



First Session — Thirty-Fourth Legislature
of the
Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS
(HANSARD)

37 Elizabeth II

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fourth Legislature

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	LIBERAL
ANGUS, John	St. Norbert	LIBERAL
ASHTON, Steve	Thompson	NDP
BURRELL, Parker	Swan River	PC
CARR, James	Fort Rouge	LIBERAL
CARSTAIRS, Sharon	River Heights	LIBERAL
CHARLES, Gwen	Selkirk	LIBERAL
CHEEMA, Gulzar	Kildonan	LIBERAL
CHORNOPYSKI, William	Burrows	LIBERAL
CONNERY, Edward Hon.	Portage la Prairie	PC
COWAN, Jay	Churchill	NDP
CUMMINGS, Glen, Hon.	Ste. Rose du Lac	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DOER, Gary	Concordia	NDP
DOWNEY, James Hon.	Arthur	PC
DRIEDGER, Albert, Hon.	Emerson	PC
DRIEDGER, Herold, L.	Niakwa	LIBERAL
DUCHARME, Gerald, Hon.	Riel	PC
EDWARDS, Paul	St. James	LIBERAL
ENNS, Harry	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Laurie	Fort Garry	LIBERAL
EVANS, Leonard	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen Hon.	Virten	PC
GAUDRY, Neil	St. Boniface	LIBERAL
GILLESHAMMER, Harold	Minnedosa	PC
GRAY, Avis	Ellice	LIBERAL
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HELWER, Edward R.	Gimli	PC
HEMPHILL, Maureen	Logan	NDP
KOZAK, Richard, J.	Transcona	LIBERAL
LAMOUREUX, Kevin, M.	Inkster	LIBERAL
MALOWAY, Jim	Elmwood	NDP
MANDRAKE, Ed	Assiniboia	LIBERAL
MANNES, Clayton, Hon.	Morris	PC
MCCRAE, James Hon.	Brandon West	PC
MINENKO, Mark	Seven Oaks	LIBERAL
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold, Hon.	Rossmere	PC
OLESON, Charlotte Hon.	Gladstone	PC
ORCHARD, Donald Hon.	Pembina	PC
PANKRATZ, Helmut	La Verendrye	PC
PATTERSON, Allan	Radisson	LIBERAL
PENNER, Jack, Hon.	Rhineland	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren	Lac du Bonnet	PC
ROCAN, Denis, Hon.	Turtle Mountain	PC
ROCH, Gilles	Springfield	LIBERAL
ROSE, Bob	St. Vital	LIBERAL
STORIE, Jerry	Flin Flon	NDP
TAYLOR, Harold	Wolseley	LIBERAL
URUSKI, Bill	Interlake	NDP
WASYLYCIA-LEIS, Judy	St. Johns	NDP
YEO, Iva	Sturgeon Creek	LIBERAL

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, November 23, 1988.

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

READING AND RECEIVING PETITIONS

Mr. Speaker: I have reviewed the petition. It conforms with the privileges and practices of the House and complies with the rules. Is it the will of the House to have the petition read? (The Royal Winnipeg Rifles Foundation)

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

Mr. Mark Minenko (Seven Oaks): The Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again.

I move, seconded by the Honourable Member for Minnedosa (Mr. Gilleshammer), that the report of the committee be received.

MOTION presented and carried.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

Hon. Gary Filmon (Premier): I am pleased to table for Members opposite copies of the Manitoba Minnesota Agreement on Economic Cooperation and Trade Opportunities which I signed with Governor Perpich on Monday of this week.

Hon. Clayton Manness (Minister of Finance): I would like to table Supplementary Information for Legislative Review, for the Department of Finance '88-89.

Hon. James McCrae (Attorney-General): I would like to table Supplementary Information for Legislative Review for the Department of Attorney-General for 1988-89; and also Supplementary Information for Legislative Review for the Department of Cooperative Consumer and Corporate Affairs for 1988-89.

INTRODUCTION OF GUESTS

Mr. Speaker: Prior to oral questions, may I direct the attention of Honourable Members to the public gallery where we have from the English Secondary Language Program at Sisler High School, nineteen Grade 8-12 students under the direction of Carol Grier. This school is located in the constituency of the Honourable Member for Inkster (Mr. Lamoureux).

On behalf of all Honourable Members, I welcome you here this afternoon.

ORAL QUESTION PERIOD

MIC

Chairperson's Resignation

Mrs. Sharon Carstairs (Leader of the Opposition): My question is to the Minister of Culture, Heritage and Recreation (Mrs. Mitchelson). The Intercultural Council has lived under a cloud of uncertainty for some months and this Government has done nothing to ease the minds of the members of our ethnic community.

After months of sitting on the task force report, it was finally released last week, but the Minister was unable or unwilling to tell us exactly what the Government was going to do in terms of the recommendations. Now we have learned of course that the chairperson has resigned and that has been accepted by the Minister and in addition she has fired the executive director of the council.

Can the Minister tell the House today how can she expect the council to operate, in her words, at arm's length, when she is the political master of both the chairperson and its executive secretary and as the political master she has acted so unilaterally?

* (1335)

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Recreation): I thank the Leader of the Opposition for that question because I attempted to clarify it in Estimates last evening and I will attempt to clarify again today, that first and foremost we are committed to consulting in a broad way with the multicultural community to ensure that what they want, the recommendations that they make, are brought to Government and Government will respond to the recommendations that they make.

I clearly indicated last evening also in Estimates that the audit that was conducted on MIC clearly indicated that there was lack of communication in several aspects of the Intercultural Council. There was lack of communication between the executive secretary and the chair of the council. Those two people, Mr. Speaker, are appointed by Government. That is in legislation. It was set down in legislation in 1984 long before my time.

Executive Secretary Dismissal

Mrs. Sharon Carstairs (Leader of the Opposition): With a supplementary question on the basis of her statement. The Minister has said that she believes in consultation in a broad way with the community. Can she tell us today how broad her consultation was with the council with regard to the firing of the executive director?

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Recreation): As a result of the audit, I met with

the executive of MIC and I clearly indicated at that time when I met with him about a month ago that it was up to the two Government appointees of the Intercultural Council to work together to cooperate and communicate together so that, in their role as an advisor to Government, they were bringing forward the recommendations of the multicultural community to Government so we could address them. If there is internal conflict within the organization, how can they possibly be bringing forward the recommendations that we need as a Government to address the issues?

So, Mr. Speaker, I received a letter last week, a resignation from the chairperson of MIC and I will just quote to you from that letter, and it says right here, "One of the reasons for the decision to resign is that the behaviour and actions of the executive secretary continue to interfere with the business of council." Mr. Speaker, we acted accordingly.

Consultation with Council

Mrs. Sharon Carstairs (Leader of the Opposition): Will the Minister tell us if she discussed this decision with members of the council and did the council share the views of Miss Rebello about the communication difficulties with the executive director or are these difficulties the expression of the wishes only of the chairperson of the council?

