conditions, about the wages, and so on, and they get together to form a union and they elect a body that is going to be leading their affairs, and therefore speak on their behalf to provide those type of services and the type of working conditions and the wages collectively which they could not do themselves individually. Now it would seem to me that if that is the case, that a person who benefits by those people who are working together to try to improve their lot, then those other people who benefit should, if they are objecting to contributing to that union, then those benefits that were derived by the other people, those benefits should be turned over to charity the same as the union dues.

MR. JANTZ: Well I think I would agree with you that if there are benefits which are specifically the result of the activities of the union, or which in some way are tied directly to the union, I think that this person ought to be willing to forego those.

MR. SHAFRANSKY: I don't know of any situation where the benefits were arrived at just simply by the benevolence of the employer. It was simply because of the fact that people got together, employees got together and they asked and got the type of benefit.

MR. JANTZ: I'd like to say this for our working people. I think in most cases one would hear the employer say that they're earning their wage, whatever the wage is that they're being paid. I don't think that most of the people that we would represent would be people who would not be earning what they are being paid.

MR. SHAFRANSKY: I'm not trying to deny anybody.

MR. CHAIRMAN: Any further questions? Hearing none, thank you, Mr. Jantz. Mr. Paulley.

MR. PAULLEY: I'd just like to ask Mr. Jantz one or two questions. I followed with a great deal of interest his exhortation and his description of the Mennonite Church, and reference, of course, on numerous occasions to we Christians this and we Christians that, because we happen to belong to one denomination or the other that has made representation before this Committee this afternoon. I, too, confess, and it may be quite a confession for the Minister of Labour to make, I, too, consider myself, despite some of the enunciations that have come from the podium, I consider myself a Christian and also I consider myself a trade unionist, and I don't think the one debars me from being an adherent of the other. So I felt that just in order that we be on straight and forward ground at the offset of any remarks that I happen to make, that that should be clearly understood. I do not hold myself above anybody else simply because I happen to either be a trade unionist, a Christian, an Anglican, a member of the Plymouth Brethren or the Mennonite Church or any other denomination.

Now as I listened to you, Mr. Jantz, did I gather from your description of the components or the make-up of the Mennonite Church that within that Mennonite Church that there are a number of divisions, that there are a number of differences of opinion between pastors connected with the church. There are some of those who have pastoral charges that have within those charges members, parishioners who are members of trade unions and regularly make their contributions. Also within the whole make-up, as I understand it, there are those segments - to use that term broadly - within the fraternity - to use that term broadly - who disapprove of the association of their membership with trade unions.

I have followed, and I am sure you are aware of it, I followed very very closely the court cases of recent months dealing with interpretations or misinterpretations, take it whichever way you will or whichever way I will, of our present legislation. We've had representations here today by the Plymouth Brethren in good faith asking this committee to leave the present section of the Act as it is because they have protection. We have others who have asked us to change to the present suggested changes in legislation for their protection.

If I also heard you right, Mr. Jantz, I thought you said that within the hierarchy or the higher echelons of your church there is a group that decide on the general approach of your congregation insofar as their attitude towards their participation in a trade union movement or otherwise. This is contingent on the type of make-up or the possibility of the type of election of the Board of Directors of the particular church or section of the church. I gathered that impression from some of the statements that you made before the committee. So --(Interjection)-- Pardon?

MR. JANTZ: I was just going to respond to that last if I might. If I gave the impression that there was a board or some, as you call it, group within the higher echelons of our church which is really a foreign concept to us, I should correct that immediately. There is no such body which is making that kind of decision for the Mennonite Churches.

MR. PAULLEY: Do I take it then, Mr. Jantz, that you are here this afternoon representing all of the different segments or sections of the Mennonite Church in either the Manitoba or the Greater Winnipeg area, some by whom or through your own admission do not discourage and may even go so far as to encourage their parishioners to become and to belong to trade unions in their own interest?

MR. JANTZ: Last fall there was a meeting of the Mennonite Central Committee (Manitoba) to which delegates from virtually all the Mennonite groups in Manitoba came. Within Manitoba there are - I couldn't even say offhand how many groups - there might be half a dozen or eight separate conferences all of whom are entitled to send delegates to this representative meeting. At that meeting there was strong expression of concern precisely on the issues that were raised in this paper today. Mennonite Central Committee as an organization was given a mandate at that time to make this issue a special matter of concern and to make representations where necessary or to help people who might have problems where necessary.

