



Second Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE
on
PRIVILEGES
and
ELECTIONS

31-32 Elizabeth II

Chairman
Mr. Peter Fox
Constituency of Concordia



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
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DOLIN, Hon. Mary Beth	Kildonan	NDP
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DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
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GRAHAM, Harry	Virde	PC
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
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HEMPHILL, Hon. Maureen	Logan	NDP
HYDE, Lloyd	Portage la Prairie	PC
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KOSTYRA, Hon. Eugene	Seven Oaks	NDP
KOVNATS, Abe	Niakwa	PC
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LYON, Q.C., Hon. Sterling	Charleswood	PC
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McKENZIE, J. Wally	Roblin-Russell	PC
MERCIER, Q.C., G.W.J. (Gerry)	St. Norbert	PC
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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Thursday, 8 September, 1983

TIME — 7:30 p.m.

LOCATION — Winnipeg

CHAIRMAN — Mr. Peter Fox, Concordia.

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Mackling, Storie.

Mr. Brown; Mrs. Dodick; Messrs. Eyler, Fox, Graham, Malinowski, Santos, Sherman

WITNESSES: Mr. Olivier Beaudette, Conseil de la coopérative du Manitoba

Mr. Michel Roy, Conseil Jeunesse provinciale

Mr. Maurice Laberge, Private Citizen

Mr. Gary Doer, Manitoba Government Employees Association

MATTERS UNDER DISCUSSION:

Proposed Resolution to amend Section 23 of The Manitoba Act.

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MR. CHAIRMAN: The committee will come to order. I have a couple of resignations to announce and replacements, Mr. Kostyra and Ms. Hemphill are resigning, the replacements are Mr. Santos and Mrs. Dodick. Is it agreed by the committee that they be replaced? (Agreed). Thank you.

Our first presentation this evening is M. Olivier Beaudette, Conseil de la Coopération du Manitoba.

M. O. BEAUDETTE: Mr. Chairman, members of the Committee. You are distributed three documents. The first one is the french version of the brief, second one is the english version and the third document is the additional information pertaining to our organization.

Mr. Chairman, if I may, I wish to present my brief in French.

Monsieur le président, membres du comité,

Le Conseil de la coopération du Manitoba représente l'ensemble du mouvement des caisses populaires et des coopératives francophones de la province et regroupe de ce fait plus de 35 000 sociétaires.

Le CCM est membre actif du Conseil canadien de la coopération et travaille de concert avec le Co-op Union of Canada. Le CCM oeuvre depuis 1946 à promouvoir le français par le truchement des caisses populaires et des coopératives et l'engagement du gouvernement envers les francophones nous laisse entrevoir une plus étroite collaboration entre la province et les 35 000 sociétaires ou coopérateurs que notre conseil représente.

Nos sociétaires comptent sur des services en français et ils les utilisent au maximum lorsqu'ils sont disponibles. L'élargissement des services français promis par le gouvernement est donc une réponse aux aspirations de nos sociétaires.

Le CCM est donc fier d'un gouvernement qui n'a pas hésité à reconnaître les droits des francophones inscrits dans notre constitution de 1870. Mesdames et Messieurs, membres du comité, nous nous réjouissons que le gouvernement ait choisi de garantir des services en français tant dans les ministères que dans les zones désignées bilingues au lieu de se contenter de la simple traduction des lois. Ce choix est aussi celui de 35 000 sociétaires que le conseil de la coopération représente ici. Pour bien marquer la solidarité de la communauté francophone dans la province, le CCM veut, par le mémoire que nous vous présentons aujourd'hui, appuyer les revendications de la Société Franco-Manitobaine. La SFM est bien l'organisme qui parle en notre nom dans le dossier concernant l'article 23 de l'Acte du Manitoba et la résolution telle qu'introduite en législature, le 4 juillet 1983, par le procureur général.

Mesdames et Messieurs, au nom de toutes les caisses populaires et des coopératives francophones de la province qui regroupent plus de 35 000 membres, nous soutenons le gouvernement de la province dans son passage rapide de cette résolution et nous nous rellions à la Société Franco-Manitobaine qui a négocié pour tous les franco-manitobains et l'ensemble des manitobains en général.

Merci d'avoir donné au CCM l'occasion de vous présenter ce mémoire.

MR. CHAIRMAN: Thank you, M. Beaudette. Are there any questions? Are there any questions of M. Beaudette's? Mr. Lecuyer.

MR. G. LECUYER: M. Beaudette, diriez-vous que jusqu'à aujourd'hui le Conseil de la coopération, et en particulier le mouvement des caisses populaires du Manitoba, a été servi à votre satisfaction en terme de services en français dans le domaine des services gouvernementaux?

MR. CHAIRMAN: M. Beaudette.

MR. O. BEAUDETTE: Pour répondre à cette question, M. le président, je dois dire que la situation s'améliore de jour en jour, mais qu'elle n'est pas encore ce que nous voulons. C'est-à-dire, qu'il y a encore la traduction de la l'Acte des caisses populaires qui n'est pas encore faite ou traduite en français et de l'autre côté, nous pouvons dire à ce moment que certains services sont disponibles au gouvernement en français . . . donc ça s'améliore.

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: M. Beaudette, on a souvent dit dans le passé que les services en français étaient quand

même à-côté pas tellement nécessaire puisque la demande n'était pas là. On ne demandait pas pour les services. Diriez-vous qu'en réalité c'est un cercle vicieux? La demande n'est pas là parce qu'on sait bien que les services n'y sont pas. Et les services n'y étant pas, la demande ne vient pas.

MR. CHAIRMAN: M. Beaudette.

MR. O. BEAUDETTE: M. le président, pour répondre à M. Lecuyer, le cercle vicieux je crois qu'il existait, mais il est sûr que les caisses populaires et les coopératives francophones veulent davantage ce service que nous commençons à obtenir du gouvernement. C'est sûr qu'il y avait là un cercle vicieux.

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: Je crois avoir bien compris lorsque que vous faisiez la lecture de votre bref que vous reconnaissez ou vous avez dit je crois bien que dans toute cette question, le mouvement de la coopération reconnaissait que la SFM, dans cette question, parlait aussi au nom des 35 000 sociétaires de votre mouvement. N'est-il pas vrai?

MR. CHAIRMAN: Mr. Beaudette.

MR. O. BEAUDETTE: M. le président, pour ce qui a après à l'article 23 je suis complètement d'accord avec M. Lecuyer. C'est bien la SFM qui nous représente tel que négocié au début de mai, ou en mai dernier avec le gouvernement.

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: M. le président, je voudrais tout simplement remercier M. Beaudette et son organisme pour nous avoir présenté un bref, bref et complet. Merci.

MR. CHAIRMAN: Is there any further questions for Mr. Beaudette. I thank you Mr. Beaudette for your representation on behalf of your association.

MR. O. BEAUDETTE: Thank you Mr. Chairman.

MR. CHAIRMAN: Our next representative is Michel Roy.

MR. M. ROY: Bonsoir. My presentation will be in French and I will be willing to answer questions in English after the presentation if you wish.

Membres de l'Assemblée législative, Monsieur le président.

Le Conseil Jeunesse Provincial est un organisme qui travaille auprès des jeunes franco-manitobains entre les âges de quinze à vingt-cinq ans. A titre de président du conseil, je vous adresse la parole au nom d'environ 3 000 francophones qui sont au seuil de leur vie adulte et qui se préparent à contribuer au plus grand bien de leur communauté, de leur province et de leur pays. Le Conseil Jeunesse reconnaît la Société Franco-Manitobaine comme notre porte-parole officiel. Nous avons suivi les négociations et nous avons été consulté fréquemment. Nous reconnaissons l'entente du 17 mai

comme un compromis juste et équitable. Il semblerait que l'opposition à cet amendement à la Constitution du Manitoba est myopique. Si le comité s'attarde simplement au récent phénomène des écoles françaises et des écoles d'immersion dans cette province, nous y trouvons un indice de l'ouverture de la population, surtout de la jeunesse, de s'acquitter d'une richesse naturelle propre à notre pays. Donner cette orientation, il semblerait logique que cette nouvelle génération puisse vivre et pratiquer cette connaissance dans leur vie quotidienne. J'ai toujours supposé que le système préparait pour l'avenir. Si les amendements à l'Article 23 sont niés ou dilués, il semblerait que cet aspect du système scolaire soit un exercice en futilité.

Il faut donc utilisé et pratiqué cette richesse. Nous devons faire de l'intérêt sur l'investissement. Un des argument contre l'amendement de l'Article 23 est le coût des services. Nous reconnaissons cette réalité. Mais les coûts sembleraient très peu élevés quand nous considérons les profits qui sortiraient d'une telle politique. Un des prix que nous payons pour être Canadien est le bilinguisme. Ceci fait partie de notre histoire et de nos vies, comme nos hivers froids, nos ressources naturelles et l'étendu de notre géographie. Nous sommes prêts à investir de l'argent pour se protéger contre les froids, pour développer nos ressources naturelles et pour relier les divers régions de ce pays. Pourquoi tant de résistance à développer les ressources naturelles d'une deuxième langue? Les arguments contre un bilinguisme pratiqué et vécu dans toutes les régions de ce pays me semble comme une opposition semblable au luddisme. C'est la peur de la peur.

La politique fédérale va continuer à être une aberration quand les provinces ne participent pas ou ne font que tolérer. Nier un Manitoba bilingue avec des services connexes est de donner raison au parti Québécois et perpétuer une aliénation au sein de notre pays. Si nous penons l'exemple du Nouveau-Brunswick qui depuis plusieurs années a déjà épousé une politique du bilinguisme, nous n'y voyons pas de chaos, la suppression de droits ou une amertume protractée. Nous voyons une compatibilité, une harmonie de progrès. Le Nouveau-Brunswick est la seule province qui, avec une population relativement stable n'a pas subi l'assimilation durant les dernières années. Il cultive une richesse naturelle. La notre s'érode. Une langue perdue coûte très cher à ressusciter - beaucoup plus cher que la maintenir. Même les Etats-Unis contemplant adopter une deuxième langue. Sommes-nous si peu sages que de négliger ce que nous possédons déjà?

Je me considère très riche et privilégié de connaître et de parler deux langues, d'être capable de penser de deux différentes façons et j'espérerais que mes enfants puissent apprendre autres langues pour qu'ils puissent devenir des meilleurs citoyens du monde. Un jeune à l'école apprend très rapidement à parler le langage de la chimie, des mathématiques, de la physique, des ordinateurs, mais aucun comité législatif oserait leur nier le droit de pratiquer ces nouveaux langages dans leurs vies quotidiennes si c'est leur choix.

Nous nous considérons citoyens à part entière dans ce pays et ce pays par sa constitution se définit bilingue. Cette province a la chance de redresser une erreur qui a abrégé nos droits linguistiques. 1985 marque le centenaire de la mort de Louis Riel. Nous avons la

chance de légitimer sa mort et d'éteindre la contreverse amère qui a hanté cette province depuis cent ans. 1985 est aussi l'année internationale de la jeunesse. Donnez-leur un défi et un avenir positif.

Nous espérons que ce gouvernement puisse avoir la sagesse de gouverner et d'exercer le pouvoir que leur a confié la province. Nous espérons qu'il puisse faire des décisions pour l'avenir de cette province et ce pays. Nous espérons également que l'opposition s'oppose d'une façon constructive et qu'elle n'essaie pas d'épargner des sous au détriment d'une richesse sans prix.

Je vous assure, chers membres du comité, que la nouvelle génération de francophones sera aussi tenace à la revendication de leurs droits. Nous voulons cependant tourner la page de l'histoire. Nous voulons contribuer à bâtir ce pays. Nous voulons abandonner la mentalité de martyrs que nous a imposée l'histoire et être citoyens à part entière et vivre ainsi.

MR. CHAIRMAN: Thank you, Mr. Roy. Are there any questions for Mr. Roy? Thank you again for your presentation on behalf of the Young Provincial Council. Our next presentation is Mario Sosa of the Winnipeg Chilean Association. Mario Sosa. Mario Sosa. The next one is Ron Nash. Ron Nash. Our next one is David Lerner. David Lerner. The next one is Mario Santos. Mario Santos. Our next one is Robert André. Robert André. Our next one is Raymond Clément. Raymond Clément. Our next one is Mr. & Mrs. Chandra. Mr. & Mrs. Chandra. Our next one is Florent Arnaud. Florent Arnaud. The next one is Raymond Poirier. Raymond Poirier. Our next one is George Marshall. George Marshall. Our next one is Mrs. B. MacKenzie. Mrs. B. MacKenzie. Our next one is Mrs. Friesen. Mrs. Friesen. Our next one is Pat Maltman. Pat Maltman. Our next one is Mrs. B. Holst. Mrs. B. Holst. Our next one is Mr. W.D. Jervis. Mr. W.D. Jervis. Our next one is Paul Fort. Paul Fort. The next one is Mike Kibsey. Mike Kibsey. The next one is Maurice Laberge.

MR. MAURICE LABERGE: Monsieur le Président, my name is Maurice Laberge. I will be making my presentation in French. I will be answering questions in English if you will. Before I go reading into the presentation, is it O.K. that I may proceed now? I want to show a document here that is a family tree. It says on here, I don't think I need to translate because we have simultaneous translation here - Arbre généalogique des familles Laberge - souche française - Robert Laberge, baptisé en 1638 de Coulombière Surton - Evêché de Bayonne en Normandie - . . . au nom Laberge - page 332, édition de 1871 - Robert de Laberge arrive vers 1659 à l'âge de 21 ans - marié le 28 mai 1663 à Château Richer - était fabricant et vendeur de chaux - décédé et inhumé à Château Richer le 12 avril 1712. This document, Mr. President, has nine pages. My family alone covers one page and a quarter. I wish to say that I was born in the province of Québec on the 24 of september 1912 - makes me just about 71 years now. In fact, I was born only three miles away where Jacques Cartier spent the first hard winter. Parmi tous ces arpents de neige, qu'on appelle ça en France. Maintenant, mon père et mon grand-père et cinq de

ses frères demeuraient ce qu'on appelle Ste-Foye à-bas, et mon père a eu des brochures de l'Ouest. I may continue in English. There was an . . . farming acres by acres as far as the eye can see to come and reap a fortune. So they did come over and went all the way to Peace River, Alberta, at that time, 1916, I believe and they did come back to Saint-Boniface and hadn't made a choice so he went and told to go and see some families back northwest of Winnipeg. So he did go down there and did settle down and choose his homestead in a location that was as it was. So at the age of five years old, I came here to Manitoba and I have spent now almost 66 years of my life in Manitoba, so I have the right to claim, I believe, that I am a Canadian. And I am very happy to have been at school although go to the secondary school even at that time. It was not available. But I have worked hard to try and educate myself even if I am not "pas beaucoup d'instruction" as we say it in French; because in French, we seem to have a differentiation between "instruction" and "éducation".