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Recreation): One month ago when I met with the executive of the council, I indicated to them quite clearly that it was the two Government appointees on MIC who were going to have to work together cooperatively to ensure that the problems were being addressed. Those two people are appointed by Order-in-Council; they have been since the inception of the Act and, clearly, until that legislation is changed, we as Government have to act within the guidelines of that legislation.

Bill No. 44 Ministerial Support

Mrs. Sharon Carstairs (Leader of the Opposition): Mr. Speaker, with a new question, on the Order Paper today is Bill No. 44. That Bill will indeed change the structure of the Manitoba Intercultural Council. It will make the chairperson appointed by the council itself, elected by the council, and it will provide for the executive secretary of the council to be selected by the council and that there will no longer be political appointees to that board. Can the Minister tell the House today if she will support the principles of that legislation?

* (1340)

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Recreation): Mr. Speaker, until I see that Bill I cannot comment on that, but I do want to say to the Leader of the Opposition (Mrs. Carstairs)—and I am somewhat disappointed that they would come forward with amendments to legislation on multiculturalism and on MIC when, in fact, we have a Task Force Report

that has given us 68 recommendations with which to deal with.

I have clearly indicated to MIC and to the ethnic community at large that we are going to consult with them before we act on those recommendations, get their views on what should be done, discuss it in our Committee of Cabinet that has been set up to look at those recommendations, and come forward with new legislation next Session, not on an ad hoc basis, but including all of the recommendations and ensuring that we address them all.

Some Honourable Members: Hear, hear!

Mr. Speaker: Order, please; order.

Multicultural Committee Purpose

Mrs. Sharon Carstairs (Leader of the Opposition): Mr. Speaker, with a supplementary question to the same Minister (Mrs. Mitchelson). On November 14, this Ethnocultural Committee of Cabinet was struck. It has not yet met. Can the Minister tell us today what is the purpose of this committee if they are not even to be consulted about fundamental changes to the Manitoba Intercultural Council such as the resignation of the president and the firing of the executive director?

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Recreation): Mr. Speaker, quite clearly I have indicated that the purpose of the Multicultural Committee of Cabinet is going to be to look at the recommendations, coordinate the recommendations from all of the departments of Government that are affected by those recommendations, bring forward the departmental recommendations after they have been looked at, coordinate that with the responses that we get from the ethnic community to put in place a comprehensive policy on multiculturalism for this province. That is the mandate of that committee and that is what we are going to be working toward.

MIC Chairperson Recommendations

Mrs. Sharon Carstairs (Leader of the Opposition): With a final supplementary to the Minister (Mrs. Mitchelson), it is essential that as soon as possible the Manitoba Intercultural Council have a new chairperson and a new executive director. Will the Minister call upon the council to recommend to her their choice for chairperson and their choice for executive secretary, and will she then make those appointments?

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Recreation): Mr. Speaker, in the letters that I sent out to the executive of the council yesterday, I clearly indicated that I would be meeting with them this Thursday evening, that is tomorrow evening, a meeting that has been set up. At that meeting I have requested that they come forward with recommendations on who they feel the chairperson should be. Also I have indicated to them quite clearly in that letter that I am

going to be asking them to put in place a process whereby there will be a public bulletin for the position of executive secretary. Along with their input we will be appointing a new executive secretary.

Some Honourable Members: Hear, hear! Well done.

Inter-City Gas Rate Projection

Mr. Jerry Storie (Flin Flon): Mr. Speaker, my question is to the Minister of Energy and Mines (Mr. Neufeld). Today at 1:30 ICG, Inter-City Gas, is making an application before the Public Utilities Board for approval of a 15-year contract with Western Gas Marketing Limited. Can the Minister indicate today what rate Manitobans might expect to pay as a result of this application before the Public Utilities Board?

Hon. Harold Neufeld (Minister of Energy and Mines): Mr. Speaker, I am sure that the Member for Flin Flon (Mr. Storie) would not want me to pre-empt the Public Utilities Board and I will wait for their decision.

Rate Application

Mr. Jerry Storie (Flin Flon): Mr. Speaker, could the Minister indicate what rate has been applied for by Inter-City Gas through this application for core customers, for small business people, for residential consumers, the 200,000 people who use natural gas in this province. Can the Minister at least indicate what rate has been applied for, not what will be approved?

* (1345)

Hon. Harold Neufeld (Minister of Energy and Mines): The Public Utilities Board, as the Member has indicated, is meeting this afternoon and they will be rendering their decision. They will be taking applications from Inter-City Gas and they will be taking representations from anyone who wants to make a representation to them. When they come down with their decision, we will know.

Mr. Storie: Mr. Speaker, we have seen an astounding admission today. This Minister promised Manitobans that he would be standing up and protecting their interests—

Consumer Protection

Mr. Speaker: Order, please; order. Does the Honourable Member have a question?

Mr. Jerry Storie (Flin Flon): I have a supplementary question for the Minister of Energy and Mines (Mr. Neufeld). Given that independent oil industry consultants suggest that we should be able to achieve 15 percent to 20 percent decrease in the price of gas, can this Minister indicate what he has done, what tangible evidence he can produce before this House that he has done anything to protect the consumers for getting hosed from between \$10 million and \$15 million this heating season?

Hon. Harold Neufeld (Minister of Energy and Mines): Inter-City Gas has been working with Western Gas Marketing to negotiate a price for Manitoba gas consumers. The Ontario Energy Board has been meeting. The Ontario corporations that deliver the gas to the Ontario people have been meeting. We have been promised a price that is equal to the Ontario price. If we can get that price, we do believe it is a good price for Manitobans inasmuch as we have a 50 percent load factor and the Western Gas Marketing has agreed with TransCanada Pipelines that they will consider our price as though we had a 100 percent load factor, not a 50 percent load factor which we have. If we can get those prices, Mr. Speaker, I do think we have done a good job.

Mr. Storie: The Minister is announcing his hope before the Chamber rather than any assurance to the people of Manitoba.

Public Utilities Board Consumer Protection

Mr. Jerry Storie (Flin Flon): My question is specifically to the Minister. Did the Minister instruct staff, has the Minister instructed staff to appear before the Public Utilities Board on behalf of Manitobans and request a 10 percent or 15 percent decrease in the price of gas, as is being achieved in Ontario, as should be available to Manitoba consumers so that they could save some \$15 million. Has the Minister done anything concrete to protect our interests?

Hon. Harold Neufeld (Minister of Energy and Mines): The Public Utilities Board is quite capable of reviewing the facts in front of them and they will be coming down with a decision on behalf of the Manitoba consumers. We in Manitoba have met with the people that we have to meet with and we do believe that the price in the end will be in the best interests of Manitoba consumers. Unlike the previous Government who signed an agreement with Western Gas Marketing pre-empting the Public Utilities Board decision, we will not do that. We will allow the Public Utilities Board to come up with their own decision.