MR. PAULLEY: But was there any general consensus by any appreciable majority at the conference of eight that you make reference to as to what direction . . .

MR. JANTZ: Yes, there was.

MR. PAULLEY: You say, Mr. Jantz, that there was. Could you give any general indication insofar as the number of persons in the total picture that were inclined to - just to use the phrase - non-unionism as to that of being favourably inclined to band themselves together to extract - to use the term mildly - more from their employer than they were receiving as the result of the gratuitous, beneficial approach of their employers?

MR. JANTZ: Well I couldn't give precise figures. The delegate meetings of Mennonite Central Committee (Manitoba) which are held once a year generally draw an attendance of perhaps 400, 500 people and this decision at that meeting reflected the overwhelming majority if not virtually unanimous votes within that body. So that there was a very strong expression of concern at that meeting and that would be the best indicator that we would have of the strength of this kind of a statement.

MR. PAULLEY: How many was that again, Mr. Jantz?

MR. JANTZ: I would say there could have been 400, 500 people who came as delegates. Each church is entitled to send a certain number of delegates based on the membership of that church.

MR. PAULLEY: Could you give me any idea of what the total number of adherents to the denomination may be?

MR. JANTZ: Approximately 25,000.

MR. PAULLEY: About 25,000 Mennonites of which there are eight different groups?

MR. JANTZ: Eight groups.

MR. PAULLEY: So we have 25,000, eight conferences, there would be about 3,000 in each.

MR. JANTZ: No, they vary considerably in size.

MR. PAULLEY: Well we take averages. So there is no real united concentration in opposition to unionism?

MR. JANTZ: Well I would have to say you are quite correct, there is no united stand in opposition to unionism because we don't take that position. In fact many of us would say, and I've argued in the past too, it would be good to have a union or an association in a certain particular workplace and I favour that principle. I do not favour, and I think this is what many of our fellow church people would say, we do not favour the kind of philosophy which now pervades many unions, the kind of tactics which are employed by them. They go counter to the position that we would like to take. They very fundamentally contradict the stance that we believe a Christian ought to reflect.

MR. PAULLEY: Have you any idea, Mr. Jantz, or could you impart any knowledge of how the area favourability one way or the other goes regionally in the province.

MR. JANTZ: No I couldn't speak to that.

MR. PAULLEY: Do you know of anybody that might have a breakdown of the strength regionally of the different approaches that different adherents may make insofar as favourability or otherwise to the union movement?

MR. JANTZ: I don't think that that kind of study has been made. My personal feeling would be that one would find a similar concern in most parts of the province.

MR. PAULLEY: Okay.

MR. CHAIRMAN: Any further questions? Mr. Johannson.

MR. JOHANNSON: Mr. Chairman, I just have a couple of brief questions. Mr. Jantz, I believe you stated that you were in favour of the idea of an opportunity for a group who are strong Christians to be able to form their own Christian union?

MR. JANTZ: Yes, I personally would speak in favour of that. I think, again within our Mennonite churches there would be those who would take a position against any kind of an association, there would be others who would say if we could have a Christian Workers Association or a Christian labour union, if you like, we would support that.

MR. JOHANNSON: In Quebec there is a Confederation of Catholic Trade Unions. I assume then that you are in favour of this kind of organization?

MR. JANTZ: I'm not sure that I could support that particular union because the stance that it has adopted, the philosophy which it seems to reflect doesn't seem to be very different from the philosophy of the other unions.

MR. JOHANNSSON: But this is a specifically religious trade union organization and I think it is very fair to say that the Manitoba labour movement compared to that labour movement is extremely moderate. In fact you could even call them milksops compared to the CCTU.

MR. JANTZ: They need to be Christianized.

MR. JOHANNSSON: One final question. You make very many criticisms of the labour movement in this paper and you say that your church has made similar criticisms or has made criticisms of the private enterprise system. Would you kindly give me the documents in which they have made these criticisms?