If you will permit me, Mr. President, I will carry on with reading one page I have.

Présenté aux audiences publiques les 6, 7, 8 et 9 septembre 1983, Chambre 255, Palais législatif, Winnipeg. Par: Maurice R. Laberge.

Dans un monde où la violence est la solution acceptable à toutes les problèmes. Nous déclarons avec emphase que le plan de Dieu est par l'amour, et non pas la haine.

"LES CANADIENS FRANÇAIS N'ONT PAS PEUR"

Leurs persécuteurs savait en 1890 et en 1916, qu'ils enfreignaient les lois constitutionnelles du Manitoba sur le bilinguisme français - anglais et au cours de toutes ces décennies, ils ont mis tout en oeuvre jusqu'au moment où je vous parle, et rien n'a réussi à les arrêter de perpétuer leurs crimes haineux. Pardon me for strong language.

Plusieurs membres de la législature Manitobaine qui s'opposent à l'entente conclue entre la province, le fédéral et la communauté francophone s'acharne à vouloir intimider, encore une fois, ceux qui demandent d'enchâsser le bilinguisme officiel au Manitoba dans la constitution et la faire respecter.

Je les exhorte, ces agents provocateurs, d'abandonner cette fourberie ou flagonnerie. Il est grand temps de cesser de cracher leur venin. Laissez moi vous dire en toute candeur que nous verrons à ce qu'aucun dirigeant ou groupe ne pourra s'arroger le pouvoir de nous décimer, dénombrer à l'avenir, ni de transgresser cette loi impunément et à volonté.

Depuis mon arrivée au Manitoba en 1917, partout à l'école et en public, c'était l'humiliation d'être rejeté, ignoré, privé de mes droits légitimes et souvent relégué au rang de sujet présumé dangereux. Un temps on a même l'audace de m'envoyer en exil à la façon de tirant barbare qui déverse leur haine incessante, exilé où à moins que ces bourreaux n'ont jamais reconnu que la province de Québec faisait partie intégrante du Canada parce que c'est là que je suis né et qu'on y parle français, depuis que mon ancêtre Robert De LaBerge s'est installé à Château Richer, en arrivant de la Normandie.

Laissez-moi dire que j'ai trop sacrifié pour accepter qu'ici quelqu'un me dise: . . . par exemple que si j'en ai tant souffert - pourquoi est-ce que je ne meurt pas,

. . . À cela je répond que même après mon passage éventuel à un monde meilleur, s'il fallait que les mêmes injustices rendent victimes mes quinze enfants légitimes ainsi que leur progéniture parce que leur nom est encore LABERGE. Ça sonne français.

Ayant vaillamment dépensé ma vie à bâtir ce pays, je refuse d'accepter l'argument qu'il en coûte trop cher pour permettre que je puisse français en public et n'importe où ailleurs. Combien de double taxe devant nous encore payer et autres pour se faire écraser ainsi pour finir d'enrichir les prétendus conquérants guerriers des temps révolu?

Cet orgasme de haine a finalement dépassé son apogée . . . et je suis convaincu qu'il y a assez de personnes de bonne volonté au Canada qui vont agir vite et verront à rectifier cet état de choses intenable et abusives une fois pour toute. Des millions de Canadiens français ont été intentionnellement ignoré pendant plus de cent ans.

MR. CHAIRMAN: Thank you Mr. Laberge. Are there any questions of Mr. Laberge? Mr. Lecuyer.

MR. G. LECUYER: Merci M. le président. M. Laberge, selon votre présentation, vous arriviez au Manitoba en 1917 et je ne peux m'empêcher de noter combien rapprochée cette est-elle de 1916 où on avait proclamé une loi "Faisons de l'enseignement au Manitoba seulement l'anglais". Et comme vous étiez tout jeune à l'époque, je me demande si vous, comme jeune ou même peut-être pas à l'école à l'époque, avez ressenti à cette époque-là la lutte ou avez connu la lutte qui s'est faite justement contre cette loi néfaste?

MR. CHAIRMAN: Mr. Laberge.

MR. M. LABERGE: Mr. President, pour M. Lecuyer, je peux dire qu'à l'âge de cinq ans, arrivé dans la brousse où on débarque ce qu'on appelle Makénak, la station de chemin de fer la plus proche d'où on s'en allait demeurer à 45 milles au nord-est et à l'âge de cinq ans on ne voyait que des maringouins. On s'est fait piquer; il y avait pas seulement la langue qui nous piquait. Excusez. Mais ça pas pris de temps que la première année c'était la climatisation d'être dans un district, si on pouvait l'appeler un district, à travers la brousse où il y avait à peine de chemins pour s'y rendre. Et après un an, comme je dis la climatisation, ma mère a retourné à Sainte-Foye et m'a amené avec puisque j'étais le plus jeune pour retourner chercher le restant de la famille à Sainte-Foye. Alors ça été un an et demi avant que j'ai commencé aller à l'école et là tout a explosé.

Vous comprenez que en entrant à l'école où on nous plaçait presque sans parler puisque je comprenais rien de ce qu'ils se disaient. On a parlé que l'anglais et on était des moutons. On ne pouvait pas se faire comprendre. Alors aurait pas fallu m'en dire plus parce que celles qui parlaient le plus fort. Quand on est jeune, ça leur tombe sur le coeur.

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: À un point dans votre présentation, M. Laberge, vous faites allusion au fait que on a même

tenté de vous envoyer en exil. Est-ce que vous employez ça à titre de métaphore ou vous parlez en terme réel? Est-ce que réellement on mettait des pressions pour vous renvoyer.

MR. CHAIRMAN: Mr. Laberge.

MR. M. LABERGE: Si je peux répondre, M. le président, je pourrais dire que je réalise aujourd'hui pour répondre à la question avec explication, mon point de vue, c'est que je reconnais dans le moment présentement, il y a pas si longtemps qu'on m'a lancé ces menaces. Je vois un anglophone devenir bilingue, que ce soit un jeune qui va à l'immersion ou une personne adulte qui va aller prendre des cours, a toujours eu et encore plus d'opportunité en prenant l'occasion d'apprendre le français, le rendre bilingue et son champ est ouvert devant lui parce que, étant anglophone, il a très probablement un nom anglophone, anglais. Alors, on aurait dit que pendant le cours de ma vie que le fait d'avoir un nom qu'était pas de résonance anglaise était déjà une condamnation. Croyez-vous ça?

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: M. Laberge, selon vous, l'Acte du Manitoba en 1870, pensez à l'époque du gouvernement provisoire de Louis Riel et qui était en effet le pacte confédératif duquel résultait effectivement le Manitoba dans la confédération; selon vous, ce pacte faisait-il du Manitoba une province officiellement bilingue.

MR. CHAIRMAN: Mr. Laberge.

MR. M. LABERGE: M. le président, vous parlez, M. Lecuyer, du pacte qui a été signé par le gouvernement provisoire du Manitoba en 1870. Je pourrais vous répondre de cette façon. Étant jeune au temps où j'ai retourné à la province de Québec y passer pas plus de deux ans, dans la ville de Québec, qui m'a donné l'occasion de connaître la ville de Québec, presque toutes les rues de la ville, et je me sentais très bien chez moi. Il y avait un avocat qui était parenté dans la famille et qui est devenu après juge au Québec, après mon départ de retour au Manitoba, et je me rappelle, dans ce temps là j'avais 15 ans, il commence à me parler, me questionner sur la question de la pendaison de Riel, alors moi, à 15 ans et dans la situation éloignée où j'ai grandi et été à l'école dans mes premières années, on nous avait jamais parlé de Riel excepté quand mon père le mentionnait à la maison. Ce n'était pas dans aucun livre nul part. Et quand cet avocat m'a demandé qu'est-ce que je pensais de Riel, j'ai dit: "Je ne peux pas en discuter puisque je suis pas assez au courant." Il a été épaté; et il a pas pu résister de me demander la question: "Comment, tu viens de l'Ouest et tu ne connais pas l'histoire de Louis Riel?"

MR. CHAIRMAN: Mr. Lecuyer . . .

MR. M. LABERGE: Et c'est pourquoi je dis en ayant, pour finir ma réponse si vous me permettez, c'est que cette loi sûrement désignait la province du Manitoba dans son instauration comme une province bilingue

anglais - français ou français - anglais, comme vous y voulez. Et puis, si je pourrais élaborer encore davantage, on découvre en étudiant que en 1890 . . . unh! . . . qu'est-ce qui s'est passé? On disait que le français ça existait plus. On fait des lois et on consultait pas la population. On dit tenez-vous tranquilles vous autres. On n'a pas besoin de vous autres pour mener les affaires ou le pays.

MR. G. LECUYER: Merci M. Laberge.

MR. CHAIRMAN: Are there any further questions of Mr. Laberge? Any further questions? Thank you very much, Mr. Laberge for your presentation.
. . . not to me, make it to the Committee.

MR. R. DOERN: Mr. Chairman.

MR. CHAIRMAN: Mr. Doern on a point of order.

MR. R. DOERN: Mr. Chairman, I was just speaking to one of the citizens in the audience and the request was made to me that people, some people in the audience, are English-speaking and are not bilingual and are finding it difficult or frustrating to attempt to follow the debate. This should come as no surprise to anybody here. And a request was made by Mr. Futty who is, specifically who is on our list some distance ahead yet, and I think that we have to recognize that not only do French-speaking citizens have rights, but English-speaking citizens have rights too. And they have the right to listen to, and to that extent, participate in the debate. And, you know, we're not doing it intentionally, but in fact we're denying full participation at the intellectual level of the people who are here listening and attempting to follow the debates. Many people have been here from the beginning and are taking time to follow what is an interesting and in fact historic debate. So, I want to make the following suggestion and maybe some member of the committee has a better suggestion. I knew and I said yesterday that there would be a difficulty when you start providing translation services because the public then does not have access to them. The Committee members do and the media does, but that doesn't help people who are sitting here, being somewhat frustrated, hoping to understand and participate in the proceedings. So, the only suggestion I can make at this moment is that we either rent additional units to the extent of 50 or 100, whatever is required to be distributed throughout the audience. And, if not, then I think we should set up another room, possibly 254, with loud speakers in which people can then run back and forth in the hallway depending on the situation. I assume what an average person would do, is that if a presentation was made in French, and I anticipate a few more, that they would go into that other room and then when it's over come back. And then they would have to take their chances as to whether to keep staying here or if there was a prolonged question and answer, they might then decide to go there. So I think we're really into that situation, Mr. Chairman. We either have to provide more individual units and should attempt to get them - that would be the best recommendation - and barring that I think we should attempt to have speakers set up in an adjacent room.

The worst alternative is the present alternative which is, if people are sitting here attempting to follow the debate and they have to wait for an unspecified period of time after which they then hear some English which is then more familiar to them, so I make that as a suggestion. Maybe somebody has a better recommendation.

HON. A. MACKLING: Well, Mr. Chairman, I think the committee staff have done very well on the short notice that was given the other day, to have afforded the simultaneous translation arrangements we have thus far. I want to compliment the staff in doing that. It wasn't anticipated. I can readily understand that there would be a large demand for other units to the extent that there are people within the audience and who, like me, are unilingual and need these units, I think the committee and staff will take under advisement the problem and see whether or not sufficient units can be obtained. I suppose if that is not available, the staff will have to look at alternatives. But I think we'll just have to take that under advisement this evening.

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: Thank you, Mr. Chairman. I was under the misunderstanding, I guess, because it was my impression that everyone had these apparatuses and that the translation was available to all. I assumed that everyone had these units and I hope, as was suggested by Mr. Mackling, that the staff will make further efforts to try and obtain these for all those who require them.

MR. CHAIRMAN: Proceed.

HON. A. MACKLING: There are some additional units I see not being used back there, Mr. Chairman, and those in the audience that would like them I'm sure could use them. There's another one over here.

MR. CHAIRMAN: Our next presentation is Maryse Birolini Bryan, the Italian-Canadian League of Manitoba. Our next presentation Merle Hartlin. Our next presentation Vic Savino. Vic Savino. Our next presentation Clarence Morris - I know but he's coming at 10 o'clock tomorrow from Montreal. Clarence Morris. Our next one is Linda Archer. Linda Archer. The next one is Gary Doer, MGEA.

MR. G. DOER: Mr. Chairman, we were told we weren't going to be on till maybe Christmas but perhaps tomorrow and unfortunately, all our changed briefs are sitting back in the office but I will present a brief and provide the committee, with your permission, a copy of all the briefs and appendices for tomorrow morning completely tabbed, etc., for your information. But I would like to proceed tonight if I could with your indulgence.

MR. CHAIRMAN: Very well, proceed.

MR. G. DOER: Thank you very much.

Mr. Chairman, members of the committee, the MGEA is certainly grateful for the opportunity to present its

views to the public hearings on the Constitution Amendment Proclamation of 1983. As representatives of some 20,000 public employees in Manitoba, we are definitely an interested party in these proceedings, as the proposed amendments have direct implications for our membership.

The MGEA has been involved in bilingual services in Manitoba for close to 20 years. We participated with government personnel people in the 1960s to ensure reasonable delivery of French Language Services. Our approach has always been to be part of the solution, not part of the problem. It is therefore regrettable that the Provincial Government did not involve the MGEA and other public sector unions until after the first accord was agreed to on May 17, 1983. In fact, the Manitoba Government Employees' Association requested, at a joint council meeting of November 15, 1982, that we be involved in the discussions, so that the operational realities might be considered in any bilingual proposal. It is indeed unfortunate that we were not involved in this initial process.