Mr. Speaker: The Honourable Member for Flin Flon, with a final supplementary question.

Mr. Storie: My final supplementary question is did the Minister or anyone on his behalf intervene in those hearings? Have they or will they—are they likely to intervene on behalf of the people of Manitoba, recommending that we achieve some of the savings that are being passed on to consumers in other provinces, that are being passed on to the Americans who are buying gas on short-term supply for as much as 80 percent less than Manitobans are paying for it? Has he done anything concrete?

Mr. Neufeld: The Member for Flin Flon (Mr. Storie), Mr. Speaker, is obviously without knowledge. We do know we are getting the same price, the agreement calls for us to get the same price as that given to Ontario consumers, and—(Interjection)—if he thinks we

are getting a different price, then he does not understand it. If we get the same price as Ontario and we have a 50 percent load factor as opposed to Ontario's 100 percent load factor, we are getting a very good negotiated price.

* (1350)

Senior's Transport Service Federal Funding

Mr. Bob Rose (St. Vital): My question is for the Minister of Urban Affairs (Mr. Ducharme). We, in the Liberal Party, were pleased to see that the federal Tory candidate in south Winnipeg put her support behind Senior's Transport during the election campaign. She stated transport for seniors would be her priority when she arrived in Ottawa.

My question to the Minister is will he immediately contact his federal colleagues to save Senior's Transport Service which faces imminent closure, thereby taking away a personal and inexpensive service for thousands of seniors in Winnipeg?

Some Honourable Members: Hear, hear!

Hon. Gerald Ducharme (Minister of Urban Affairs): I am sure the Member for St. Vital (Mr. Rose) knows the process of the STS. This was the lead role in the last couple of years by the city and the province. The province is the last one to have left money on the table for that seniors' transportation and that was at the city's request that no participation be done by the city. We went on alone and if this province has put in \$75,000 in this program, the ball is really now in the city's court.

Provincial Payment

Mr. Bob Rose (St. Vital): To the same Minister, as this Minister is well aware, five defeated Tory candidates also promised in April during the provincial campaign to maintain this same Senior's Transport. We know that about \$40,000 of that promise is still to be delivered by this Government. Will this Minister now make this final payment to keep Senior's Transport viable until decisions can be concluded by the federal Government and Winnipeg City Council?

Hon. Gerald Ducharme (Minister of Urban Affairs): Mr. Speaker, this Government has committed the \$75,000.00. We have lived up to our obligation. I hope that somewhere along the line the seniors' transportation can still carry on. However, this was a negotiated figure with the city. The Member was a member of the city at that time when the city did propose not to participate in 1988.

Expansion

Mr. Bob Rose (St. Vital): My final supplementary, the same question, the same matter. Has this Minister consulted with the Minister for Seniors (Mr. Neufeld) who advocates for seniors—if I could rephrase the question and make it directly to the Minister in charge

of Seniors. Has this Minister consulted with the Minister of Urban Affairs (Mr. Ducharme) to maintain this valuable service to seniors? Will he indeed be urging colleagues to expand the service throughout Winnipeg as he undoubtedly knows was the original concept of the plan?

Hon. Gerald Ducharme (Minister of Urban Affairs): To the Member, just to clarify to the Member that the Minister and myself did meet with the seniors' associations and their concern the same time as ours was that they want to have a delivery for all seniors throughout the city, all seniors. That was their concern and they expressed at that last meeting that they have been working along with the City of Winnipeg in making sure and allow the extended handi-transit system to at least go along its way and get involved. To his benefit, the increase in that particular ridership in the month of September, the increase from 87 to 88 in that same month is up about 40 percent of senior riders using that transit throughout the city.

Family Court Rural Services

Mr. Paul Edwards (St. James): My question is for the Attorney-General (Mr. McCrae). Mediation and conciliation services are a progressive and important part of the Family Law system, I am sure the Attorney-General agrees. However, if home studies, the family assessment studies, as the court orders, cannot be done in a timely fashion, they do a great injustice to the people involved. It turns out that the parent who happens not to be in custody at the time of separation suffers that injustice if the home study is not done in a timely fashion. Courts say four months or up to four months is acceptable and in Winnipeg we can get them done within four to five months. However, in Dauphin these home studies are taking up to eight months depending on available staffing.

My question to the Attorney-General is, will he today—and I asked him yesterday to do this—make a commitment to equal family assessment services throughout Manitoba?

* (1355)

Hon. James McCrae (Attorney-General): Mr. Speaker, as I think I pointed out yesterday, we must clearly be coming to near the end of a Session. Certainly the Honourable Member for St. James (Mr. Edwards) is a pretty good barometer on the quality of questions coming forward from the Liberal Party when he has to ask the same questions two days in a row. The Honourable Member, I responded to him yesterday respecting unification of the Family Court in this province and of course an important part of that is mediation.

I gave the Honourable Member an answer yesterday about my feelings about the unification of the Family Court. I referred him to the extensive consultations that have been going on in my department. I suppose the Honourable Member would like to suggest that all of a sudden consultations are not an important part of

a process of providing these important services to Manitobans. I suggest those consultations are very important.

Mr. Edwards: I think it is a great shame that the Attorney-General sinks to personal attacks in view of the problems that are being faced by rural Manitobans in the Family Law system.

Conciliation Services Study

Mr. Paul Edwards (St. James): My supplementary question to the Attorney-General is a study, as I have been informed, has recently been done surveying the expansion of conciliation services around this province. Has the Attorney-General received this report? If so, will he table it? Has he any intentions of expanding conciliation services beyond the Perimeter Highway and the City of Brandon to the other centres in this province that desperately need those services?

Hon. James McCrae (Attorney-General): Indeed, extensive study has been undertaken. This is an opportunity for me to offer thank you to all of those people who took part in the study reviewing Family Court services in the Province of Manitoba. It is true, Mr. Speaker, that the residents of Winnipeg and Selkirk have had the benefit of a Unified Family Court system and it is true also, the Honourable Member does not have to remind Members of this particular Party about fair treatment for all Manitobans.

Indeed, it is because of that that I have been applying myself as diligently as is possible for a Minister in Manitoba these days to the issue of unification of the Family Court and to providing services that are equal across this province.

Mr. Speaker: The Honourable Member for St. James, with a final supplementary question.

Mr. Edwards: This Party, this Government, speaks of a commitment to rural Manitoba, but I think actions will speak louder than words. Manitobans, rural Manitobans, are not second-class citizens.

Mr. Speaker: Order, please.

Court of Queens Bench Additional Judge Brandon

Mr. Speaker: Does the Honourable Member have a question? Would he kindly put it now.