MR. JANTZ: Well that kind of criticism is taking place within our publications all the time.

MR. JOHANNSSON: Well I would like to have some copies please. I would like to see the public documents that make these criticisms.

MR. JANTZ: Okay.

MR. CHAIRMAN: Mr. Banman.

MR. BANMAN: Thank you, Mr. Chairman. Through you to Mr. Jantz. I think the main line of questioning has been around as far as the personal religious beliefs in the section that is presently before us, that's the section that we want to delete. I would just like to ask you several questions with regards to maybe something that we can liken to this situation and maybe explain a little further. The Mennonite Church as such does not teach against unions but is rather reliant on the personal conscience of the individual. I would want to say that before the Mennonites came to Canada, and in fact even in the early 1800s in Russia, was it not a fact that we received concessions from the Canadian Government that we would not have to go to war, in other words that we were conscientious objectors?

MR. JANTZ: Well that sort of privilege or right was extended in relation to non-resistance or involvement in the military.

MR. BANMAN: Is it not a fact that during the Second World War that people who wanted to be conscientious objectors were not so declared just by being Mennonites, in other words they had to appear before a judge and provide the judge with satisfactory explanations as to their beliefs and their faith, and that in fact some of the Mennonite people did actually go to war?

MR. JANTZ: Yes, there were those who went to war or accepted service in the medical corps and then those who refused to be involved in any way such as that and went into forestry service.

MR. BANMAN: So the point you basically made here today is that there are some people who could, as mentioned by other people, could join unions whereas others by their personal belief could not?

MR. JANTZ: That's right.

MR. CHAIRMAN: Any further questions? Hearing none, thank you Mr. Jantz.

MR. JANTZ: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Rod Habkirk on Bill 83.

MR. GREEN: Mr. Chairman, just before the next evidence is called I am going to suggest that we close at about 5:30, that we then meet again on Monday morning, afternoon and evening as soon as we are free in the House. I say that because there are a considerable number of people who probably will not be heard today. It's now a quarter to five, I think that the Honourable Chairman should read the list so that people judge for themselves whether they are going to stay or come back on Monday because they are not going to get heard at 5:30 today.

I see Mr. Nerbas has the . . .

MR. NERBAS: . . . there could be some direction on the amendments to the Workers Compensation Act. If that was to be put over to Monday, those appearing on that bill could come back on Monday.

MR. GREEN: That may be the practical effect of it, Mr. Nerbas. I was going to ask the Chairman to read the list and everybody who sort of judges that they are not going to get on before 5:30 can leave.

MR. CHAIRMAN: Mr. Dillen.

MR. DILLEN: Mr. Chairman, I know that some members who are here to speak on Bill 16 are people who are fortunate that today is Saturday and they are not working and they will be working on Monday therefore will not have the opportunity to make representation on Bill 16. I was wondering if we could make some concession to hearing those members who are required to work on Monday with regard to Bill 16.

MR. GREEN: . . . to hear them now.

MR. DILLEN: Yes.

MR. GREEN: There are people who have to work on Monday who are on the other bills as well.

MR. CHAIRMAN: Mr. Coulter.

MR. COULTER: Mr. Chairman, if I may, I know I am going to be some time and I just spoke to Mr. Habkirk who is next and I think I follow him. We're prepared to step aside and let others that will not be able to be here on Monday have the time today if it will help the proceedings.

MR. CHAIRMAN: I have three more people other than Mr. Coulter who wish to make representation on Bill 57. Now I have 18 people for Bill 16. I'll call the names out and if you can make it here Monday I would ask you not to signify that you want to speak now.

Mr. John Huta, could you make it Monday?

MR. JOHN HUTA: I'll be able to make it Monday myself but this gentleman here is all the way from Grandview and he made a special trip and we would appreciate if he could be heard because he has to catch the bus at six o'clock or he has to stay overnight till nine o'clock tomorrow morning. His name is Mike Mushumanski from Grandview, Manitoba.

MR. CHAIRMAN: Well there may be others. We heard Mr. Mushumanski the last time we met.

MR. GREEN: We have his transcript, we could look at that. Is he going to repeat what he told us before? Is it still the same grievance?