Upon receipt of the proposed Constitutional Amendment Proclamation in early July, the Manitoba Government Employees' Association Board of Directors met to review the document. Based on this initial review of the proposals, the Manitoba Government Employees' Association provided the government with our comments by way of the letter to the Premier, dated July 12, 1983, a copy of which will be appended to this brief and a copy of which was forwarded to all members of the Legislative Assembly at the time we sent the letter to the Premier.

Since that time, we have been able to meet with the Premier, the Attorney-General and with representatives of the Société Franco-Manitobaine (SFM). We have, in addition, had the proposed constitutional amendment reviewed by our legal counsel. This legal opinion is appended to this brief as Appendix 2. It is on the basis of our meeting with the government and the SFM officials, our legal advice and our discussion with many of our members, that we submit the following recommendations for your consideration.

The Manitoba Government Employees' Association wishes to reiterate its position of support for the reinstatement of the constitutional language rights that existed in Manitoba in The Manitoba Act of 1870. Had those rights not been abrogated, there would likely have been no need for the potentially divisive debate on this issue today.

We further support the concept of extending those rights to include the provision of limited, practical bilingual government services. It is, however, our opinion that the proposed constitutional amendment as presently worded, can potentially be interpreted as affording rights to individuals far beyond the concept of limited bilingualism which has been repeatedly pronounced in public by this government. It is for this reason that the Manitoba Government Employees' Association cannot support the amendment in its present form.

We have identified several specific problem areas in the proposed proclamation. First: Section 23.1. We perceive a problem with the general statement that "English and French are the official languages of Manitoba."

This statement, and this is our initial run through and I'll qualify it at the end, Mr. Chairman, this statement

is not qualified in any way, and thus implies not the granting of minority language rights, but rather the entrenchment of a broader equality of status never intended. If, in fact, the intent of the amendments is to provide for limited bilingualism, then that intent should be reflected in Section 23. The Manitoba Government Employees' Association therefore suggests that Section 23.1 be amended to read: "English and French are the official languages of Manitoba to the extent set forth in Section 23 and Sections 23.2 to 23.8, both inclusive."

Having just received the draft amendments to the resolution on September 6, 1983, we note the government does not propose to amend Section 23.1 in a manner similar to the wording we suggest. However, the Manitoba Government Employees' Association supports this amendment as proposed.

No. 2 concern: Section 23.7(1). We recommend the deletion of the term "central office" from Section 23.7(1)(a) and (b). This wording has obviously been derived from Section 20 of the Canadian Charter of Rights and Freedoms, and we believe it creates an unnecessary ambiguity for the Manitoba situation. We are of the view that many people distinguish between head and central offices as the terms pertain to government services. Some would equate the term "central" with regional or district offices. The act should clearly establish that these sections refer to one specific location by limiting the terminology to simply "head office."

Again, the Manitoba Government Employees' Association supports the recently introduced amendment to delete the reference to "central office" wherever it appears in 23.7(1).

The Manitoba Government Employees' Association further proposes that the term "administrative body" be deleted from Section 23.7(1)(b)(ii). This expression can be interpreted very broadly, and could be construed to mean virtually any branch of any government department or almost any office of a government board, agency or commission. The term "quasi-judicial body" is broad enough, and the Manitoba Government Employees' Association takes the position that this term sufficiently clarifies the intent of Section 23 and that it can be reasonably applied by the courts. However, the implication that bilingual government services must be provided in even the head office of all administrative bodies of government extends far beyond the concept of limited bilingualism which has been presented to the public.

The recently introduced amendments to Section 23.7(1)(b) have not changed the concerns of the Manitoba Government Employees' Association with respect to the words "administrative body." Most administrative bodies, however defined, derive their authority from an act of the Legislature, and for an example, see The Payment of Wages Act which creates the position of director of the Employment Standards Division of the Department of Labour and Manpower; and the fact the term "administrative body" will be modified by the phrase "established by an act of the Legislature" does not, in our respectful submission, restrict the broad meaning that can be attributed to this term.

Moreover, the proposed addition of the qualifying proviso that was handed out on September 6th, at the

end of Section 23.7(1)(b); namely, "but not including any municipality or school board" may result in a wider interpretation being given to the words "administrative body" than what was even originally possible. The qualifying proviso is obviously intended to ensure that none of the institutions enumerated in Section 23.7(1), including "agency" or "administrative body," include municipalities or school boards. However, the addition of the proviso certainly implies that the earlier wording would otherwise encompass a much larger group including municipalities and school boards.

We pause to note that public pronouncements of the government have been to the effect that the original wording used in Section 23.7(1) was intended to be limited in scope and would not include bodies such as municipalities or school boards, but the proposed amendment implies, at the very least, that words such as "administrative body" were capable of a broader interpretation. The danger is that by defining what is now "excluded" may result in a broad interpretation of what is now "included."

To avoid the difficulties of construction which often arise when qualifying provisos are used to exclude particular bodies or entities from earlier general wording, the Manitoba Government Employees' Association would respectfully suggest that the concerns of the municipalities and school boards, which concerns the government obviously recognizes, be addressed in a separate section.

Our third area of concern is in the area of Section 23.7(2). The wording of this section has again been adopted from the Charter of Rights and Freedoms. The intent of this section appears to be to allow for the provision of bilingual communications and services in government offices, other than those where it is mandatory to do so under 23.7(1), where the factors of demand or the nature of the office dictate that such services should be provided. The problem is with enshrining a principle based on imprecise wording from the federal sphere in constitutional amendments addressing only Manitoba. The government requires flexibility to deal with situations as they arise, but the enforcement provisions of Section 23(8), in effect, remove any such discretion from the hands of our elected officials and really vest the courts with the right to make administrative decisions.

In particular, we view the phrase "significant demand" in Section 23.7(2)(a) as potentially the most troublesome in the proposed proclamation. When we wrote to the Honourable Howard Pawley, the Premier of the Province, on July 12, 1983, we stated this term "begs definition." The concern still remains.

The Manitoba Government Employees' Association received notice of the proposed constitutional amendments only some eight weeks ago, and since that time, attempts have been made to discuss the inclusion of some objective criteria in order to give realistic parameters to the words "significant demand."

In view of the fact that under the proposed proclamation the courts will ultimately be the interpreters of "significant demand," we thought it to be an important priority to give guidance to the courts in this regard. We have been unable to achieve any objective definitions.

One of our prime concerns with the "significant demand" provision is that the word "significant" is

open to broad and inconsistent interpretations. In this regard, we draw considerable support for this concern from arbitration cases which have commented on the meaning of the word "significant" in relation to the introduction of technological changes by an employer under various statutory provisions dealing with technological change. We do acknowledge that the interpretation of the word "significant" in these cases arises in a collective bargaining context under specific legislative schemes and the cases do not interpret a constitutional provision, but we believe that the difficulty of defining the word "significant" in other contexts only serves to illustrate the vagueness of the term. The use of such a term in an entrenched constitutional provision is equally capable of broad and inconsistent interpretations.

As an example, we would direct your attention to the case of the City of Port Moody and the Canadian Union of Public Employees, Local 25, a reported case in 1976, No. 238; again, a case which I will append when I get my 30 binders for you people, a copy which will be attached. Here, two employees, who were both ramp attendants and whose employment was rendered obsolete by the installation of a particular meter machine, were held to be a "significant number" of employees to whom the collective agreement applied because "a portion of the bargaining unit was wiped out."

In that case, the employer had argued that the technological change provisions of the agreement were inoperative because a "significant number" of employees were not affected and thus this condition precedent to the operation of the clause in question. Notwithstanding this argument, two employees were held to be a "significant number."

Recently, the Canadian Labour Relations Board issued a decision dealing with the technological change provisions of the Canadian Labour Code and embarked on a lengthy discussion of the underlying policy related to these provisions. In another case, the Amalgamated Transit Union vs the Ottawa-Carlton Regional Transport Commission in 1982, a reported case again which will be forwarded to the committee for their attention; in this case, the Ottawa-Carlton Regional Transport Commission made plans to install a computerized system to structure schedules, dispatches, routes and the like and the proposed changes would result in the creation of a new position which would be filled by an open competition by all Commission employees. The Commission did not give any notice under the provisions of the Canadian Labour Code relating to technological change and the Union made application under the provisions of the Code for a ruling that the employer had failed to serve the requisite notice of a technological change, and asked the Board to rule that the Unions were entitled to serve notice to bargain. The application was ultimately dismissed, basically on policy grounds, but for our purposes here, the Canadian Labour Relations Board made comments on the words ". . . significant number of employees . . ." "In the operative sections of the Code, this being one of the conditions precedent prior to the invoking of that legislation.

In commenting on the underlying policy with respect to this piece of legislation, the board makes an interesting observation which I will quote:

"It was precisely the vagueness of the concept '. . . significant number . . .' and the prospect

of extended disputes before the Board that drew criticism of the legislation from the Chairman of the Woods Task Force."

I think all members of this committee are aware of Professor Woods and his role in Manitoba in terms of language and contracts.

The Manitoba Government Employees' Association is on record as sharing the very same concerns with respect to the use of the words ". . . significant demand . . ." in Section 23.7(2) and entrenching this wording in the Constitution.

We pause to note that on Page 15,180 and on Page 15,182 of the same decision, the Board also commented on the different words used in the French version of the legislation.

Again, quoting from the Board:

"in this respect the vague compartmentalization of the quantity of impact '. . . significant demand . . .' and the quality of impact serve to emphasize the overriding discretionary authority of the Board to balance competing interests and legislative purposes when deciding to issue orders under Sections 151 or 152." Again, referring back to the area of significant demand.

Again, the reference is made to the vagueness of the concept ". . . significant number . . ." "It is interesting that this Board viewed its task to use these vague terms to balance competing interests and legislative purposes. However, the Canadian Labour Relations Board is a statutory tribunal appointed by the government, and is ultimately interpreting and applying an Act of Parliament which can be amended to meet changing circumstances.

The entrenchment of ". . . significant demand . . ." in the Constitution, without more precise definition, turns over to the courts the important political and legislative purposes. Once decisions are rendered by the courts through the remedial provisions of Section 23.8, then these decisions, in essence, become entrenched themselves.

It has come to the attention of the Manitoba Government Employees' Association that certain wording in the French version of Section 23.7(2) may be broader in meaning than the comparable wording in the English wording. We are particularly focusing in on the words ". . . l'object d'une demande importante . . ." in the French version when compared to the expression ". . . a significant demand . . ." in the English version. We have also heard similar concerns have been registered with respect to subsection (b) of Section 23.7(2) dealing with the nature of the office and the test of "reasonableness." The Manitoba Government Employees' Association is in the process of obtaining an opinion on this particular issue. However, this is an important matter which ought to be examined independently by this committee, and indeed, the government.

Given that Section 23.2(1) of the Proclamation states that English and French versions of all acts are "equally authoritative" one can envisage problems arising if the French version is indeed broader in meaning. Such wording would then be used to interpret ambiguous and uncertain wording in the English version. This would obviously enhance our concerns with respect to the ambiguity and uncertainty inherent in the expression ". . . significant demand . . ."

Given the problems of definition inherent in the expression ". . . significant demand . . ." and the apparent inability to define the meaning of this term with objectivity, the Manitoba Government Employees' Association proposes a Made in Manitoba solution to this problem.

The solution, we feel, is a combination of limited entrenchment in Section 23.7(1) and reserving to the Legislature in 23.7(2) the necessary flexibility to provide bilingual services based on the concepts of ". . . significant demand . . ." or ". . . nature of the office . . ." "Further, an independent commission such as The Electoral Boundaries Commission or a similarly constituted body would be created by the legislation with power to recommend to the Legislature when bilingual services ought to be provided under these criteria. The advantage of such a body is that it would have more flexibility than the courts and would be independent of the politics of the Legislature. We believe The Electoral Divisions Boundaries Commission has served this province well and virtually all of its recommendations, as we understand them, to the Legislature have been implemented.

Specifically, we would propose the following:

- (1) Subject to our earlier comments on "Administrative body," maintain the entrenchment of bilingual services at the head offices of those institutions listed in 23.7(1).
- (2) Maintain the right to seek enforcement of an alleged violation of these entrenched rights under Section 23.8.
- (3) Amend Section 23.7(2) by converting it into a statement of principle through inserting the words ". . . where the legislature determines . . ." "after the word "where", so the operative wording would be:
". . . where the Legislature determines either:
"(a) there is a significant demand . . . ; or
"(b) due to the nature of the office . . ."
- (4) The Legislature pass an act to empower The Electoral Divisions Boundary Commission or a similarly constituted body to assess and recommend to the Legislature where bilingual communications and services ought to be made available based on the principles set forth in Section 23.7(2).
- (5) Section 23.8 be amended to ensure that the jurisdiction of the courts is only applicable to the 23.7(1).

The government has always stated that it does not seek to impose "federal bilingualism" in this province and is implementing a limited bilingual program to meet the particular concerns in the Manitoba context.

Therefore, given the broader wording and criteria from the Federal Charter with its inherent problems of definition and uncertainty, we feel our proposal is a "Made in Manitoba solution."

We believe by adopting this approach, the Manitoba Government Employees' Association will be able to work with the government on a consultative basis to implement bilingual services in a realistic and workable manner. I might also interject that we feel we can work with the SFM as well in terms of these demands.

In its draft amendments introduced on September 6, 1983, the government indicated it would be

introducing amended wording to define the term “. . . significant demand . . .” more precisely. The Manitoba Government Employees' Association reserves the right to review this wording and make its views known thereon to this committee.

In conclusion, the MGEA supports limited, practical bilingualism in Manitoba. We cannot support ambiguous bilingualism. We can achieve the former with the proposal we've made with a Made in Manitoba policy. It is futile to attempt to avoid one court challenge by entrenching wording in a Constitution that opens the door for many more disputes. The MGEA Association is prepared to continue to consult with all interested parties in an attempt to arrive at a mutually satisfactory bilingualism policy. We feel that our recommendations are consistent with that objective.

All of which is respectfully submitted on behalf the Manitoba Government Employees' Association.