Mr. Paul Edwards (St. James): My final supplementary to the Attorney-General (Mr. McCrae), a second Queen's Bench judge in Brandon could help with backlogs in Dauphin and would show a commitment to justice in rural Manitoba. Will the Attorney-General (Mr. McCrae) undertake today, will he commit today, to placing a second Queen's Bench judge in the City of Brandon, a position that is quite obviously needed by the number of times a Queen's Bench judge from Winnipeg has to go down to relieve?

Hon. James McCrae (Attorney-General): Mr. Speaker, I think the results of the federal election on Monday

would back up exactly what the Honourable Member has said. He said that actions speak louder than words. I suggest that perhaps the people of Manitoba outside the City of Winnipeg also recognize that actions speak louder than words and they elected Progressive Conservative Members all across rural and small-town Manitoba. So the Honourable Member, I take it, is very sensitive to election results not only last April but also on Monday. That perhaps gives rise to his questions today. They are hurting a little bit in those areas of Manitoba outside Winnipeg.

Mr. Speaker: Order, please. Order.

Fisheries Industry Small Mesh Net Survey

Mr. John Plohman (Dauphin): Mr. Speaker, I have a question for the Minister of Natural Resources (Mr. Penner) and it deals with the issue of the long-term viability of the lakes involving the small mesh fishery that my colleague, the Member for the Interlake (Mr. Uruski), had asked about some time ago on Lake Manitoba as well as Lake Winnipegosis. I want to ask the Minister whether he has completed his survey of fishermen in the north basin of Lake Manitoba and whether he has the results from that survey, and if he intends to abide by the feelings and recommendations of the fishermen involved?

* (1400)

Hon. Jack Penner (Minister of Natural Resources): Mr. Speaker, yes, we have finished our survey. The results of the survey of the north basin of Lake Winnipeg: there were some 78 percent of the fishermen who actually fish out of the north basin were contacted; the others we were not able to contact. Out of those 78 percent of the fishermen who were contacted, 49 percent said they wanted the small-mesh fisheries to be retained, and 51 percent indicated that they did not want the small-mesh fisheries retained. The indication from the south basin of Lake Winnipeg indicates a fairly large majority of the fishermen who do support the retention of the small-mesh fisheries for that lake.

Mr. Plohman: Well, Mr. Speaker, the Minister did not deal with the action that he will take.

Lake Winnipegosis Small Mesh Net Policy

Mr. John Plohman (Dauphin): I would like the Minister to comment as well on the issue of the small-mesh fishery on Lake Winnipegosis. The lake has been closed for a number of years. This is the third year to rejuvenate the pickerel fishery in that lake, and it came about as a result of cooperation of the fishermen and the communities, the Government at all levels.

Mr. Speaker, in view of the fact that we have had this kind of cooperation, can the Minister indicate whether his staff and himself are continuing to pursue a small-mesh fishery on that lake that may undermine the success of the closure over the last three years in the pickerel population on Lake Winnipegosis?

Hon. Jack Penner (Minister of Natural Resources): There is at this time no consideration, or has been no consideration given, to allowing three-inch-mesh nets on Lake Winnipegosis.

Small Mesh Net Policy Consultation Fishermen

Mr. John Plohman (Dauphin): Well, Mr. Speaker, I would advise the Minister to consult with his staff because there was a meeting held a month ago at which time there was a vote with only 59 of 182 fishermen present, and the staff of his department indicated that they were going to pursue this. I ask the Minister to review that situation and to consider very carefully any such fishery on Lake Winnipegosis because there has been a great deal of confidence. I ask the Minister to check with his staff and also to ensure that he will not follow with the small-mesh fishery at this time because I believe that will undermine the success of that and the confidence that the fishermen have in that closure.

Hon. Jack Penner (Minister of Natural Resources): Mr. Speaker, I hope I did not mislead the House, certainly there have been discussions with the fishermen on Lake Winnipegosis and there have also been requests from individual fishermen, and questions asked whether we would allow three-inch-mesh fishery on the lake this coming season. The indication that I have given to those fishermen and to my staff are negative, that we will not allow that and are not considering it at this time, nor will we consider it at this time. If, however, in the future, there is a reason that we should implement a three-inch-mesh fishery, if it is deemed viable, then those considerations will be made at that time.

Snowplow Safety Campaign Expansion

Mr. Ed. Mandrake (Assiniboia): Mr. Speaker, we, the Official Opposition, welcome the Minister of Highways' Initiative On Snowplow Safety Campaign. Would he expand his safety campaign one step further? Many children are using the slopes on the Winnipeg cloverleaves for tobogganing. This practice is dangerous to the driving public, but much more so to our children.

My question to the Honourable Minister of Highways and Transportation (Mr. Albert Driedger) is what action will he take to restrict or control the use of these slopes by the public for recreational purposes?

Hon. Albert Driedger (Minister of Highways and Transportation): I think the safety of our children and all people are paramount to this Government and I think to all people in this Legislature.

The suggestion that is made by the Member, I am prepared to take that up with staff as to whether there is some way that we can develop an awareness program. People still are the masters of their own destiny, so to speak. We can warn them and I think we could probably look at the possibility of doing that. I do not know whether we can necessarily force them not to use public property.

Highway Cloverleaves Parking Restrictions

Mr. Ed Mandrake (Assiniboia): This is my first supplementary. I am sure all Honourable Members in this House have seen vehicles parked on top of these slopes which causes a safety problem. My question to the same Minister is will he take action to ensure that the vehicles are restricted from parking on the edge of these slopes?

Hon. Albert Driedger (Minister of Highways and Transportation): I would like to indicate that I will take the matter under advisement and possibly check with the City of Winnipeg people as well and see whether we can maybe develop an awareness program that is going to be conducive to safer use of the public property.

Highway Cloverleaves Snow Fences

Mr. Ed Mandrake (Assiniboia): My final supplementary, will this Minister consider the use of snow fences to act as a barrier between the slopes and the highway so that the children cannot accidentally wander onto the highway thereby endangering their lives?

Hon. Albert Driedger (Minister of Highways and Transportation): As Minister of Highways, I have enough problems getting up the snow fences to keep the snow off the highways. I would like to indicate that I will look at the various alternatives in terms of how we can make these areas safer.

Education Tax Amendments

Mr. Bill Uruski (Interlake): My question is for the Minister of Agriculture, dealing with his Farm School Tax Program. The Minister during Estimates and continually has maintained that farm families are receiving more benefits under their program than previously and that this program will stand. In a recent survey of one municipality that I was advised of in eastern Manitoba where they had 255 full-time farm families in that municipality, 249 of those farm families received less support. Six of the farm families received more support. Can the Minister indicate to us and tell us how his program is providing greater support when in this municipality, some \$50,000 less support was given to farm families? Is he prepared to make changes in that program?