MR. HUTA: No, it pertains to specific sections of Bill 16.

MR. CHAIRMAN: Fine, okay. I would just call out these names. Mr. Nerbas has said that he is not going to appear right now. Mr. Coulter, Mr. Edmund Case, could you come back Monday? Mrs. Ross.

MR. HUTA: Well she didn't know, she left her husband who is an invalid in bed and she had to rush back home.

MR. CHAIRMAN: But she's not here now?

MR. HUTA: She's not here now but I'll try and get hold of her for Monday.

MR. CHAIRMAN: Mr. Hudak - not here. Mr. Walter Jackson - not here. Well then Mr. Mushumanski is next. Mr. Mushumanski. --(Interjection)-- You're from out of town, too. You'll be next. You can proceed Mr. Mushumanski.

MR. MIKE MUSHUMANSKI: Mr. Chairman, gentlemen of the board and the Honourable Mr. Paulley. I am going to make it very brief since I've had my opportunity on the 1st of March to read my grievance. I would like to only bring to the attention a specific section regarding the Workers Compensation Board. The section is 24, subsection (1) regarding medical aid which is made by the board and is strictly supervised by the board. In my brief I stated that I had medical proof that I should have medical treatment outside the province. This was medical requests by my doctors which was denied. I'm certainly hoping that it is now going to be possible to convince the government that the Workers Compensation Board should not be the sole judiciary as to whether or not an injured workman should receive medical attention.

The second one is Section 51, subsection (1). I am certainly hoping that the general jurisdiction can be changed to permit an injured worker, who after going through all the Compensation Board review panels and made his appeals and who is still unsatisfied, be given the right to take his grievance before Her Majesty's Courts. Any appeals that are made to the Compensation Board are always heard by the same people and this I am sure is not the constitutional rights of a Canadian citizen.

So it is these two specific sections that I am asking that they be reconsidered and amended to give the injured worker more opportunity to receive medical treatment as

(MR. MUSHUMANSKI cont'd) well as appeal his case to someone other than the members of the Workers Compensation Board.

MR. CHAIRMAN: Thank you, Mr. Mushumanski. There may be some questions. Mr. Dillen.

MR. DILLEN: What I understand you are saying, sir, is that injured workers at the present time for whatever reasons - of course they don't become injured by choice -

MR. MUSHUMANSKI: Certainly not.

MR. DILLEN: . . . are somehow not getting a proper hearing before the board to the satisfaction of the injured workman and that there is no appeal process beyond those people who made the original decision in the first place?

MR. MUSHUMANSKI: You're absolutely right.

MR. DILLEN: I don't know what the process of law is but even in the case of the Anti-Inflation Board in Canada there is still a provision for an appeal process directly to the Cabinet. There is no such appeal process beyond those members who made the original decision in the Province of Manitoba at the present time.

MR. MUSHUMANSKI: No there isn't.

MR. DILLEN: Now I want to know if you are familiar with workers compensation or accident compensation as it applies in New Zealand. Are you familiar at all with that?

MR. MUSHUMANSKI: No I am not.

MR. DILLEN: Well there is an appeal process that is in effect in New Zealand at the present time and has been that way for a number of years and there have only been two appeals to the appeal process since it was implemented. One of them has been heard, the other is in the process of being heard at the present time. Are you suggesting that we should have a similar appeal process in Manitoba?

MR. MUSHUMANSKI: Absolutely. One must have the right to appeal beyond the Workers Compensation Board who make the original decision. To refuse the man a right to appeal to a higher body is unconstitutional.

MR. DILLEN: Including the Legislature if necessary.

MR. MUSHUMANSKI: Right.

MR. CHAIRMAN: Any further questions? Hearing none, thank you Mr. Mushumanski.

Next we have Mr. Lorne Atkinson. You're from the Manitoba Farm Workers Association?

MR. ATKINSON: That's right.

MR. CHAIRMAN: I have your brief, we'll have it distributed, I have a copy of it here.