Again I have the legal interpretations that have been prepared for us in the cases I've cited and briefs for all of you and I hope you can bear with me in terms of the questions, given the manner and presentation at this point.

MR. CHAIRMAN: Thank you, Mr. Doer.
Mr. Doern.

MR. R. DOERN: Mr. Chairman, to Mr. Doer, I followed the position of the MGEA with considerable interest and although the style is vigorous, I find the position tantamount to fine tuning and some legalistic interpretations.

I hope that I'm mistaken in that assessment and I wanted to ask you a number of questions concerning some of your experiences and to wind up asking you why a stronger position isn't being taken? I would like to ask you whether you can relate, by example or number, instances of positions that are now being bulletined throughout the Civil Service for bilingual capacity or ability? I understand that some of the Crown corporations are attempting to make assessments about language ability of their employees old and new; and that there is an increasing number of positions now being bulletined in anticipation of this legislation. So I wonder if you could give us any examples of number, or chapter or verse, where you see instances coming across your desk or reports that you're getting about increases in this?

MR. G. DOER: Well certainly, first of all I would like to qualify my answer by saying that we see this issue on two dynamics. One is the administrative dynamic, which we will have to deal with in an administrative way on a continuous basis; in fact have been dealing with it since the mid-'60s when Duff Roblin brought in bilingual programs in Manitoba.

So today, administratively without a constitutional amendment, any employer under The Civil Service Act, any government under The Civil Service Act can declare every position in Manitoba bilingual under their powers as you know. So administratively we have seen about 12 Civil Service positions that have been bulletined externally. We have of course had a number of examples of the Morris Agrologist brought to our attention as I'm sure everyone in this room has. We have also

intercepted internal bulletins - not intercepted but had them forwarded to us - in areas, for example, of Clerk Typists III in the Health Services Commission, in an area where we already knew there was a bilingual incumbent able to serve the public in both a communication and service sense.

We are raising some of these concerns on an administrative level with the government at the administrative level, so that we see our administrative responsibility started in the '60s, continued in the '70s with the bilingual program. We had administrative discussions with the former government, Mr. Mercier, Mr. MacMaster, when the Forest case came down. We dealt with those matters administratively. We are going to continue that administratively with this government and governments in the future.

On the second issue, the second part of your question, the concern to us is the exact wording of the Constitution because our ability to lobby on behalf of a public service to keep it in a realistic and precise way, in terms of the administration, will be nullified if the constitutional amendment in our opinion is passed the way it was originally proposed. So we see this issue as having two dynamics to it, not one dynamic. One, administrative and two, the constitutional aspect.

MR. R. DOERN: There are also courses - I don't know how long these courses have been available - but there are courses for government employees and there are certainly bulletins now going out asking for an ability to speak French or a willingness to study. I wonder if you could make some comments about that. How long have these courses been around? How many people are in them? How many weeks or months or hours do you have to take them and are they increasing etc., etc.?

MR. G. DOER: I think they've increased in the last number of years. There is a discrepancy between certain government policies on this matter.

On the one hand we have received copies of documents that have been forwarded to all Deputy Ministers and Crown corporations on behalf of the Cabinet, outlining that it will be the priority of government to fill bilingual positions from incumbents that are already bilingual or through an attrition and attraction program rather than through a plan of training.

On the other hand we know in certain departments there have been an intelligent implementation of the bilingual program. For example in the Rent Review Office or the Rentalsman office, both with the former government and this government, there was a need for (a) one bilingual person out of I believe an office of 30. There was a quasi-internal competition which had a number of voluntary applicants come forward. I believe one person was selected to take French language training and is doing so at St. Boniface College on a voluntary basis. We think that the plan has been implemented in that office in a reasonable intelligent manner that has not caused any morale problems, both within the Rentalsman office and the Rent Review Office or in the MGEA as a whole.

So we have definitely some implementation problems no matter what happens in this constitutional

amendment. We had them in the '60s and '70s and we will have them in the '80s and '90s. I do believe that where we would object to a policy would probably be if the one person out of 30 in the Rentalsman Office, through a voluntary decision to be bilingual, did so to provide that service, as we think, that's an intelligent way to go.

If they made the position of Rentalsman mandatorily bilingual, then we would say we're starting to move into the federal program and we as the MGEA would object to it. They haven't done that, so I say there's a discrepancy at this point which is going to require a lot of work on our behalf and on the employer or government's behalf in the future. But we've had those discrepancies before.

MR. R. DOERN: Mr. Chairman, it takes a long time to convert an adult who speaks English into a bilingual adult and I myself have seven years of study and do not consider myself bilingual. I'm just wondering if you have any idea, or what is being said, or bulletined, or advertised if a government employee now wished to become bilingual in anticipation of a bilingual requirement, or has taken a position that has been advertised as willing to become bilingual, how many weeks or months would be required or how many weeks or months of training, presumably free, is a government prepared to offer to that person?

MR. G. DOER: Well, I'm not an expert on the length of time it takes one to learn to speak a second language, particularly French. I would imagine it would depend on the environment, the intelligence, the linguistic abilities and a number of other factors. The age I think is a correlation for learning languages. I'm sure there's a number of criteria that have been identified.

What we want to do in answer to the bigger part of your question is to ensure that the people working in every central office for every department of government are not required to be bilingual by the original proposal and the administrative offices, for example, the Director of Employment Standards Division doesn't have to be bilingual pursuant to loose wording, for example, the wording that is now proposed is a generic term of administrative body. We want to ensure that we're all aware of what is going to happen with the area of significant demand. I think by limiting it, in terms of the wording, we in term of what the court can demand, then we can deal with the other realities as we have always done, in terms of how many people must be bilingual and what positions.

We have dealt with the administrative parts of this thing - as I say from the '60s on, through the '60s, through the '70s - and as I say we've always tried to be part of the solution, not part of the problem. It hasn't been a tremendous problem to us. We've had individual incidents that we've had to go back to government with, both in the Roblin Government, with the Weir Government, with the Schreyer Government, with the Lyon Government and now with the Pawley Government. So I think it takes a long time to learn to speak French but the question is, how many will have to learn to speak French or be bilingual?

We originally thought the wording was loose enough; if the wrong interpretations were given, or liberal

interpretations - small "I" - were given by the courts, that we would have 10 times the number that has been predicted by Government Services. We now believe that number has been quite a bit reduced, that the amendment to delete the term "central office" and to limit the term "23.1," those proposals have gone in. We feel the proposal is more precise and more practical. We still think the "significant demand" area is wide open and there'll be an infinitesimal number if we get the wrong interpretations, and I don't have those numbers.

MR. CHAIRMAN: Mr. Doern.

MR. R. DOERN: My original estimate, which I think may still stand, is 400 positions would be entrenched, and your original estimate was 4,000. Can you give any illustrations as how you arrived at that figure 4,000?

MR. G. DOER: For example, if we received an interpretation from the courts that the head or central office - "central" meant regional - the original intent was to have the head or the one office as a bilingual service. If it's the head or central office of any department, as the wording now states, the word "central" in the eight regional offices, the regional office for the Ste. Rose area may be Dauphin because it's the regional office for Parklands. Those people in that Parklands area consider the Dauphin regional office to be their central office. They don't consider Winnipeg to be their central office. If you go by any department, at that point, you're multiplying - not that it's a lock-step arithmetic proposal - but you're potentially multiplying by the seven or eight regions of government, depending how the government organizes.

Then, of course, we felt that the generic term "administrative body" was broader than what the government had stated and what Mr. Turrene had stated from the Language Services. We note, for example, in the lists, we have been given a number of bodies, an example of which is the Employment Standards Division of government has not been included as an administrative body in their lists. I consider that an administrative body under the present wording; that's one example. There may be hundreds of those bodies that are created, established by an act of the Legislature that have been in acts for years to give certain groups or administrative people authority to do things in government.

The third area, of course, is "significant demand." We may receive a very very narrow interpretation by the courts under "significant demand," or we may receive a very very broad interpretation of that term, and that has definite implications for the 400 figure that was originally stated by government. So the numbers are based on interpretations. We feel the numbers of 4,000 are greatly reduced by deleting the term "central office," limiting 23.1, and can be further more precise and reduced with some control of the term "significant demand."

MR. R. DOERN: Are you still talking thousands, or are you now talking hundreds of positions?

MR. G. DOER: When we first saw what was proposed, we talked about the potential based on liberal court

interpretations of a lot more than was anticipated. I won't be able to predict the numbers until we see the final act passed by this Legislature, and approved or not approved by Parliament. Then, of course, it is still subject to court interpretation later on.

MR. R. DOERN: Have you made any assessment of the impact on publications in relation to the MGEA? I'm not sure I can translate how this would affect you, but I do know that if you had this policy in effect, it seems to me a person could argue and demand that all government publications be translated into French, so that you have every official publication from every department, annual reports, anything that is printed and available in English should be available in French. Other than as taxpayers, have you made any assessment on what the right to communicate means in terms of the Civil Service? Perhaps it means more jobs, but the right to communicate clearly means verbal communication, and it means written or printed communications. Have you made any examination of that written or printed publication side?

MR. G. DOER: We don't have access to the numbers of publications and the variety of publications. There seems to be a new publication coming out from government every day. We just had the latest one the last year, the Inside Outlook, or Outlook Inside, the new Civil Service publication that . . .

MR. R. DOER: Inside Out.

MR. G. DOER: . . . I can't even remember the term. There's a number of documents, we assume, that management, which is responsible for the funds to the taxpayer through the government, has a handle on that when they're quoting the figures in the Legislature. We also assume if those figures are wrong, the opposition will pick up on that.

I do know, in terms of our own publications, we have a bilingual constitution in our organization; we have people that negotiate en français and en anglais. We, five years ago, adopted to that in our own organization, and it was not - I won't use the term significant - a substantial change in our budgetary requirements

I believe there are a number of translators now working in the government employ, and what the costs would be extra for the publications, I'm not sure. I imagine you are doubling some of your printing costs in terms of paper and in terms of printing. Well, there's an economy of skill because they're probably going out on the same document, but I'm sure that the translation services now is in place in Government Services.

MR. R. DOERN: Is it of any value now - I mean it's clearly valuable - but is it considered to be of value in government to speak other languages? For example, if a person was bilingual in the sense of English and Ukrainian, or English and German, or English and Polish, etc., etc., does this in any way help a person secure a job or obtain advancement or be regarded as a more than valuable employee, a more valuable than average, in the sense of unilingual?

MR. G. DOER: Well, we haven't found that to be the case in the terms of 99 percent of the promotions. We

find one of our problems with promotions and hiring is in the merit principle. It's so subjective that oftentimes it's loyalty to a manager in a department of government that dictates more of your promotional status than sometimes we believe merit.

There has always been an inventory of languages available in many of the offices of government. The Health Services Commission has had an inventory of languages, again, since the Duff Roblin days. Many of our offices in the North have an inventory of languages for Native languages; Cree, Saulteaux, French. We have always felt that's healthy. People that are serving the public in Manitoba, when they have someone come to the door and can't speak Polish, they make every effort to get a Polish-speaking person to speak to them within the various offices of government.

So many of our members feel that it's an asset to the service they are providing to have people that can speak other languages, not only in French, but in Cree, in Saulteaux, in Polish. Certainly, in Dauphin, we have a number of Ukrainian members, as you would well expect, and German members in southeastern Manitoba. I think all of us believe in the feedback I have received from meetings of four years, that it's very positive to the services that we are required to provide to the public of Manitoba. We don't feel that that has been given anyone an unnecessary advantage of promotion.

MR. R. DOERN: Mr. Chairman, Section 23.7 is certainly a key part of this proposed amendment and in there you have the enumeration of head or central office of any department, court, quasi-judicial administrative body, Crown corporation, any agency of government established by an act, etc., etc., etc. - I total that as 400 positions - and I'm simply saying to you that although you have made some suggestions about fine tuning that particular section, it still would appear that each one of those designated areas, including 250 boards, commissions and agencies is going to end up, assuming the government were to proceed with the legislation, that each board, commission, agency, etc., etc., etc., would wind up with at least one person who would then be an officially bilingual representative and who, in my opinion, would sit there and gather dust and cobwebs waiting for that magic moment when they could exercise their linguistic ability.

They'd obviously be doing other things. They'd obviously be typing, making decisions, pushing paper and dealing with the public and everything else; but they would nevertheless be that bilingual person and presumably would be part of their job description, it would be part of their salary and their scale, etc. I'm simply saying that it strikes me as odd that the MGEA didn't simply come out as opposed to that particular section and I just wonder whether this is because you find it difficult to oppose a particular piece of government legislation in principle, or whether you're still examining that particular section in detail.

MR. CHAIRMAN: Mr. Doer.

MR. G. DOER: We've examined it; our whole board of directors has examined it. A lawyer that we have and used for years who has been very successful at

the Supreme Court, in fact, in constitutional law, has examined it. We know, of course, that quasi-judicial is there, notwithstanding what's in this provision because of the course of the Blaikie case in Quebec. We also know that in terms of dealing with this issue, we had three fundamental alternatives. One was to accept it holus-bolus; (2) was to oppose it to the nth degree and, (3) was to take it, take a look at it and to ensure whatever was passed was precise and practical in our opinion - and maybe not perfect in our opinion - but in a manner in which we could implement it in this province as the public service organization that represents 20,000 people in this province.

We decided to just oppose it would not serve our members or this debate well because we knew there was a number of other groups opposing it and no one, we thought, was dealing with the exact wording at the time we came out on July 12 in the proposal. So we decided that politics and of being a public sector of unions, as they are, to the possible, we felt our assistance and the best thing we could do for our members - and it was unanimous at our board of directors representing all areas of this province, from all occupational groups - that we should proceed and try to make this proposal as precise and practicable as we could.

There are going to be some problems that we're going to have to live with with this proposal but there's problems we have to live with every time the government passes a piece of legislation that could directly affect employees, albeit this is entrenched, so that's why we took the stand we did.

We felt we should take a responsible approach to the proposal and try to narrow down the wording to make it as precise and practicable as possible and that's the strategy and policy we have adopted and that's the one which we're articulating here before the committee tonight.