Hon. Glen Findlay (Minister of Agriculture): I would like to remind the Member that the program we have in place this year will pay out some \$12 million. The program he put in place last year paid only \$9 million. That is a 33 percent increase.

The inequity of education tax on farm land is well known. Our program reduces the education tax on all farm land to all landowners in the Province of Manitoba. It does not selectively say to one farmer, you shall have a 10 percent reduction in your tax, the next farmer a 40 percent reduction, the next farmer a 70 percent

reduction. We are giving an equal program to all farmers of the level of 25 percent of the inequity they are paying in terms of education tax. That is the equity we brought to the program.

Mr. Speaker: Order, please.

Absentee Owners

Mr. Bill Uruski (Interlake): Can the Minister indicate how he can call it equitable when he indicates that \$3 million more is being spent this year and \$2 million of that \$3 million is going to outside interests such as lawyers, doctors and others who are absentee owners and are not farming this land by virtue of the changes in the program, that you do not have to farm the land, you have to own it? How can he justify that?

Mr. Speaker: Order, please.

* (14 10)

Hon. Glen Findlay (Minister of Agriculture): There was considerable criticism of the program that was in place last year—discrimination against wives, widows, retired farmers, people who are legitimately paying the tax. I can tell the Member that I, just on Monday, spoke to the Union of Manitoba Municipalities and there is a high level of acceptance of the program because it recognizes the inequality that exists and the rebate is going to the people who are paying the tax. That is the right way to do it.

Mr. Uruski: I wish the Minister of Agriculture would stand up for Manitoba farmers rather than land speculators.

Review

Mr. Bill Uruski (Interlake): I ask the Minister of Agriculture whether he is prepared to acknowledge that thousands of Manitoba farm families are in fact losing benefits under the program this year? Is he prepared to reconsider the program as it exists and make changes to it?

Hon. Glen Findlay (Minister of Agriculture): I find it reprehensible that the former Minister of Agriculture referred to 25,000 farm families as land speculators. That is incredible that he would make that statement. We recognized the inequity of the education tax on farm land. We forced the former Government into making a program last year. We have an equitable program this year. That program will be built on in the coming years.

Mr. Speaker: Order, please. Order.

Rafferty-Alameda Project Legal Intervention

Mr. Harold Taylor (Wolseley): My question is for the Minister of Natural Resources (Mr. Penner). We are aware of the filing of the statement of claim in the

Federal Court of Canada and Manitoba by two farmers from Saskatchewan being impacted by the Rafferty-Alameda Dam on their farm land. There is also the likely court injunctions by the Canadian Wildlife Federation and also by SCRAP, a citizens group.

The Minister and his staff have had more than a month to review Manitoba's position vis-a-vis these court cases, and also given the Minister's wishes to see North Dakota's environmental impact assessment on the Souris expanded to cover the full length of the river and our own Manitoba study pointing up the lack of information.

The question, Mr. Speaker, is this Minister now able to tell Manitobans how his Government is prepared to avail itself of those court cases for the obvious advantage of our province by playing the role of intervener so as to better look after Manitoba's interests?

Hon. Jack Penner (Minister of Natural Resources): It is quite obvious that the Honourable Member opposite has not paid much attention to what the people of Manitoba have said about the lack of water in this province. The Honourable Minister of Northern Affairs (Mr. Downey) and myself met with many of the councils in western Manitoba about three weeks ago. We met again with them last night. The indication to us was very clear and the message they left was very clear. They said, we also want the same types of structures built in Manitoba to retain water in Manitoba that will drought proof Manitoba and supply water to communities in Manitoba. We want to alleviate farmers and people from towns, in rural Manitoba, alleviate them from having to haul water up to 30 miles.

Attorney-General's Role

Mr. Harold Taylor (Wolseley): My first supplemental question is to the Attorney-General (Mr. McCrae). Given the significance of the Rafferty-Alameda project and its potential impact in Manitoba, can the Attorney-General tell the House whether he was consulted by the Minister of Natural Resources on the potential for court intervention? If so, what was the Attorney-General's response to that request?

Hon. Jack Penner (Minister of Natural Resources): We are well aware that there is some question in Saskatchewan by some groups as to whether some of the actions taken by the federal Government or the Saskatchewan Government is in fact legal or not. That is not up to me to question. What I am responsible for and look after is the Province of Manitoba. I have seen absolutely no reason why I should ask the Attorney-General whether we should intervene or not.

River Management Control Board

Mr. Speaker: The Honourable Member for Wolseley, with a final supplementary question.

Mr. Harold Taylor (Wolseley): A final supplemental, Mr. Speaker, on November 21, we saw the demise of Mr. McMillan, the federal Minister of Environment. Possibly this can be attributed to divine justice.

The Minister continuously parrots in newspaper clips, on the television, about this river management control board that will come in place on the Souris. The question is how does he expect to have an effective river management control board on a systems basis when he does not have data on a systems basis for it to be working with?

Hon. Jack Penner (Minister of Natural Resources): I think, Mr. Speaker, it is to some credit to the former New Democratic Party administration that they in fact did put in place a data collective system on the Souris River. Because of their action, we have now five years of data on quality of water in the Souris River. We also have data on quantity of water in the Souris River.

As I said before, I think it behooves all of us, those of us who represent Manitobans, to make sure that the best interests of Manitobans are served. I have said continually that my responsibility will be to Manitobans, is to Manitobans and remains to be with Manitobans.

Mr. Speaker: The time for oral questions has expired.

SPEAKER'S RULINGS

Mr. Speaker: Prior to Orders of the Day, I have a couple of rulings for the House.

I took under advisement, on October 24, a point of order raised by the Honourable Member for Churchill (Mr. Cowan) respecting the words, "would do much better if she stuck to the truth," spoken by the Honourable First Minister (Mr. Filmon) with reference to the Honourable Member for St. Johns (Ms. Wasylycia-Leis).

To allege that an Honourable Member has not told the truth may be discourteous but it is not unparliamentary. However, a statement that an Honourable Member has deliberately or intentionally not told the truth is unparliamentary.

In this instance, the Honourable First Minister's words did not contain any suggestion that the Honourable Member for St. Johns had deliberately or intentionally not told the truth.

I must, therefore, conclude that the words complained of by the Honourable Member for Churchill were not unparliamentary.

I have another ruling:

On October 27, the Honourable Member for Brandon East (Mr. Leonard Evans) rose on a matter of privilege relating to the fact that he had been denied admittance to an embargoed news conference staged by the Government.

I took this matter under advisement in order to review the case presented by the Honourable Member for Brandon East, the advice offered at the time by other Honourable Members, and to consider relevant precedents and references in the authorities.

When a matter of privilege is raised, the Speaker must be satisfied that it is being raised at the earliest

opportunity. I am satisfied that this was done. Matters of privilege in this House are usually raised immediately before or immediately after oral questions.