BILL 16 - THE WORKERS COMPENSATION ACT

MR. LORNE ATKINSON: Good afternoon, Mr. Chairman, honourable members, Mr. Paulley. In the name of the Manitoba Farm Workers Association I would like to speak to Bill 16, an Act to amend The Workers Compensation Act. We, the farm workers of Manitoba have laboured in the fields, sown and harvested the crops; we have assisted in providing food for people in our cities and in our province but we have not had sufficient food and legislative protection for ourselves.

Industrial workers have organized, have joined together and have grown strong. We have been isolated, scattered and hindered from uniting our forces.

We are the inheritors of constant economic exploitation, social injustice and suffering. Despite our isolation, our sufferings, our social and economic oppression, we remain filled with a desire to build our association as a means to prevent future exploitation.

We believe in the dignity of tilling the soil and tending the crops. We reject the notion that farm labour is but a step along the way to a job in the factory and life in the city. We believe that Mother Earth is our source of life, dignity, respect, pride and honour.

We pledge to treat all people as equals, to respect their rights and uphold their dignity. We are asking the same of you as legislators in this province vis-a-vis our plight. We wish to take our rightful place in Manitoba and we need your support to ensure our rights are protected by legislation.

(MR. ATKINSON cont'd)

We have come here in support of amendment Number 11 of Bill 16 which would give us the protection of workers compensation.

It has been shown through studies carried out by the Royal College of Physicians and surgeons of Canada that of all job-related accidents 50 percent involve farms and machinery used in agriculture despite the fact that only 7 percent of the population of this country works on the farm. Dr. R. M. Letts, Chief of Orthopedics at Winnipeg's Children Centre said in a press statement in late January of this year that the rate of accidents and fatal accidents on the job for farming people is far too high. Yet up to this time we have not had the right to the protection given to almost all other Manitoba residents.

The existence of worker compensation for farm workers is vital to increasing the attractiveness of farm work and establishing a more positive image for the agricultural industry.

The existence of workers compensation will give us a security we have never before had. Because our wages are low, we do not have the opportunity to save money for the times in which we are unable to work due to unforeseen circumstances. One accident is enough to deplete the meagre financial savings of any one of us.

Workers compensation should provide us with accident protection from the day we start work. And I would like to enlarge on that point particularly because we have another brief that we . . . on to today where the Manitoba Farm Bureau is going to be asking you gentlemen to make that dependent upon the worker earning \$1,000 or 25 days of labour and he will have to do that every year. At the low wages that's eight weeks of work and half the family could be killed by that time. So if at all possible I'd urge you to overlook that recommendation. We think it should be from Day One, from the time they start.

A concern which the Manitoba Farm Workers Association shares with the growers is the high cost of compensation. We are aware that the rates for the employer are determined by the costs of the insurance protection. To this we would like to say that the Manitoba Farm Workers Association in conjunction with growers is attempting to organize training courses for the workers in the hope of reducing accidents on the job and thereby lowering the costs to the employer.

The passing of legislation to protect us in the fields will be the first step that legislators in the history of this province have taken towards ensuring the farm worker is protected by the laws which protect all other people in this country. It will help to establish a uniform system in the agricultural industry. It will begin to speak to the need for a comprehensive solution to the farm labour problem all growers face. It will begin to make the job of the farm worker an attractive way of life.

Rest assured honourable gentlemen that the expediency of your decision is highly required as many of us are exposed at this very moment to the common dangers of farm work.

We thank you for this opportunity you have so kindly allowed. I convey to you on behalf of the members of the Manitoba Farm Workers Association our kindest regards.

MR. CHAIRMAN: Thank you, Mr. Atkinson. There may be questions some members may have. Mr. Paulley.

MR. PAULLEY: Well I have one, Mr. Chairman, if I may. I do want to say that we appreciate receiving a brief of this nature. But just so that there is no misunderstanding, and I don't think that there is basically, there is the provision in the Workers Compensation Act that this coverage will come in on proclamation. We are in the process at the present time of arriving at the assessment basis. I would suggest to you you can disregard the basis - as far as I am personally concerned, I'm only one member in the Assembly - but disregard the reference that you've made to - what was it, \$1,000 income or \$3,000 income or the likes of that, for the farm worker. To do so would be different than any coverage under workers compensation we have at the present time. If a person is covered under workers compensation it doesn't matter whether he or she works and receives a dollar or \$100,000. If they are covered under that particular clause in workers compensation they are entitled to receive compensation for an accident. You referred to a brief from the Farm Labourers Association which I haven't seen, I

(MR. PAULLEY cont'd) don't know if it's distributed this afternoon or whether it's to come to us yet, but most assuredly I will be seeing it in my office, but I do want to say, Mr. Chairman, I appreciate the manner in which this brief has been presented to us and on the passing of the bill it will be the intention of - I can assure you of this because they happen to be under my wing - that the Workers Compensation Board which has already started an assessment of the application to the farm workers which will be increased.