MR. R. DOERN: Just a couple more questions, Mr. Chairman. You obviously have had meetings and you've had people probably phone you and talk to your staff and write and maybe take up petitions, etc., etc. Has it been conveyed to you that there is a concern on the part of MGEA members that hundreds of your employees, hundreds of government employees, hundreds of your membership feel that they will be hurt by this legislation?

MR. G. DOER: There's no question in our mind that a lot of people are very very concerned in the public service about this proposal. In fact, we have had meetings throughout June on the proposal, membership meetings. Our publication, which went out four weeks ago had meetings scheduled right throughout the province and one of the items on the agenda is the bilingual proposal before the Legislature today.

We are receiving a great deal of comments from a number of our people and at this point in time, yes, there are concerns, there's no question about it, and if you were to tell me there were hundreds of people that were concerned, I would agree with you. I'm concerned. We have taken those concerns into consideration in preparing our brief and the board of directors adopting the brief and the policy we have

taken.

MR. R. DOERN: Mr. Chairman, in the course of a campaign against bilingualism, there were some 17,000 people who wrote in saying that they were in opposition to the government legislation and, in my judgment, in my experience, a large number of those people were provincial civil servants. Some of them I know. Some of them work in this building. Some of them were in uniform when I spoke to them. Some were federal civil servants who brought in lists and sent in letters and donations and coupons and signatures and so on. I assume that the president of the MGEA is aware of the fact that there were a significant number of people from his organization who are opposed, in principle, to the government legislation. So I would simply conclude by asking him this general question, would you agree or would you care to comment on the fact that there appears to be a significant number of MGEA employees who are outrightly opposed to the legislation that the government has introduced?

MR. G. DOER: We've had, in the month of September, at least 50 meetings that have been posted. We have another 200 scheduled in this month. We have had not one motion passed against our stand. We've had one petition and it wasn't very kind of the position we took on July 12th, I'll be very honest. We've had a lot of very very good questions about the proposal. It's our position that we do not support the wording that we received in July, but if we can change the proposal as we have recommended to the government, to the Legislature, we think we have alleviated a number of concerns that our members feel right now.

We also feel that it's our responsibility, if all the changes are made, to be accountable back to the membership on those changes and to say, we feel it's a better deal for you and a better deal for Manitobans because it's not just our members we're worried about, it's the sons and daughters of all people that may want to work in the public service later on. I think you will note, Mr. Doern, that we were the first - and you may say it's less vigorous - but we were the first public sector union, and we're only one of many, to go on record and try to change this bill in a responsible manner.

We recognize that there will be criticisms on both sides of this issue. There are some of our members that believe the bill in itself, the way it was first proposed, is a good bill. There are some of our members, and I agree, there are a number of them, I walk through this building too, and say you're doing a good job on this bilingual proposal, I signed Doern's petition, keep at it; so that's fine, that's part of the democratic process. If I'm wrong, and I've been wrong before, I guess I'll be defeated in my election on October 22nd - and I respect the democratic process - and then I will admit to you I was wrong.

Thank you very much, Mr. Chairman.

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman. Through you to Mr. Doer, you have made some very interesting proposals, that in my opinion would have

significant impact on this resolution.

Unfortunately my memory is maybe not as good, I haven't got a photographic memory, and you did indicate that you have these briefs in your office.

MR. G. DOER: Yes, we do.

MR. H. GRAHAM: Could you indicate how long it would take to get those?

MR. G. DOER: First thing tomorrow morning.

MR. H. GRAHAM: It wouldn't be possible to get them this evening?

MR. G. DOER: I've been told.

MR. H. GRAHAM: I would certainly be inclined to take a recess. I would suggest the recess so that we can look at it on paper because I think it's difficult to remember exactly some of the proposals that Mr. Doer has made. I would suggest that perhaps we take a recess and give them time to get the briefs for us or maybe there's some other suggestion.

MR. CHAIRMAN: Mr. Storie on the point of order being raised by Mr. Graham.

HON. J. STORIE: Mr. Chairman, I think that because of the fact that Mr. Doer has indicated that he has a very substantial brief with appendices, that when the committee gets those, we will have ample opportunity to peruse those and draw our own conclusions from that brief and I would hesitate to hold up the committee with a recess.

If it is the will of the committee to proceed in that fashion, I would ask that other names be called and that we proceed, and when the brief is available then proceed with Mr. Doer's presentation.

MR. CHAIRMAN: Mr. Mackling.

HON. A. MACKLING: Well, Mr. Chairman, I think Mr. Doer has given us a very excellent brief. However, about three-quarters of it highlighted specific constructive suggestions that were contained in a letter that every MLA, including the Honourable Member for Virden, received. There was one section that is new and that dealt with the constructive, I thought, suggestions in respect to a refinement of the term "significant demand." I think that was very clearly and explicitly articulated by Mr. Doer. We already know that the Attorney-General has indicated that that area is still subject to review by his staff and there are going to be further proposals brought before the committee. So I don't see any reason to defer and to have other people wait on this. I think that we'll have the benefit of the written brief and I can see no reason why we'd want to delay the hearing.

MR. CHAIRMAN: Mr. Santos.

MR. C. SANTOS: On the same point, Mr. Chairman. Would there be opportunity to question Mr. Doer after the receipt of the document?

MR. CHAIRMAN: Mr. Doer, can you give us an answer whether you can become available again?

MR. G. DOER: Yes, I could be available any time the committee so chooses. As I say, we were told this afternoon - I do apologize to the committee - I scrambled and made a number of changes this afternoon to the brief and at 6 o'clock I said to my secretary, I've been informed that we won't be on till maybe midnight tomorrow and I said, for God's sakes go home and take your kids to the soccer game. I didn't think you'd go through 20 in the last 20 minutes before we got up. But I'm certainly available to answer questions of the committee when the brief is here as well.

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: Mr. Chairman, I don't know whether this casts a light on the situation or helps in any way, but I have some questions that I would like to ask Mr. Doer and I would like to ask Mr. Doer these questions now, unless that is . . .

MR. CHAIRMAN: Mr. Sherman, I have a list of people who want to ask questions . . .

MR. L. SHERMAN: I know, I appreciate that.

MR. CHAIRMAN: . . . and if we can maybe do that, we can defer this item.

MR. L. SHERMAN: I wasn't suggesting that I be put ahead of the other questioners, Mr. Chairman. I just wanted to make the point that there are some questions that can be asked of Mr. Doer whether his brief is here or not.

MR. G. DOER; I'm willing to wait.

MR. CHAIRMAN: In that case - you're willing to wait. Mr. Storie, Mr. Sherman, Mr. Santos and Mr. Brown are on my list right now.

You want to speak on the point of order? Mr. Brown.

MR. A. BROWN: My question is of Mr. Doer, can he have that brief here? Does he have somebody over here that can go and get this brief for him?

MR. G. DOER: They're working on it right now.

MR. A. BROWN: Very good. Well, I'm sure that there are a half an hour of questions, so we'll have the brief then in that case.

MR. CHAIRMAN: Mr. Storie.

HON. J. STORIE: Thank you, Mr. Chairman. Mr. Doer, certainly personally and I think on behalf of the committee, I would like to thank you and the MGEA for an excellent presentation and, as you've suggested, certainly a constructive one and I agree with your proposition that the MGEA has been constructive from the outset when this amendment was first introduced.

Just to recap, I share some of the problems that Mr. Graham was referring to about not being able to recall all of the things that you referred to in your brief, but just to refresh my own memory, I'd like to cover a number of the points that you raised and you can correct me if I have misinterpreted or misconstrued what you've said. I gather that in general there is support on the part of the MGEA for the entrenchment of the amendment. I gather . . .

MR. G. DOER: Can I answer that?

HON. J. STORIE: Yes.

MR. G. DOER: We support entrenching limited, precise, non-ambiguous wording. We don't support the proposed wording of the Accord of last May and there are still items that are outstanding. So we get asked that question all the time, do you support entrenchment or don't you? I keep asking, what are we entrenching, and so that's our position.

HON. J. STORIE: I should have added, in principle, and I recognize that that's your position and has been all along.

I gather that some of the amendments that were tabled by the Attorney-General, will have again support in principle and I'm sure the MGEA will await the final outcome of the hearings before they make any final statement on what eventually comes out. I gather that there's - again you expressed I believe some support for the deletion of the term "central office." One of the major questions that remains revolves around the term "administrative body." I just forget, perhaps you can refresh my memory, did that concern come from a legal opinion that this could be broadly interpreted?

MR. G. DOER: Well, first of all, Mr. Chairman, the term "administrative body," many of the administrative bodies in government are already administered by a department of government which will already be covered under the head offices of the Department of Government under 23.7(1)(a), so in some departments it will be somewhat redundant or duplicating to have a second entity covered.

Secondly, the term "administrative body" - I don't know what that term means. Perhaps you can tell me. I know something of what it does, but it's a rather generic term in government and especially when you exclude municipalities and school boards, it is now proposed by moving the wording from a particular section of the act into an exclusion clause for all of 23.7(b). The people warn us that that may mean that there may be a broader interpretation to who is included and, therefore, must be bilingual.

The lists we get from government, and we've got about five different lists. We've got the Kerr Twaddle list who says this term is really vague; I don't know exactly whether this is this, or that, so I'll put it here. We've got the list from Harry Taylor that has a five-check system of whether it's quasi-judicial, or this and that and everything else. I don't know whether the courts will interpret Harry Taylor's five-check system as the ultimate authority on that. We received, the other day, another list from government officials out of the

Attorney-General's Department that we noticed had excluded bodies that we would consider consistent with the term "administrative body." So we see that most of them are covered: (a) under a department or a head office of a department of government; (b) under the term quasi-judicial; (c) the head office of a court; (d) under agency, or; (e) under Crown corporation. You really don't need the term "administrative body."

Now, I was told there's a couple of examples that might not be covered in those four or five criteria. I say, if there's a couple of examples that may not be covered in those four or five criteria, the government still has the administrative authority anytime it wants to require, under The Civil Service Act or their other employer authority, an office to be bilingual if they don't have to entrench it, or; (2) there may be bodies that are as a nature of the office. So that's why the term is very generic, as you know, in government. Everybody that does anything in government thinks they are the administrator. Some of them are not and some of them are, but that's the problem we have with the term.

MR. CHAIRMAN: Mr. Storie.

HON. J. STORIE: But, specifically - Mr. Chairman, through you to Mr. Doer - this was not a legal opinion? It's simply a concern that's been expressed; what does administrative body mean.

MR. G. DOER: When we read the document, when it first came to us, there were three areas that we twigged onto without telling our lawyers what those areas were. They read it over and they were concerned about four areas. "Administrative body" was on both of our lists. They tell us, and you will receive a copy of a legal opinion that states, and we made our decision on "administrative body" prior to that; but our legal opinion, which you will receive a copy of, states clearly that "administrative body" is again a generic term open to narrow or broad interpretations of the courts and is very likely unnecessary in the constitutional entrenched proposal.

We will make a copy of that to you: "The reference to administrative body, in our view, is an ambiguous phrase and capable of a wider interpretation than might at this stage be intended. The words "administrative body" are used in addition to quasi-judicial body. The expression "administrative body" is an expression capable of wide interpretation, and could reasonably be applied to a wide variety of government bodies designated functional units or officials of many departments or institutions of government who, or which, on a day-to-day basis, perform many tasks." Then he goes on and on. The two lawyers we had look at this bill goes on and on consistent with our brief.

So, yes, the term "administrative body" was both a concern that our board of directors raised when they read the proposed amendment, many of whom are elected to read collective agreements daily, and it was also raised by our lawyers who have had some experience in the Supreme Court of Canada on constitutional matters. We will make that opinion available to the committee on our concerns.

HON. J. STORIE: Mr. Doer, generally, there are two other areas that you expressed some concern over,

and one of them was 23.7(2), and how, in particular, "significant demand" might be defined.

As you know, the Attorney-General again has suggested that there will be amendments, that we will try and there will be an attempt, as we hear from people like yourself, to define what significant demand means. As you indicated yourself, that is a tremendously difficult task; that there are any number of systems one might develop to define what significant demand is; but, in each case, there are going to be some loopholes. That is a tremendously difficult problem as you pointed out, by example, through arbitration cases.

I think that your suggestion that there be some kind of commission, whether it be the Electoral Boundaries Commission or some other commission, is an interesting one. I am wondering why you would see that as preferable. In what way would that be a more desirable mechanism for determining what significant demand meant than the courts? Why do you see that as being more practicable, more reasonable?

MR. G. DOER: The courts, we're really going to be throwing our dice into the court, or a hot potato, as I would say, if the wording is left the same way on "significant demand." We may well receive an interpretation which we have demonstrated that is a very, very narrow interpretation of significant demand, or we may well receive a very, very broad interpretation. The courts may well inject a numerical formula and say that the government should have done it but they didn't, so I'm going to do it.

The courts do not have, because they use the types of legal precedent that's very, very narrow at times, they do not have the breadth, we think, to perhaps deal with the wisdom necessary on a very, very important issue like this. Also, the courts, once they give us a decision, it's there for a long time. The advantage of the Electoral Boundaries Commission, or a similarly constituted body, is that we have a review every 10 years. Obviously, the demographics of this province are going to change and one advantage of the Electoral Boundaries Commission, or a similarly constituted body, is it does look at not just numbers and character. Many of you know that, as running in constituencies. It doesn't just look at the population of Winnipeg and divide it up into the number of seats in relation to the province. It looks to the character; 60 percent of the population are in Winnipeg, but we don't have 60 percent of the seats, and that's wise in my opinion.

The same way with the MGEA. We constitute our body in a different way too. The courts can give us a very, very narrow interpretation that can't be changed because it's entrenched in the Legislature, entrenched in Parliament, and on precedent, as you know, once a precedent is established, it's very difficult to change it.

We thought the court was too narrow. We also recognize that there can be the "tyranny" of the majority, or the whimsical realities of public opinion in the Legislature. We wanted to address head-on the issue of what about minority English rights in Quebec. I do not believe that the Legislature in Quebec has demonstrated, in my opinion, with Bill 101, appreciation for the English minority rights. I think everyone around

this table would agree.