As Honourable Members may know, parliamentary privilege is the sum of the peculiar rights enjoyed by the House collectively and by Members of the House individually, without which they could not discharge their functions. According to the authorities, privilege is concerned with the special rights of Members strictly in their capacity as Members in their parliamentary work.

* (1420)

In dealing with a similar issue, Speaker Jerome of the House of Commons ruled, in 1975, that privilege is limited to the duties an individual must discharge as a Member. Speaker Lamoureux of the House of Commons also made a similar ruling in 1971.

The issue raised by the Honourable Member for Brandon East did not relate strictly to his parliamentary work. It was not a duty he must discharge as a Member. Therefore, it may constitute a grievance or complaint but it does not satisfy the conditions of privilege.

I must, therefore, rule that this issue is not in order as a matter of privilege.

NON-POLITICAL STATEMENT

Mr. Gulzar Cheema (Kildonan): Mr. Speaker, could I have leave to make a non-political statement?

Mr. Speaker: Does the Honourable Member for Kildonan have leave to make a non-political statement? (Agreed)

Mr. Cheema: Mr. Speaker, today is a very special day for the 15 million Sikhs all over the world. It is the day when the founder of the Sikh religion, Guru Nanak, was born on November 23, 1469, in Punjab, which is now in Pakistan. By historians, he was called a prophet of the modern age. He was a prophet of peace and love and friendship. He preached God as one and equality for all men and women. He preached for the dignity of the human race, the dignity of labour and the sharing of the fruits of labour with all human beings. He preached resistance against hypocrisy and injustice. He travelled to most parts of the world to carry his message.

Guru Nanak was succeeded by nine gurus who carried his message and today the Sikh faith is spread all over the world. Thousands of Sikhs have made Canada their home and they are enjoying the fruits of freedom. They are contributing to building this nation.

Guru Nanak's message is playing a significant role all over the world. I am personally proud to be part of the Sikh faith. His prayer was, "Let there be peace for everyone. Let there be progress and prosperity for everyone."

I am sure all the Members of this House will join with me to extend best wishes to the members of the Sikh community in Winnipeg, Manitoba, and Canada for this special occasion. Thank you.

COMMITTEE CHANGES

Mr. Edward Helwer (Gimli): Mr. Speaker, I move, seconded by the Member for Lac du Bonnet (Mr. Praznik), that the composition of the Standing Committee on Industrial Relations be amended as follows: Ducharme for Mitchelson.

That the composition of the Standing Committee on Public Utilities and Natural Resources be amended as follows: Helwer for Olson.

ORDERS OF THE DAY

Hon. James McCrae (Government House Leader): Mr. Speaker, would you be so kind as to call the Bills in the following order: Bills No. 41, 40, 18, 24, 28, 29, 21, and the remainder in the order printed on the Order Paper.

SECOND READING

BILL NO. 41—THE LABOUR RELATIONS AMENDMENT ACT

Hon. Edward Connery (Minister of Labour) presented Bill No. 41, The Labour Relations Amendment Act; Loi modifiant la Loi sur les relations du travail, for second reading.

MOTION presented.

Mr. Connery: Mr. Speaker, it is imperative in the Province of Manitoba that we have a fair and balanced labour legislation. We have to have legislation that is not balanced or weighed in favour of management or of labour. Legislation that is balanced or weighed in favour of management deprives workers of their rights, jeopardizes their safety and health, could impact on their income, and could lead to labour unrest and possibly strikes. On the other hand, labour legislation weighed in favour of unions causes labour unrest and strikes. It also causes businesses to reconsider their role in Manitoba.

We have to determine will businesses remain in Manitoba if we do not have a good business climate? During the reign of the previous Government we saw head offices move, mainly to eastern Canada but some went to Alberta.

We lost a lot of very valuable jobs during the time that the previous Government was in power, and especially in the later years when the full impact of their legislation came to bear. In many ways the previous Government did many things to destroy the business climate of this province. One big factory in southern Manitoba which was prepared to make a major expansion said because some of the regulations that Manitoba had, and not very many, but were excessive and they did not think they would be able to expand in Manitoba.

(Mr. Deputy Speaker, Mark Minenko, in the Chair.)

During the time that I was critic for Business Development, I had the opportunity unfortunately to

see many businesses that took a look at Manitoba and then went to other jurisdictions because of many reasons—the payroll tax that is excessive, because we have a payroll tax that Calgary and Regina or Alberta does not have; our excessive corporation tax—they did not come to Manitoba. In fact, there was an article in one of the magazines and I met the consultant in an elevator not too long ago and we discussed the issues that prevent businesses coming to a province that has legislation weighed in favour of one side.

So he reiterated that yes, indeed, when companies are looking at coming to Manitoba, they do take a look at all the various aspects: where the markets are, where their raw product is, do we have a good labour force. And in Manitoba, we do have an excellent labour force. In fact, Manitoba is known for having a good labour force, a labour force that is motivated to work and is prepared to put out production. That is why we see those businesses that come here really look for this sort of labour and we had that opportunity. But he said, and again, that payroll taxes and labour legislation that is balanced too heavy one way creates labour unrest and so they would not come to Manitoba.

I think that Bill No. 33 that was entered by the Member for Thompson (Mr. Ashton) is another Bill that would indicate excessiveness on the part of the previous Members of the previous Government. Those recommendations in that Bill would put Manitoba far and ahead on the leading edge of any other province in Canada. Businesses do look to a province to have a balanced opportunity to be able to compete with other provinces. That does not mean that labour should be taking the short end of the stick but it has to be a balance of legislation that allows businesses to be successful, and when they are, they create jobs.

As we know, we inherited over 40,000 unemployed from the previous Government and we are going to have to work very hard. We are going to have to work very hard to turn that around and ensure, as the federal Government has done—the federal Government has done a wonderful job in job creation. They have created hundreds of thousands of jobs that were not there before. We have one of the lowest unemployment rates nationally, while ours is in around the same ballpark. Manitoba traditionally has had a much lower unemployment rate than the rest of Canada and we look forward on this side to trying to improve that so we put more people to work.

One of the simple little things that the previous Government did that is very destructive to businesses is that the safety level, the occupational exposure level for a substance that is harmful is 50 parts per million, that is the safe level. But if one person out of 100 or 150 people can only tolerate 30 parts per million, they say then that the workplace should have to come down to 30 parts per million, even though it would cost millions of dollars to do so, rather than find a position for that employee somewhere else where they can tolerate whatever it is.

So we all as employees have some different tolerances and some people are susceptible to whatever is in the air, whether it be dust or other chemicals. We see some people have a low resistance to lead levels.

Others have a high resistance, so common sense when we are doing labour legislation and developing regulations has to be done in all safety, but not ridiculously.

Mr. Deputy Speaker, it was obvious that a lot of the legislation put in by the previous Government was put in by some union leaders who were looking for their own edification and to improve themselves. They were not concerned, they were not doing it because of the interests of the workers. They were doing it for the interests of themselves, and this previous Government, because of their financing from the unions, allowed that to happen.