MR. ATKINSON: Some of the growers in the area already have their own compensation program set up now.

MR. PAULLEY: That's right. They have it because at the present time then can have it voluntary. It is our intention through this Act to have Workers Compensation covered on a universal basis to farm workers.

MR. ATKINSON: Okay. I think at this time I'd also like to offer the services of the Manitoba Farm Workers group in Portage if you need any help to give you some ideas on what the working system is around the farming area.

MR. PAULLEY: I might say, and I'm not preaching for a song or anything like that, it will be my intention as conveniently as possible to have representations of your association and your work force in to have some consultation as to how we can make this thing work.

MR. ATKINSON: Okay.

MR. CHAIRMAN: Mr. Johannson.

MR. JOHANNSON: Mr. Atkinson.

MR. ATKINSON: Yes.

MR. JOHANNSON: Yes, Mr. Atkinson, you are just in the process of going through the early stages of unionization aren't you, your organization?

MR. ATKINSON: Not really. We're in the early process, well quite along in the process, we started early this spring I guess in January, February some time, of forming a Workers Association. Now we haven't gone the union route, this will have to be the members' decision whether they're going to become unionized or not at a later date.

MR. JOHANNSON: But you're adopting the methods or the principles basically of the trade union movement?

MR. ATKINSON: I don't think we're even doing that too much. You know, it's just a lot of people had concerns about the lack of decent working conditions and the lack of decent wages from some employers, not all, there are some good guys there and like one fellow said earlier on in the day that only the bad guys have to worry about it, because they're the ones that are skimming people off. We've had quite a number of complaints from people that said, you know this happened to me and this didn't happen and I couldn't get this, I couldn't get that. At the time I was involved with the Manitoba Metis Federation I met Mr. Green and several others here dealing with this when I was with that organization and a lot of people in the area are native ancestry, Indian, Metis, whatever, some of them are white, and they asked us for assistance to try and put an organization together to try and get some of the benefits that everybody in the area wanted as workers.

MR. JOHANNSON: But basically you are organizing as a group, or collectively, to better conditions for all of you?

MR. ATKINSON: To better conditions. For better working conditions, better wages, better housing . . .

MR. JOHANNSON: Now a previous speaker, Mr. Jantz, said some very nasty things about the trade union movement which I thought might deter you from venturing into this area. He implied that one should . . .

MR. ATKINSON: Unfortunately I didn't bring my Bible today because it's not Sunday for me.

MR. JOHANNSON: . . . that Christ taught us the way of reconciliation and love and he taught us that both employers and employees are answerable to the same Lord and therefore ought to look at one another as partners rather than as adversaries. Have the employers who have employed the farm workers generally had this kind of attitude towards the . . .

MR. ATKINSON: Well, the odd fellow will drive up to church on Sunday in a Cadillac and these workers can't afford to walk to town. Does that answer your question?

MR. JOHANNSON: So you have thought that it might be wiser for you to combine collectively in order to improve your welfare rather than to rely upon the Christian beliefs of your employers?

MR. ATKINSON: Definitely. No question.

MR. JOHANNSON: Okay. One short question. You point out on the second page the fourth paragraph, because our wages are low we do not have the opportunity to save money for the times in which we are unable to work due to unforeseen circumstances, and that an accident may deplete your savings. Has it been the practice of employers if you are hurt to look after you or to look after a worker who is hurt?

MR. ATKINSON: No way.

MR. JOHANNSON: In other words the individual either has to look after himself or society, the government must provide the support that that individual incurs while working on some farmer's farm?