So our problem is we have a potentially narrow decision arising out of the courts that have precedent for years which may go either way, or we have, in fact, the courts of which we're afraid to go to now on the other case, as often been stated by the government; or in the other case you have the day-to-day majority realities of a Legislature.

The way that Manitoba has gone around that, I think, to prevent gerrymandering in constituencies, and I think done very well at it, is through a body such as the Electoral Division Boundaries Commission. I think that body could be a very very active one during the 10-year period, dealing with demographics, dealing with services. It wouldn't be just a number of bodies, the Franco-Manitoba Society or an interested Francophone going to court for French Language Services, the government disagreeing or agreeing, and a third party such as the union - whether it's us or the IBW - jumping in and getting into confrontational winner-take-all kind of attitude. It would be, rather, a dynamic group that every 10 years could adjust to the demographics and reality of Manitoba. We may disagree with its decisions, but I think that's a better way of dealing with the entrenchment issue than just allowing it to go to the court the way it's worded today.

HON. J. STORIE: I think you have put before the committee a very interesting proposal, and certainly one that I am sure will find some favour with other members of the public as well. A question: In your own interpretation of how this might work, you are talking about a commission that would be in every sense independent, not at the whim of a government, and that would report in a specified number of years, or look at it in a fixed period, say 10 years, to make a determination whether there was any changes in the demand that had been established in previous times?

MR. G. DOER: That's right. We see, of course, every 10 years, it's reported in 1968, '78; it uses census data; it uses numbers; it uses demographics; it uses character, including ethnic groups. It's a body that I think this Legislature in this province has been very well-served by. We thought that body could be more - I don't want to use the word "more" - it could . . . difficult item. It would have broader abilities, abilities in terms of dealing with the dynamics of this issue, than the courts, but it wouldn't subjugate the Legislature to the whimsical realities of popular opinion on a minority issue, so this is the only way. We've wrestled with this issue for eight weeks.

We could not come up, quite frankly, with a definition of significant demand that we thought would meet the needs of the proposal that's before the Legislature, or meet the needs of our members, in terms of what the court would do. The proposal is basically a two-tiered one. One tier, entrench rights with remedy to the court; the second tier, statements of principle in the area of significant demand, nature of the office, where the Legislature determines there's a significant demand, where the Legislature determines the nature of the office dictates, and then of course to aid the Legislature away from that gerrymandering or whatever else, there would be this body that would assist all of us.

We don't think this is a perfect solution but I can't find any other solution to the significant demand and we've wrestled with it for eight weeks, I'm sure every member around this table has wrestled with it and will be wrestling with it in the weeks to come.

MR. CHAIRMAN: Mr. Storie.

HON. J. STORIE: Perhaps just final question, Mr. Doer. You indicated earlier on in your brief that you supported the extension of French Language Services in a limited and practical way. I think there has been an impression that this extension is going to create fear and chaos in the Civil Service, and I think it's important to recognize that the issue of the extension of French Language Services has been an ongoing process, as you've suggested, for 20 years. Is it the opinion of the MGEA, or your own personal opinion, that if the amendments, perhaps as you have suggested or in some modified form compared to the original amendments, go through, that there is going to be significant disruption in your particular organization?

MR. G. DOER: The key to any of these proposals, even without it - and I agree the constitutional amendment, or an amendment that is entrenched, is very very important to us - but equally as important is the administrative methods and systems to implement them. Obviously the law is the key because it can dictate things that no one intended so we want to make it very very tight, but every time bilingual services have been introduced in this province there have been fears, there have been concerns, there have been people very upset about it, as our members, and we've tried to work through those.

As recently as 1979-80, when the last bill was passed - well we had a number of calls after the Forest Supreme Court case. What does this mean to us? Does it mean everything is bilingual back in 1979? We met with the then Attorney-General and the Minister responsible for the Civil Service, the then Ken MacMaster, and we worked out an implementation stage.

The government today could create more fear in the public service, I suppose, in the short run, by arbitrarily declaring every position in the public interest to be bilingual. Any government can do that any time, on an administrative basis. The difference is, of course, it can be thrown out and replaced with a government that would be opposed to that. There's two parts to it; (1) is the wording, and (2) is the implementation, but we want the wording changed because we don't feel we can live with the decisions of the court with the wording that has been proposed on May 17th and the wording that still remains, as indicated on September 6th.

HON. J. STORIE: Just one last question, Mr. Doer. You suggested in an aside as you were commenting, that one of the motivations for this government introducing the amendment was a fear of a court case and certainly that has been echoed by other members, particularly in the opposition. I think it's clear from the record, and certainly when the Attorney-General introduced this resolution, the original resolution, that the decision to move forward with the amendment was done because it was a practical way, a made-in-Manitoba way of

providing justice that had been lacking for a number of years. While a court case was the stimuli or was the catalyst that people saw as being the motivation, that there was certainly other motivation, and I gathered throughout your presentation you've suggested that the MGEA supports, in principle, the idea that it is a redress of an injustice.

MR. G. DOER: Mr. Chairman, at this point in time, we do have entrenched bilingual rights in Manitoba. We have not gone before the committee or anyone to suggest that they roll them back. We have basic, limited bilingual rights in Manitoba entrenched today. We see some of the changes in 23.7(1), as being limited and practical, as we've suggested, so we're not suggesting to roll back the clock past 1870.

I find the issue of entrenchment is used in two particular veins. One is it's a very very important fact because of the remedies and the inability to change. The other is, it's almost, are you for entrenchment or are you against it, and you get into this either/or situation that I don't think is healthy at all times, and that's why we're for limited, practical entrenchment. We're not for ambiguous, imprecise entrenchment of this provision.

HON. J. STORIE: Thank you, Mr. Chairman, and thank you, again, Mr. Doer for a very constructive contribution.

MR. G. DOER: Thank you.

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: Thank you, Mr. Chairman, through you to Mr. Doer. Just so that I have my notes correct because I don't, obviously, have your brief in front of me. Am I quoting you, in your presentation you concluded with a statement that you just made reference to a moment ago, and if you have your notes in front of you I'd ask you whether I'm recording that contention correctly when I write it and read it as saying that the MGEA supports limited, practical bilingualism, but cannot support ambiguous bilingualism, i.e., the ambiguous wording of the Accord of last May? Is that essentially the position that you have offered?

MR. CHAIRMAN: Mr. Doer.

MR. G. DOER: I think throughout our brief and our letter to the Premier, with a copy to all the MLAs, we stated that we did support limited, practical bilingualism. We did not support the ambiguous bilingualism that we saw in the accord of May 17th. I think it's well-known that we felt the wording in that accord was much too vague, was considerably too open to interpretation to be a made-in-Manitoba proposal that we could support.

MR. L. SHERMAN: So that position obviously, Mr. Doer, would put you in conflict or at variance with, for example, the position taken by the Société Franco-Manitobaine and others who are arguing for a very extensive kind of bilingualism, unlimited bilingualism.

I recognize that you approach the subject from a different perspective. You approach the subject from

a perspective of practicality and practical workability and protection of your membership, all of which are certainly laudable and legitimate and reasonable aims. But just so that I'm clear in my mind where the MGEA stands in the lineup, pro and con, or semi-pro and semi-con, would it be fair to say that position, supporting limited, practical bilingualism, with the emphasis on the limited and the practical, would put the association at variance with the position of the Société Franco-Manitobaine, for example, and others?

MR. G. DOER: Yes, we have met with the Société Franco-Manitobaine. I would say the two meetings we had were educational. We are, of course, two special interest groups that probably approach it from different directions. We agreed to disagree about the proposal. We have both agreed that they would do as much as possible to maintain the Accord, which is their constituency and their responsibility, and we would do as much as possible to get the proposal changed, so that's where we decided to leave it after the meetings. We also agreed that once the proposal was through or not through in one form or another, we would try to work on the implementation stage.

We also have, besides the Franco-Manitoba Society which is the body that's in the Accord, we have a number of French-speaking members of the MGEA. In fact, you may know that the MGEA had a group called the Institutional Employees Union, which is primarily a St. Boniface organization or a St. Boniface union of 2,500 members with an office on Provencher, vote to join the MGEA one-and-a-half years ago. We also consulted with our members at that particular location who also told us a different dynamic, that they supported the MGEAs limited position but didn't support - just as all members don't support the MGEA - not all members in the French-speaking community buy the more strident position of the Franco-Manitoba Society, that of which we know.

We also have a further concern about the dynamics of any Accord with the Société Franco-Manitobaine and we have stated that in the meeting and our questions to them, they cannot bind their membership. For example, if we were to agree tomorrow on an implementation stage and were to sign it off that we would live with that for awhile; they do not have the legal authority to tell their 800 members that this is the way we're going to go. The MGEA, they have the influence perhaps to do so but when we ask them, well if we were to agree to this, can you bind your membership? And they said, no, we can't stop somebody from still challenging that if they so desire as an individual.

As you may be aware, a legal employee organization as long as they maintain the legal requirements of certification, as long as its not operating contrary to fundamental principles; that justice has the right to bind its memberships in decisions based on democratic votes. So there is a different legal reality to a group that is a lobby group, an advocacy group, and obviously a very effective one in this province in terms of the Accord they achieved by May 17th, and a legal entity that can enter into agreements and bind its membership through democratic votes. So we had some very interesting meetings and we agreed to disagree and

appear before the committee and other places on that basis.

MR. L. SHERMAN: That was a full and very informative answer, Mr. Doer. In part of it, you anticipated one of my questions. I think that's an important distinction to have on the record at this point, the distinction having to do with the capability of implementing and enforcing agreements over which or through which the administrative offices of the agency or the organization have the power to guarantee that they shall be legally binding on their members.

Mr. Doer, you had and certainly many of your members had some major early concerns with respect to designation of certain positions in the public service and with respect to job security and promotion opportunity in the public service for some, indeed perhaps for many unilingual members of the public service. They would by definition, I suppose, be and have been Anglophones, but the point is that they were and are unilingual and there was a considerable concern about their job security and their promotion opportunities. I take it from the exchange of questions and answers that you had with Mr. Doer, the amendments that have been introduced to the resolution so far by the government and the further ones proposed or cited by Mr. Penner as pending and probably forthcoming, have now removed or relieved a good many of those concerns, not only for you but for a substantial portion, perhaps even the majority of your membership. Would that be correct?

MR. G. DOER: No, I would say not. The term "significant" demand, it was probably more understood by our members to be a problem than the more technical terms that were contained within the proposal under 23.7(1). Our people understand very definitely that the word "significant" is a very vague, imprecise term, so I would say the major concern of our people in terms of how they relate to this bill, is the term significant demand.

MR. L. SHERMAN: Well that is enlightening. Then if you could just take me through the latest list of amendments - and I don't mean to belabour the point - but just so that I understand precisely where the MGEA stands on them and I don't have the opportunity at the moment to go through your brief word by word, but on the basis of your verbal presentation of half-an-hour ago, it's my understanding that you're satisfied with the proposed amendment to 23.1.

A MEMBER: No.

MR. L. SHERMAN: I'm asking Mr. Doer. It is my impression that - and I stand to be corrected - but it's my impression, Mr. Chairman, through you to Mr. Doer that Mr. Doer said that what the MGEA wanted to see added to that clause, was a clause that stipulated to the extend described in 23.2 to 9 and the proposed amendment introduced or proffered by Mr. Penner says and I quote, "as provided for in Section 23 and Sections 23.2 to 23.9 inclusive." I therefore conclude that the MGEA is satisfied with that proposed amendment to 23.1. Is that correct, Mr. Doer?

MR. G. DOER: We are satisfied with the move on 23.1. If we were to ask to be 100 percent satisfied, we would prefer the words "to the extent set forth" in the proposal, as we have mentioned in our brief as wording, but it certainly goes a long way to change the proposal in our mind, and in the mind of our lawyers of the original fears we had that the proposal was a statement of principle rather than a limiting factor.

We would prefer the words "to the extent set forth," but it does satisfy some of our concerns from the May 17th proposal.

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: So that any continuing hangup you had here is simply with the language, the specific wording of the qualifying clause.

There's general satisfaction of the deletion of the term "central office." The reference to "administrative body" is not satisfactory, not acceptable.

There was no comment offered on the proposed amendment to 23.8(4), which removes the word "forthwith" in the second line thereof, and replaces it with the words "within such time as may be reasonably required." Did you have a comment on that, Mr. Doer, or did I miss it?

MR. G. DOER: There was no written comment on the change. We see the change from "forthwith" as in terms of the reasonable time requirement as a positive move on the presentation. We didn't have time to inject it into the brief.

MR. L. SHERMAN: Okay. Then, given that range of limited, contained satisfactions, we then come to the "significant demand" provision, and that is still the aspect here that bothers the MGEA most profoundly. That's still the aspect that really sticks in the craw of the MGEA. You have offered a very innovative proposal as to how we might deal with the definition and application of "significant demand" or its equivalent.

Would it be fair to say, Mr. Doer, that what you have suggested here actually is that we entrench 23.7(1), but leave 23.7(2) - the "significant demand" provision - in the hands of the elected and thus the accountable representatives of the people?

MR. G. DOER: We do not feel that the present wording, or the proposed wording of May 17th, or any discussions we've had to date with the government in terms of wording would serve the Province of Manitoba because of its imprecise and vague nature by a proposal to entrench it in the Section 23.

We are proposing that it not be entrenched, because we are proposing the remedy under 23.7(1) be to the courts, and we are proposing the determination be ultimately with the Legislature under 23.7(2).

MR. L. SHERMAN: Mr. Chairman, through you to Mr. Doer. Finally, Mr. Doer, could you just shed some clarifying light for me on the formal approach that you offered. I recognize that it's going to be contained in your printed brief, but I haven't had time to look it up. As I recall from your verbal presentation, you proposed that 23.7(2) read "where the Legislature determines

there is a significant demand, or due to the nature of the office," etc.

Now, in dealing with that phraseology which makes reference to the Legislature's determining the matter of significant demand, there has been some discussion about employing the talents and capabilities of a quasi-judicial body like the Electoral Boundaries Commission.

Does your presentation formally propose that it be the Electoral Boundaries Commission, or can you conceive of a mechanism which would exist right within the Legislature itself, right within the Legislative Chamber, for determining the "significant demand" provision?