* (1430)

Whatever we do, whatever Party is in power, the bottom line is what is in the best interests of the workers. It is not what is in the best interests of management, not what is in the best interests of the union leaders, but in the best interests of the workers.

It is quite interesting to note also that, since I have become Minister of Labour, even this previous Government was unfair to some labour unions and gave them very little time, and so they were very selective in those that they supported and catered to. Under this Government we do not cater to one group or another. We treat all equal. We give all groups an opportunity to have input into what we think is good labour legislation. It is going to be a balance and it is going to be good for the workers of Manitoba.

There is some perception that, because we are Conservatives, we are pro-labour—

Some Honourable Members: Oh, oh!

Mr. Connery: —anti-labour, you are right—that we are, but that belief has been expounded by the NDP that if you are Conservative you have to be anti-labour and anti-unions. Nothing is further from the truth and I can tell you that as Minister of Labour I believe in collective bargaining. I personally am a member of a marketing board which is collective bargaining, and I believe in the process of individuals and businesses and farming groups to have that ability to sit down and to look after themselves and to do things that are in the best interests.

I think our marketing boards, as brought up by the critic for Agriculture, should know that marketing boards are protected under the Free Trade Agreement. Of course, he is alluding to the fact that they think marketing boards will have a problem. The problem is not going to be with marketing boards if the business groups and farmers in this community do not take advantage of free trade, then it does not matter what they have in place. Free trade is a window of opportunity. That is all it is, a window of opportunity for those who are ambitious and have foresight to go out and get it.

We are concerned about the rights of unions and about the rights of workers. We are developing right now, to go along with it, a new labour code that was started by the previous Government to deal with employment standards, holiday with pay, vacation with

pay and the construction industry wages, to bring it up to date and to ensure that all workers in Manitoba have some protection and have some minimum standards. It is non-unionized people, non-unionized workers who in many cases do not have access to some of the minimum standards and this new labour code will bring that up to par to ensure that all workers in Manitoba are fully protected, and rightfully so.

We get many groups in and labour groups that are concerned about things that are happening in Manitoba, and as a Government we have taken these very seriously. Some of the groups that have come in have talked to us about companies that are using piecework workers to bypass payroll taxes, income taxes, Workers Compensation, many things along this line, and we are moving to stop this sort of activity because it is unfair to those companies that are unionized. It is unfair to those unions and it is unfair to workers.

Another area is in bankruptcies where the first support is to large business and the employees do not get an opportunity to get their full wages. I have a serious concern. I am told that the federal Government now is taking a look at this particular aspect of bankruptcies because it is not fair. An individual worker cannot afford to lose a week or two of pay where a large company or a large bank or a large financial institution has that opportunity. There are also some very serious concerns within the federal changes to the Pension Act and even with our own Act in the line of pension splitting.

My speech was written just prior to the election on the 21st. I had some comments made to the fact of free trade and to the fact that the NDP, with Ed Broadbent and Bob White being opposed to free trade and where they already had their investment. I think now all Manitobans can look forward to having a fair shot at investment all across Canada and not just in those areas where they already had their money and had their free trade through the Autopac. While those comments are redundant, I think it is a fact of life that Members opposite were against free trade on the NDP side because of the union connection, and the Liberal side, I think because politically —(Interjection)— Well, if they did not understand, that really is unfortunate. I think they took the political route that there was an opportunity to scare people. I am pleased that the people of Manitoba saw through that and voted in more Conservatives than Liberals. All across Canada, we did well and we returned a majority Conservative Government that is going to continue on the route that they had prior to the election.

Mr. Deputy Speaker: Order, please; order. I realize that all Honourable Members would like to participate in the debate on this Bill but perhaps they would allow the Honourable Minister of Labour the courtesy to put his comments on the record.

Mr. Connery: Bill 61 was introduced by the previous NDP Government in 1987 and it was proclaimed in January of 1988.

We vigorously oppose that legislation. It was opposed by the Liberals as well. I am very pleased and I believe, as words I have heard, that the Liberal Opposition is

in opposition to this Bill. I am pleased that they have the foresight to support something that they know is not good for the labour climate in Manitoba. So I salute them for their insight into supporting us on this Bill.

Bill 61 was opposed by a large number of unions and by management. They insisted that it was intrusive into the free collective bargaining and it left an imbalance in the favour of unions. The legislation allowed the union side to decide, between 30 and 60 days prior to a collective agreement coming to an end, to have a window of opportunity to ask for final offer selection. If they did not take that advantage, management could ask for it, but management could not refuse the final offer selection but unions could refuse it or through their membership vote reject final offer selection. The second window was 60 to 70 days after a strike had been implemented. Once again, both sides had the right to ask for final offer selection but on the labour side they could refuse it and management could not.

A lot of the labour unions felt that this led to long strikes because one side or the other would be obstinate knowing that final offer selection could come along. I think we have a lot of strikes that we really did not have to have. A lot of the unions said that this legislation flies in the face of free collective bargaining. Collective agreements need to be freely negotiated, not under pressure, and it has to be acceptable to all parties as opposed to being imposed upon by a third party. That is what happened when you went to final offer selection. Some third party who maybe not even knows and understands all the ramifications of the union and the management would make a decision. It made winners and it made losers. Nobody could get one or the other. This left a bad taste in many people's mouths if you were a total loser and got nothing that you had asked for.

It is the role of Government to ensure that there is fairness and balance in the rules set out for the labour relations community. By speaking to this legislation, we will once again encourage the concept of bargaining in good faith with a minimum of Government interference.

I have a copy of the list of people who applied for final offer selection. This one only shows 29 but there was one that came after. There were 30 applications to final offer selection and only two were finalized by the selector. I think there were 11 agreements reached before the selector made his decision. What happened, once they got to the realization that my gosh, if we leave it up to the selector, we are either going to win or we are going to lose and we do not like that. I think what they did then was went back together. There is no question, they got back together and had—

* (1440)

Mr. Harry Harapiak (The Pas): Serious negotiations.

Mr. Connery: Yes, as the Member for The Pas (Mr. Harapiak) says, then they got to serious negotiations.

If there was not final offer selection, we might have seen serious negotiation long before that 60 days. We

have seen some real serious strikes. We saw one out in eastern Manitoba that was a very, very difficult strike. When you get a one-industry town and you have that industry on strike, you have a severe economic impact on that community. That happened in that particular case.

Of the people that opposed final offer selection when we went to committee, of all the unions that opposed final offer selection, not one of those unions asked for final offer. Not one. There were 17 requests by one union. Seventeen out of the 30 were requested by one union. That is why they called it Bernie's Bill.