MR. ATKINSON: In some cases it's basically slave labour. Like if you come from 200 or 300 miles north down to Portage to work, if you're working for the wrong guy and it comes a rainy season you can't get out to go home because you don't have the money, so you're stuck there. The worker has no money, he's broke, he's flat, you know. He's run up a bill at the store. A lot of these workers come down with absolutely no money whatsoever. That's the kind of situation it is. There's no Christians, sir.

MR. JOHANNSON: Okay, thank you.

MR. CHAIRMAN: Thank you. Mr. Sherman.

MR. ATKINSON: Thank you.

MR. CHAIRMAN: Just a moment, Mr. Atkinson, Mr. Sherman has a question or two.

MR. SHERMAN: Mr. Chairman, through you to Mr. Atkinson. It's not so much a question as a comment. I do have some questions on the subject but they relate to the administrative aspects of it and they would be better directed to the Minister than to you, Mr. Atkinson.

I just wanted to say that what we're talking about here is the protection of the farm workers and notwithstanding Mr. Johannson's interest in other aspects of the question, essentially that's what Bill 16 is concerned with, protection of the workers, and I just want to say for the record that our group indicated in the House when the bill was introduced that there's certainly some aspects of difficulty where the establishment of the machinery and the administration is involved and the Minister assured me at that time that he was meeting with representatives of all sides of the agricultural community to explore those difficulties, but that certainly the Progressive Conservative Party favours the broadening of Workers Compensation benefits to include the group that you represent.

I know that you appreciate better than most that because of the particular nature of the industry you're in and the seasonal aspects and other ingredients of that type, that it's complicated to work out the final machinery necessary. The Minister has assured me that he was meeting with representatives to do that and we certainly follow his progress in that area with enthusiasm. So there are some technical questions that would have to be resolved, but I shall reserve those for the Minister and I would like to compliment you on your brief.

MR. ATKINSON: Thank you very much.

MR. CHAIRMAN: Thank you, Mr. Atkinson. Thank you gentlemen. Mrs. Reid.

MRS. REID: Mr. Chairman, Honourable Mr. Paulley, members of the board, I'm Mrs. Irene Reid representing Mr. Steve Melnyk.

MR. CHAIRMAN: Pardon?

MRS. REID: You can't hear me?

MR. CHAIRMAN: Yes.

MR. PAULLEY: Just a minute, Mr. Chairman. The lady mentioned she is representing Mr. Steve Melnyk?

MRS. REID: Yes, he's unable to do so himself, Sir.

MR. PAULLEY: Mr. Steve Melnyk has been here, unless there's another Steve Melnyk.

MRS. REID: There are two Steve Melnyks, Sir.

MR. PAULLEY: Oh. This is not the Steve Melnyk that's connected with the Workers Compensation Board that you're talking about, it's a different one? --(Interjection)-- Oh, I see. He is here. Okay. Fine, thanks. Because I went out to lunch with Mr. Melnyk and I . . .

MR. CHAIRMAN: Would you proceed, Mrs. Reid.

MRS. REID: Mr. Chairman, Honourable Mr. Paulley, members of the board, I would like to represent Mr. Steve Melnyk. Mr. Melnyk - do you wish to have his claim number? The claim number is 613963DX.

MR. CHAIRMAN: Order please. I don't know if you were here this morning when I ruled that we are here to hear representations on the briefs to the bill.

MRS. REID: Oh, I see.

MR. CHAIRMAN: So if you could make your brief pertaining to the bill.

MRS. REID: Well, I'm not prepared then, I've not received the bill and I was just asked to read this claim out and to ask for appeal on behalf of him.

MR. CHAIRMAN: I'm sorry, but you see the predicament that we are in. I'm the Chairman of this committee and we're charged by the House, we are a creature of the House. I think the House has referred us certain bills and we are here to hear briefs on those bills, otherwise I would be derelict in my duties as Chairman to presume that I can do something, in fact I probably would be censured in the House for doing so.

MR. GREEN: Mr. Chairman, I think that there's no question of that. I think the young lady, the last thing she said is that she has a claim and she would want some site of appeal. So I think that if you assure her that the committee has heard that there are people who feel that there should be an appeal provision in the bill and if that is the strength of her position, then she has made it.