MR. G. DOER: Mr. Chairman, we have recommended on Page 12 - I recognize you just received the brief - that the Legislature pass an act to empower the Electoral Boundaries Commission or a similarly constituted body. We didn't want to tie our hands necessarily to that exact body, but we were trying to get at the concept of a body that has prevented, in most people's opinion, gerrymandering in this province, and we would want to see the same.

We, first of all, believe the Legislature should maintain the right to determine rather than the courts, but we see a mechanism to protect us against the situation that developed in Quebec, where you had the Legislature determining in a pretty capricious manner the language rights of the minorities of English in Quebec. So that is why we have proposed the combination, or the concept.

It's really, Mr. Chairman, a concept we proposed as a method of looking at this issue. I'm sure the legislators here at the table would have a lot more ideas and specifics about it. We thought we should put another concept on the table, which is the two-tier system; one is entrenched for the limited area under 23.7(1), and the other one is the other concept of a Legislature determining right with the "significant demand," which really what we are doing is passing a statement of principle under 23.7(2), but hopefully, some other similarly constituted body to the Electoral Boundaries Commission can deal with the other side of that equation.

MR. L. SHERMAN: Thank you, Mr. Doer. I see that now, yes, on Page 12. I've had a chance to read it. So you are not specifying that it necessarily be the Electoral Boundaries Commission, but that it be a body like the Electoral Division Boundaries Commission, a similarly constituted body which would be established and empowered by the Legislature, is that correct?

MR. G. DOER: Yes.

MR. L. SHERMAN: You don't see this as being a decision that would be made in the legislative arena itself. The Legislature would empower a body to do it. That is your concept. Is that correct?

MR. G. DOER: Again, I was going to go over the bill tonight, but as I understand it - I could be corrected - the Boundaries Commission still reports to the Legislature. So we have stated in the proposal - "where the Legislature determines" - we are very clearly leaving

that authority with the Legislature, and clearly saying that the remedy of that authority should not be with the courts as an entrenched right. Rather, it's a statement of principle, and that we must have a mechanism to take care of the other side of that principle where you get the popular considerations one step removed, but still answerable to the Legislature.

MR. L. SHERMAN: Well, it's certainly an innovative proposal, and I am sure we want some time to look at it and think on it, Mr. Chairman. Thank you very much, Mr. Doer.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Santos.

MR. C. SANTOS: Thank you, Mr. Chairman.

Mr. Doer, I'm intrigued by your word "limited practical bilingualism." How does that differ from federal policy of bilingualism?

MR. G. DOER: First of all, your leader, the Premier of the province, has stated on a number of occasions that he is opposed to the federal program of bilingualism. We concur with him. Surely you're not suggesting that we have the federal program in Manitoba.

MR. C. SANTOS: No, I'm just asking questions, Mr. Chairman. Does it mean that you don't want the implementation of what is now Section 16.1 at the federal level, which states that, "English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all the institutions of Parliament and Governments of Canada." You don't want that paralleled in Manitoba?

MR. G. DOER: Mr. Chairman, the Premier of the Province, he's stated on a number of occasions to us that he is opposed to the federal proposal. Similarly we are aware of the entrenched realities in the Province of New Brunswick, which we are informed is mitigating in a great degree against the merit principle in the public service.

We feel strongly and based on conversations we've had with a number of different groups at the federal level, that the primary criteria for promotion at a certain level in the federal public service, is language and the secondary criteria is merit. We concur with all the statements that have been made that the federal program has been a terrible program, both in its administration and its legal language and I do not believe we should have a clip-and-cut policy of moving that language into Manitoba. I strenuously object to that; I think it would do no one any service at all in this province.

MR. C. SANTOS: Mr. Chairman, do you agree that the effect of official federal bilingual policy is to redefine the concept of merit by including the ability to speak English and French as one of the ingredients that get into that idea of merit in the Civil Service?

MR. G. DOER: Mr. Chairman, the discussions we've had, not only with employee groups but employers as well, personnel officers, tell us that that is not just one

criteria for the selection and promotion of staff. It is "the" criteria in many cases and I think you would agree, Mr. Santos, that to have one criteria being language which has developed, unfortunately, the Federal Public Service, does not serve the citizens of Canada in a very positive way.

We do not believe, for example, talking to personnel officers in this community, that all the staff of the community of Steinbach working in the taxation office, must be bilingual or they can't work there. We think that doesn't help, not only the public employees, but the community of Steinbach that has a number of groups within the particular area.

We certainly don't object to French Language Services to the citizens of La Broquerie and St. Pierre and we don't believe everyone in the office should be bilingual. The federal program has been an absolute disaster in the public service, both in its legal terms and in its implementation in terms of the MGEA's opinion. This has also been stated by the Attorney-General and by the Premier of the Province in his speeches and I would refer to his speaking notes of August 16th, of which I'm sure you have a copy and was released to the public August 16, 1983.

MR. C. SANTOS: Mr. Doer, through you, Mr. Chairman, can you enlighten me as to what is your definition of a bilingual Civil Service position?

MR. G. DOER: I can enlighten you - not I can enlighten you - I can answer the question in terms of, if a position states the ability to speak French and English as an asset, I consider that a bilingual French and English position.

MR. C. SANTOS: If the qualification requirements for a Civil Service position states that the ability to speak both English and French is a requirement of the duties of the position, such that the duties of the position cannot be performed without that ability to speak English and French, would you consider the position a bilingual position?

MR. G. DOER: One must not necessarily assume that that's so. We've had situations where the positions have been required to be bilingual. I will forward to the committee a copy of a bilingual position in the Health Services Commission, of a Clerk Typist III position, which we saw no particular reason to be bilingual except it was more of a fad than a reality of the job.

There were two other people in the office that were already bilingual, in a more senior capacity; one in a senior capacity and one in the same clerical capacity. Not only did we have the problem of the other employees being disenfranchised from getting that position for no reason at all, but we also had the situation that the person that was going to receive the position to begin with felt that the only reason her peers would perceive she got it, is because she could speak a particular language and not necessarily because she felt she was competent. So I don't believe that every boiler inspector in Manitoba has to speak French and English to inspect a boiler but there may be an individual in the Language Services Department of government, that it makes good sense to speak French and English

as pursuant to the act passed and the decisions made in the last 20 years.

MR. C. SANTOS: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Lyon.

HON. S. LYON: Mr. Doer, through Mr. Chairman to you, I regret first of all I didn't have the opportunity to hear the first part of your brief but a few general questions perhaps will be in order.

As you will be well aware from your service in the Provincial Civil Service and in the Manitoba Government Employees' Association as an officer and now the Chief Executive Officer, over the years there has been, in an evolutionary way, a gradual extension of French Language Services for Civil Service positions in Manitoba.

MR. G. DOER: Mr. Chairman, yes, and we feel the evolution has been positive generally. We've dealt with some of the administrative realities or fears arising out of those decisions. But we met as early as the mid-'60s with the Ministers of the Roblin Government and have since met with governments as they've been elected, on this whole issue, and we feel we've had in terms of the administration of this, it's been a positive evolution with some bumps along the way that are natural for this kind of program.

HON. S. LYON: Mr. Chairman, to Mr. Doer, prior to this amendment coming forward by the present Government of Manitoba, has there been any cause for deep concern by the Manitoba Government Employees' Association that the merit principle was going to be attacked by virtue of any policy adjustments that were being made by the Roblin Government, the Weir Government, the Schreyer Government, the Lyon Government, the Pawley Government, which were made as matters of policy and, I would expect, presumably discussed with you or your predecessors through the instrumentality of the joint council. Was there any problem of a deep nature arising from these gradual extensions of French Language Services?

MR. G. DOER: Mr. Chairman, there was problems, but not of a deep nature. We were always able to achieve an implementation or an administration of French Language Services, I feel, in this province, in conjunction with many governments, in what we feel to be a positive and responsible manner, and I would say there was not a deep problem with it throughout the years.

In fact, I called the former president and former chief executive officer who is retired, Mr. Charlie Wild, the other day, just to go over some of his history from back in the late '40s just to get a reading on it; and through the '60s, he was involved in the original proposal for a language bonus, I think, in the mid '60s, when it was a fad at the federal level, which was rejected by both sides as not necessary.

So, in answer to your question, I have not observed or perceived deep problems in its implementation.

HON. S. LYON: Moving forward rather quickly to a period that I am more familiar with myself, in 1980, the

previous government had occasion to enunciate new policies with respect to the extension of French Language Services within the public service of Manitoba, which, of course, were not presumed ever to have been entrenched in the Constitution, but were being advanced as a matter of policy, walking hand-in-hand with the judgment that had been handed down by the Supreme Court in the Forest case.

Can you tell us, first of all, Mr. Doer, whether or not the instrumentality of the joint council, or whatever instrumentality was available for government to deal with the employees' association, was that instrumentality used; was there a prediscussion with the Manitoba Government Employees' Association about such changes, and any impact, positive or negative, that it might have upon the employees and, more particularly, upon the merit principle?

MR. G. DOER: Mr. Chairman, again, when the pending court case was being developed, we had very, very positive meetings with the former Minister responsible for the Civil Service Commission, Mr. Ken MacMaster, who was also chairperson of the joint council. We had meetings with the Attorney-General that day, and I think it is for the public record that we had very, very positive input into the implementation of the programs announced by the government of 1980.

HON. S. LYON: So that, Mr. Doer, when the programs, in 1980, that were announced by the previous government of an extension of French Language Services into the various departments of government, when those programs were announced, had there been that kind of normal and reasonable preconsultation with the MGEA, which one would expect, because of the program that would have ultimately some effect upon the hiring practices of the government?

MR. G. DOER: Mr. Chairman, in answer to the question, we had very reasonable input into it. In fact, our major problem, I think, as you may recall, was getting enough translators to Manitoba. We, of course, had to represent the translators, and we had to hammer out enough money so you could attract them to Manitoba as one of the realities of the issue, but all in all, I think it is a positive implementation stage consistent from 1960 on.

HON. S. LYON: I take it - I realize this is repetition, Mr. Chairman - that the MGEA, no more than the Progressive Conservative Party of Manitoba, no more than the Union of Municipalities, no more than the Chinese Canadian Association, expressed to you, or to the public, or to anyone else, any adverse opinion about these progressive steps that were being taken by government in consultation with the Manitoba Government Employees' Association about an evolutionary move into more French Language Services within the public service, consistent with the other developments that were taking place in the province and in the country. Is that accurate or not?

MR. G. DOER: It was a positive implementation, in our opinion.

HON. S. LYON: Mr. Chairman, to Mr. Doer - I realize that he is not a political person; he is not, like Mr. Green

or myself or the Minister of Natural Resources, an elected member - but would it be fair to ask whether in his observation, as the head of the largest union, I guess, in Manitoba, did he observe at that time that there was any public divisiveness or tearing of the social fabric in Manitoba as a result of the policies that were being announced by government to extend French Language Services in Manitoba, in consultation with the Government Employees' Association, with other groups who were responsible? Was there any social divisiveness of the kind we see rampant in Manitoba today?

MR. G. DOER: Well, there's no question that there's a different dynamic on today, I think all of us would admit, than there was in 1980. There's no question of that at all. Of course, that's why we are before this committee and why we are trying to get a solution to it. Yes, it was a positive experience in 1980, but we're in 1983 in this situation.

I would generally say that I didn't see a lot of divisiveness in 1980. There was a large debate in the Legislature on the issue, or the tremendous problems in the public service arising before and during and after the Forest case in Manitoba. We felt we could deal with it. Our major problem, besides translators, was in the area of the courts, and I think we all moved carefully but expeditiously as possible to implement the decisions of the Supreme Court in that area.

HON. S. LYON: Would it be fair to say, Mr. Chairman, to Mr. Doer, that there was, in your opinion, reasonable, unreasonable, or too much or too little preconsultation with the MGEA about these policy determinations of the Government of the Day to extend French Language Services? It's open to you to say. Was there too little, or too much, or not enough prediscussion before the announcement was made, or what is your opinion of that?

MR. G. DOER: We felt we had adequate and fair prediscussion of the bill, and very, very fair access to the decision makers in terms of implementing the bill during the '80 period.

HON. S. LYON: As a result, Mr. Chairman, of all of these matters that we have been talking about, the prediscussion, the ability of the government to enunciate a policy which seemed to meet with the will of the people, all of these matters, is it fair, I ask Mr. Doer to say that the extension of French Language Services to the public service of Manitoba was being accomplished in a way that was in accord - I'm asking you as a citizen, not as a politician, but as a citizen - was being accomplished in accord with what you would agree was in the public interest, in the broadest sense of that word?

MR. G. DOER: Mr. Chairman, again, I feel the implementation in 1980 was very responsible on all fronts and was in the public interest.

HON. S. LYON: Now, can I ask you to move forward to March of 1982? In March of 1982, the present Premier of Manitoba made a speech to the Franco-

Manitoban Society announcing in effect, reiterating in effect, the desire of the new government of Manitoba to continue the French Language Services policy which had been initiated and supported by his party when in opposition, and some new ventures and initiatives in that regard. Were those matters prediscussed with the MGEA or did you read about them in the paper or were these matters that were of any concern to you? In other words, was the previous matter, the previous format and methodology of negotiation carried out as reasonably as it had been in 1980?

MR. G. DOER: In answer to the question, we of course did read the speech in the paper and witness it in the media. We did receive copies of the speech after the speech was given. It caused some concerns, not immediately, but later on in terms of the policy paper that was developed in Cabinet and circulated by the Secretary of the Cabinet dealing with the matter of promotion and training of people versus attrition and outside hiring. Those matters we have identified with the Attorney-General since, but at the time we did not have those discussions.

The original speech in 1982 - our major problem arising from the speech besides the headlines, etc., was the one area of the direction that was given to government departments and government Crown corporations in terms of the policy to hire basically through attrition and attraction from outside, rather than providing needed training inside. Although there were some discrepancies between that, as I have mentioned before, the policy and the practice, because we had some positive examples started by the former government and continued by the Pawley Government in terms of, for example, the Rentalsman Office, etc., where there's one out of thirty chosen on a voluntary basis to take French language training. So we had different dynamics in operation, if that answers your question.