MRS. REID: Yes, then I'd be finished.

MR. PAULLEY: May I add to that just aside from the record. In addition to what Mr. Green has said that if it is an appeal that hasn't been heard or paid attention to by anybody, the Executive Assistant, Mr. Arthur Wright, in my office would be more than pleased to hear of your appeal if you haven't been there before . . . Okay?

MRS. REID: The case has been lacking for a little while.

MR. PAULLEY: Yes, well, Mr. Wright acts as the spokesman for people with complaints and if he can help out then it certainly is done.

MRS. REID: Thank you, Sir. Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you. Mrs. N. Galevich. Mrs. Kutryk. Mrs. O. Neufeld. Mr. Frederick Bennett. Lloyd Preston. Harry Zasitko. Mr. C. McGregor.

MR. MCGREGOR: I don't know how to start this. Mr. Chairman, gentlemen, my name is Paul McGregor. I got hurt in 1967 on the railroad. I was off approximately for six weeks. The doctor said go back to work. I worked about two months and I was . . .

MR. GREEN: Mr. Chairman, I really think that you have to be fair to all of the people in the usual way. If Mr. McGregor is talking about his personal problems with the Workers Compensation Board then it has been indicated that that is not being dealt with by the committee. If you have some suggestions that even as a result of your personal experience that you want to make to The Workers Compensation Board Act, I gather that the committee will hear them. If that is what he intends to do . . .

MR. CHAIRMAN: . . . appeal measures or something like that, Mr. McGregor, the committee can hear that.

MR. MCGREGOR: I'll make a short brief because I think Mr. Green will know me when I talk to him.

MR. GREEN: That doesn't make any difference, that doesn't give you a better position.

MR. MCGREGOR: Well, wait a minute, Mr. Jenkins knows my case too, because I was with this a long time ago with him. All right. I was off for three months and I received compensation. I stated to the CPR for my sick benefit, I felt it was a compensation case and they refused me money. Right now I don't go anywhere, I don't get any money.

MR. CHAIRMAN: You feel that there should be an appeal mechanism?

MR. MCGREGOR: Yes. Then I contacted Mr. Orlikow, he referred me to Mr. Green, Mr. Green referred me to a Dr. Guttman, Dr. Guttman went before the Board and they all claimed I had a serious whiplash and the Board refused my claim.

MR. GREEN: That shows you, Mr. Chairman, that I lost some cases and the Board . . .

MR. MCGREGOR: Another year or so later I got hit on the back with a flat car. I was off approximately three months but Dr. Guttman was on holidays and I just went to a chiropractor. The Compensation Board called me in, talked to me, "touch your nose, stand on one leg, go back to work." I said I'm not able, I'm not proper. "Go back." So you've got to eat so I asked for a light duty. "There are no light duties for you. Pick up your lamp if you can't use it, it's too bad for you." By pulling pins it irritated my neck and I done nothing but quarrel with foremen. I tried to pull them and if it was too hard I'd let it go by, the foreman would flip it up, there was a quarrel on. The result is now I'm barred off a few jobs. I was hurt again and they're going to - well it was that I'd be off for always getting injured and it's nothing but a quarrel and I have to book off lots of days and lose time from work and I've never been compensated for it. So that's all I got to say.

MR. CHAIRMAN: Thank you, Mr. McGregor. That's all the people that I have.

MR. GREEN: Mr. Chairman, if somebody is here who wasn't here . . .

MR. CHAIRMAN: I'll go through the names again.

MR. GREEN: Mr. Chairman, I don't think that's necessary. If there's anybody here who was out of town who won't be able to be here on Monday . . .

MR. CHAIRMAN: Is there anyone here who won't be able to be here Monday?

--(Interjection)--

MR. GREEN: Did you want to speak here or did this lady speak for you already? --(Interjection)--

MR. PAULLEY: The lady spoke for . . .

MR. GREEN: Mrs. Reid spoke for him, that's right.

MR. PAULLEY: Okay. Then we meet following . . .

MR. GREEN: . . . and we meet, Mr. Chairman, as soon as we can on Monday after we get out of the House, morning, afternoon and evening if necessary.

MR. CHAIRMAN: Fine. Committee rise. Committee rise.