HON. S. LYON: So, Mr. Chairman, I take it that it would be fair to assume that comparing the policy statement that was made by the previous government in 1980 about the extension of French Language Services, which Mr. Doer has indicated were discussed in advance with the Manitoba Government Employees' Association before the announcement was made, that by contrast in March of 1982 when Mr. Pawley announced a reiteration of that program and some extension of it, there had been - am I right in assuming there had been no prediscussion with the MGEA before the announcement had been made?

MR. G. DOER: Mr. Chairman, in answer to your question, there was not. In fact, our brief I think indicates it. On November 15, 1982, I have it in my notes, we raised it at a joint council because we had heard there were negotiations going on to settle the Bilodeau case and we were obviously at that point very concerned about it.

HON. S. LYON: Well then, moving forward from March of 1982, did your union, Mr. Doer, have occasion after the announcement made by Mr. Pawley to the Franco-Manitoban Society in March of 1982, as a matter of

government policy about further extensions of French Language Services, did you immediately then, either through joint council or whatever instrumentality now operates with government, move in to discuss with the Government of the Day, the present government, how this policy was to be implemented in conjunction with the MGEA so as to do no offence to the merit principle and the other legitimate concerns that your body and the people of Manitoba are charged with?

MR. G. DOER: Yes, Mr. Chairman, we raised it at one meeting in the late spring, early summer of 1982. At that point we weren't receiving a lot of enquiries from our members or logistical problems from our members arising from the speech except, as I say, when we received a document in terms of the training policy of government.

Subsequent to that, there was a change in the chairmanship of joint council on the government's behalf over the summer and we raised it verbally again in the early fall and specifically on November 15th, which I believe was our first joint council meeting with the new Minister responsible for the Civil Service. Of course, we were aware at that time that the government departmental committee set up by the Civil Service Commission, including people from the French Languages Branch of the government; we had been informed that the Civil Service Commission people recommended that we not be involved in the process during these negotiation stages and that's why of course we raise it on November 15th to try and get a handle on what we were hearing, or the rumours of what was going on with the Bilodeau case and the administration of the program.

HON. S. LYON: I wonder, Mr. Chairman, if I could ask Mr. Doer just for my own information, knowing something about the joint council setup from the date of establishment way back in, I believe it was the '60s. Could he give us some idea of the regularity of meetings between himself, the members of his executive with the joint council which is really a subcommittee of Cabinet, say, in the previous administration as opposed to the regularity of meetings that are presently carried on between his group and the present Government of Manitoba? Is there any change or what has been that experience?

MR. G. DOER: Mr. Chairman, I think the regularity of meetings under the former administration was once a month at a predetermined date. Unfortunately, we have not been able to obtain that regularity at this point. I have expressed that recently and formerly as a concern to the Minister responsible. It's very important to us, as you would well understand, that we meet on a regular basis to get the concerns on the table, so this has been expressed to the government as one of our concerns. It's been sporadic. At times we have three meetings in six weeks. I think certainly during the renegotiation stage of our contract last January and February, you might have seen a lot of people for the MGEA scurrying around the Legislative Buildings in that process which was a quasi-joint council process.

There was a period of time over the summer of '82, the changing of Cabinet Ministers, etc., that there were

not a lot of meetings, and into the fall of '82. In fact, I'm trying to recall, I think November 15th was the first meeting of our three members from July of '82 on. I could be wrong on that, but that's just memory. That's why we note on Page 1 of our brief, we did note for the record and we have expressed publicly that we felt our input was not a positive one at its initial stages. I might say, since then we've had a lot of meetings since the July letter we wrote.

I might also say that I think the committee will get that same feedback from other unions, other public sector unions who too received the proposal sometime in July and have only been looking at it for the last six or seven weeks. So I don't think this is an issue unique to the MGEA. That's why we thought it was important to record for the record in our brief on Page 1, the lack of process because we feel we could've helped the proposal in terms of dealing with the operational realities of government, which is our responsibility to do. We felt that we could've been part of the solution not part of the disagreement and the problems.

HON. S. LYON: Mr. Chairman, although I wasn't directly involved, it's my recollection that before the previous government announced its new policy of extension of French Language Services within the Public Service of Manitoba, that that policy was discussed thoroughly, as Mr. Doer has admitted, with the MGEA with the result that when it was announced it represented an amalgam of the best advice that the government employer and the government union could offer with respect to how these services could be best implemented, without doing prejudice to the merit principle and to the tenure of existing civil servants and so on. In other words, it was a kind of joint consultation which even the best of labour relations people would say, if not the best, at least adequate in the circumstances in order to ensure that both sides of the equation, the government and the Government Employees' Association were aware of what the government was doing and what was then a fairly dramatic new thrust forward with respect to linguistic services. Is that accurate or not?

MR. G. DOER: Mr. Chairman, the former Chairperson of the Joint Council Committee was an old steelworker and had great respect I think for the union input into operational programs. We felt - and I'm saying this in a non-partisan sense of this committee - we felt we had access to what was going on and input to prevent problems in the future if it was entirely possible. We didn't always agree at those meetings of course nor would we with any joint council, but we felt that the information was on the table from both sides and we were able to constructively propose ideas and leave the meetings in a very positive sense, I think, not only for our membership but for the ultimate delivery of the program.

With the changing government, we've had some very positive experiences of joint council and we've had some negative ones. The French Language Services proposal and the Bilingual Program, I would say, has been very negative. We've had absolutely no input into it and I state that it was indeed unfortunate because it did leave all of us high and dry when the thing came down. In

fact, it took us four weeks to get the proposal. After it was announced, it took us four weeks to get the proposal so that we could take a look at it.

HON. S. LYON: So as I understand it, Mr. Doer, you're telling us that not only the policy announcement made by Mr. Pawley in March of 1982 not to you, not to the people of Manitoba, but to the Franco-Manitoban Society; not only had that not been prediscussed with you, but you're jumping ahead and telling me now that the announcement, the much more dramatic announcement that was made in May of 1983 by the Attorney-General with respect to the amendments now before the committee, these fundamental changes in the Constitution of Manitoba. Are you honestly telling - I'm sure you're honestly telling me - but are you really telling this committee and the people of Manitoba that there was no preconsultation with the Manitoba Government Employees' Association before the Attorney-General announced these fundamental changes to the Constitution of Manitoba affecting the employment of 14,000 people, potentially, in our Public Service? Was there no preconsultation at all?

MR. G. DOER: Mr. Chairman, there was no preconsultation on the amendment with the Manitoba Government Employees' Association before the Accord was announced on May 17th. I believe you will find we have been meeting for the last six weeks with other public sector unions and we are all attempting to deal with this problem in a non-partisan sense. I think you will find that that will be a universal concern. I believe the media reports of July 13th did indicate that they also did not have copies of it, which I feel is a fundamental - I'm very straight on this issue - which, in our opinion, is not the way to proceed in a matter so vitally important to our membership and indeed the public of Manitoba.

HON. S. LYON: Mr. Chairman, I am not asking Mr. Doer to comment upon this but I make the statement and he can comment if he wishes or not. But I find it outrageous; I find it outrageous that a responsible government of Manitoba would presume to enter into negotiations and finalize negotiations that affect the employment of 14,000 people or more in the Province of Manitoba, without a word or consultation with the union that represents those 14,000 people. I'm not asking Mr. Doer to agree or to disagree. He's already confirmed to us that this government, supposedly so concerned about labour in Manitoba, made not a word of preconsultation with the biggest union in Manitoba before it embarked upon this foolhardy course that we are here examining tonight.

Mr. Doer, when did you first hear of these amendments that we are now examining before the Legislature of Manitoba?

MR. G. DOER: Mr. Chairman, I can't recall the exact date but we were informed through media reports. I believe there was a speech by the Prime Minister. I think that's the first inkling we had of the Accords but we were aware of some negotiation process. We had heard, through the bowels of this building and we were trying to get a handle on it I think through the winter.

So that was the first time. When it was publicly announced it was the first time we heard of the Accord and immediately proceeded to try and get a copy of it.

HON. S. LYON: Mr. Doer, can I ask whether or not you and your organization expressed any regret or, as I would expect, indignation to the Government of Manitoba, that they would presume to announce such a change that would have serious effects upon hiring policies of government for years to come without some preconsultation with your union?

MR. G. DOER: Mr. Chairman, our comments on Page 1 of our brief dealing with the matter of the lack of consultation have been on the public record in terms of the position of the organization. We also knew at that point that - I suppose we wouldn't use the term "outraged" - but at that point it was our responsibility to attempt to sit down with the Government of the Day and deal with the wording that was before us in the most responsible manner possible. So we tried not to get too emotional about the issue and get right into the wording of the proposal and what it meant to our membership.

But we felt, and we've stated in the brief, that it is indeed unfortunate that we were not involved in this initial process because we think, not only from the job security sense but also we do have some experience in drafting wording as is our responsibility with collective agreements, and we think we have a lot of experience in the operational aspects of government which could be, as I say, part of the solution, not part of the problem, to the whole issue.

HON. S. LYON: I wonder if I can ask Mr. Doer, this bolt from the blue became apparent to you, first of all, by way of rumour in '81 or '82 and then subsequently by the public announcement in the spring of 1982, was your concern about this matter conveyed to the Manitoba Federation of Labour of which your union is probably the largest component unit?

MR. G. DOER: Mr. Chairman, we certainly have communicated on a continuous basis with the Federation of Labour. The Federation of Labour is having a convention in two weeks. There are two motions on the floor dealing with this matter which will be subject, of course, to convention debate and convention resolution.

Since the time that we received the bill in July the Federation, as I understand it, has expressed through the government their concern of the fact that the proposal was not just before the MGEA but also before the Federation and before other public sector unions. But I'm sure other public sector unions will be before this committee before the hearings are out and I'll leave them to speak on their behalf.

There are two resolutions before the Federation of Labour Convention and I would expect the one dealing with the process and not just, Mr. Chairman, because of this proposal. In all honesty this proposal concerns us because it affects us directly but beyond just our parochial concerns we believe strongly, at least I believe strongly and I'm going to be arguing strongly at the

Federation Convention, that a constitutional amendment of this province should not be based on an Accord with any interest group, even if it was just with the MGEA and the Franco-Manitoba Society and the government, I feel that's wrong. I believe there has to be that wider process involved in any constitutional amendment, beyond just this one, because this will I think set some of the precedents for future amendments.

I think again, beyond partisan politics and beyond our parochial concerns, I feel it's ultimately important that we have set up a process to deal in a very open way with these kinds of things. I think this committee hearing and the debate in the last while, where it may be somewhat divisive because of the nature of the issue is very very important for all Manitobans and very important for future precedents, if we're ever involved in these kind of proposals again, in terms of entrenchment in a constitution.

HON. S. LYON: Mr. Doer, can you tell us whether or not the Manitoba Government Employees' Association will be sponsoring any resolution at the Manitoba Federation of Labour Annual Meeting with respect to this matter and, if so, are you at liberty to tell us what the wording of that resolution would be?

MR. G. DOER: Mr. Chairman, we have two motions before the convention floor. One is the process and the second motion is dealing with the motion similar to our position, unlimited, practical bilingual services. At this point in time, the public sector unions, consistent with the position of public sector unions in Manitoba, at this point in time, the public sector unions in Manitoba are still open on the issue and still proposing changes but there are two motions dealing with the process and the substance as we're proceeding to the convention, two to three weeks from now.

HON. S. LYON: I don't want to press or to embarrass, Mr. Chairman, Mr. Doer, but is he at liberty to tell us or to give us the wording of those motions at this time and if he isn't, I will understand. We'll see them in two or three weeks.

For the advantage of the Minister of Natural Resources, it has everything to do with the manner in which this government has mishandled this matter from the day it took office. It has everything to do with that. Is Mr. Doer at liberty to give us the wording of those resolutions?

MR. G. DOER: Mr. Chairman, the wording of the resolution we have submitted as one of the unions is consistent with much of the wording that's in our brief, in terms of limited, precise bilingualism, made-in-Manitoba policy, or law. I can't recall the exact wording but that's the thrust of the motion. I must say though, for the record, we have had some very positive discussions since we've received the bill in July, with the Attorney-General, with the Premier, with the Leader

of the Opposition, with all the Société Franco-Manitobaine.

I would say that the process pre July 12th was very negative. I would say the process after July 12th has been constructive, so I want to put that on the record. But we felt it was, as I say, negative before the 12th till we got it, then it's been constructive. The doors have been opened since our public announcement of July 12th, which was submitted to or forwarded to all the members of the Legislative Assembly.

HON. S. LYON: Mr. Chairman, just a final question because we're nearing adjournment. Even though the people of Manitoba and the Legislature of Manitoba received these fundamental amendments some time in May of 1983, the Government Employees' Association didn't receive them until July. Am I right in that understanding?

MR. G. DOER: Mr. Chairman, we received them 6:30 on the beginning of the July long weekend because I left 15 minutes before it. I'll be perfectly honest.

HON. S. LYON: That's a good way to end the evening, with an incompetent government, Mr. Chairman.

A MEMBER: We're not perfect, Sterling.

HON. S. LYON: It shows you're not even a government.

A MEMBER: Well, you weren't perfect, Sterling.

HON. S. LYON: We were a damn sight more perfect than the mediocrity we've got now.

MR. CHAIRMAN: Mr. Graham. Order please.

MR. H. GRAHAM: Mr. Chairman . . .

MR. CHAIRMAN: Order please. The committee hasn't adjourned yet.

MR. H. GRAHAM: Mr. Chairman, I wanted to expose or to discuss with Mr. Doer quite a number of his concerns and my concerns about the term "administrative body" but I realize it's 10:30 and perhaps I could carry on in the morning.

MR. CHAIRMAN: Well, in the morning, the first by the committee's decree, Dr. Steven Scott will be on because he's coming in from Montreal. After that, if Mr. Doer is prepared to come, we can have him finish off his questions; but the committee has made that commitment.

I should also like to ask the audience to leave their translation units behind. They are expensive units; we don't want to lose them. Thank you very much.

Committee is adjourned until 10:00 a.m. tomorrow.

(Translation will appear in Appendix at end of all committee hearings.)