I would like to read a few of the comments that were made by people who went to committee. I think it was quite interesting. First of all, I would like to read the union groups that were opposed to final offer selection. The Canadian Manufacturers Association—no, this is the employer group.—(Interjection)—It is a union group. Are you opposed to the Chamber of Commerce working to improve business in this community? The Member for Churchill (Mr. Cowan) says they are quite a group all right. They are quite a group like unions that are working to develop their businesses which creates jobs in the long run.

Mr. Jay Cowan (Churchill): Mr. Deputy Speaker, just so that the Member—and I will assume that he misheard what I said from my seat—on a point of order just so that he does not leave the record incorrect, what I said, and I have to admit, I was mocking the comment of the Minister when he said the Canadian Manufacturers Association was a union. I said that is a union group all right, as if the Minister knew what he was talking about in this particular instance. It was not meant in a derogatory fashion towards that group or any other group. It was just meant to identify that the Minister has sometimes trouble identifying what is a union group and what is a business group in this province. I think he leans more towards the business groups in all instances.

Mr. Deputy Speaker: The Honourable Member for Churchill does not have a point of order. A dispute over facts is not a point of order.

Mr. Connery: If the Member had been at a mike, Mr. Deputy Speaker, and the people could have all heard the tone of what he said, they would realize—

Mr. Harry Enns (Lakeside): Yes, I heard it.

Mr. Connery: See. I have support on that, Mr. Deputy Speaker.

Let us take a look at what unions were opposed to it: the Manitoba Association of Health Care Professionals, Communications and Electrical Workers of Canada, the Canadian Union of Public Employees, Manitoba Organization of Nurses Association, Confederation of Canadian Unions, Canadian Association of Industrial, Mechanical and Allied Workers, and International Ladies Garment Workers Union. All of these unions spoke in opposition to final offer selection. I have a few selections from the

committee hearings to put on the record and to let people know and especially some of the new Members opposite what some of the people said.

Mr. Deputy Speaker, this is not a union. This is the Manitoba Fashion Institute. It says, "The entire concept of this Bill is so misguided and so lacking in rationale and fairness that even the group who are perceived to be the beneficiaries are in violent disagreement amongst themselves," indicating the unions. "Not one firm in the private sector perceives this Bill as benefitting anyone or containing any redeeming features which might balance its potential for disruption."

The Manitoba Association of Health Care Professionals: ". . . damage the collective bargaining process by encouraging parties to consider an alternative resolution process before collective bargaining actually occurs." He goes on to say, "Few if any of the selectors would have a full familiarity with the parties to a dispute. A selector might, for the sake of a higher wage offer made by management, feel compelled to select management's package even when it may contain provisions that might reduce the hard-won rights of workers to job security, income protection, pension rights and the like." He also goes on to say, "It is a Russian roulette approach." He carries on to say, "There is nothing to preclude final offer selection from being an option to contract negotiations. Such options might be written into a collective agreement." What he is saying is that final offer selection is available if both sides want to use it and can make use of it.

Mr. Deputy Speaker, from the Machinists, Local 44, "Although a strike, especially a lengthy and costly one, is the least desirable outcome of the free collective bargaining process, the cure offered by final offer selection is worse than the disease." He goes on to say, "Studies have shown that FOS works best when the number of issues in disputes is small and of a quantifiable nature. But a perusal of the selection of collective agreements will show that a majority of the clauses are essentially non-monetary, faced with a mix of monetary and non-monetary quantitative and qualitative issues. How is a selector to decide which offer is more fair and reasonable?"

Those are just a few of the comments that were made by some of the unions in opposition to final offer selection. We have many ways if people want to settle disputes. In the Department of Labour, we have the Conciliation Department, which is under the directorship of Mr. Jim Davage, and they go out and they work with parties to come to a resolve of a dispute. They will work on behalf of both management and labour to bring them to a common ground and to settle. We also have the Labour Board. If there is a serious case, they can still carry on to the Labour Board where there is an adjudication made to resolve the dispute. We do have employment standards to help workers to resolve some of their problems with management so they do not have to go to the Labour Board or into court. So there are many ways that we can help management and labour to resolve their differences and hopefully not end up in a strike. A strike is very destructive to that.

In closing, I just want to say that in our Bill No. 41, we had decisions to make. We could have, as we have

done, outright repealed the Act or we could have amended it to make it fair to both sides. That is what would have been done so that management would have the same options that the union side and labour had. We decided the full repeal would be the best approach. It was an approach that I think is fair. Voluntary final offer selection is still available to both parties if they so desire.

In closing, I look forward to the support of Members opposite to bring fairness back into this labour legislation, and Mr. Deputy Speaker, I support this Bill.

Mr. Cowan: Mr. Deputy Speaker, I would also inform you, as I have given you pre-notice that, under the Rules, I have been asked by my Leader to have unlimited time in response to this particular Bill.

Mr. Deputy Speaker: The Honourable Member is referring to Rule No. 33.(2)(a) I believe.

* (1450)

Mr. Cowan: Yes, thank you. Mr. Deputy Speaker, first let me assure the Member for Portage who just spoke, the Minister of Labour (Mr. Connery), that we will not be supporting the repeal of the final offer selection process. I want to spend a few moments today explaining why it is based on our initial inclination when we brought the final offer selection legislation forward a year ago and also more importantly based on the experiences to date, that why it is that we will not be supporting the repeal.

I want to start off my remarks with a comment by John F. Kennedy which I believe is appropriate to the debate before us today. John F. Kennedy said and I quote, "Let us begin anew remembering on both sides that civility is not a sign of weakness, that sincerity is always subject to proof. Let us never negotiate out of fear, but let us never fear to negotiate." I believe that quote is appropriate because what we are talking about with the final offer selection process is a way to improve the process of negotiations.

The Minister of Labour (Mr. Connery) seems stuck in the old concept of negotiations as being a win-lose process. I have given some considerable time to the study of negotiations, both the study of the theory of negotiations, the art of negotiations, and the signs of negotiations. I can tell the Minister that the emerging trends, and I believe they are the appropriate ones in negotiations, are not that of win-lose, but that of win-win and in fact have gone beyond win-win negotiations to no-fault negotiating. I want to explain a bit later in my comments today why it is I believe final offer selection fits in with that new trend, the emerging trend, the innovation in negotiation that is allowing negotiators, whether they be for private industry or unions, or whether they be for Government or non-profit corporations, or in whatever capacity they serve, to structure better agreements.

The advice that John F. Kennedy gave us so many years ago is probably good advice given that negotiations play such a prominent role in the life of each and every one of us. Negotiations in fact are only

a desire to make things different and a desire to make things better. Negotiations are designed only to change the status quo and in order to do so, groups have to sit down and determine how it is they can best change that status quo, not only to meet their own needs but to meet the needs of those with whom they are negotiating.

Given that negotiation plays such a prominent role in all our lives then and all our actions are in one way or another related to negotiations, and given that negotiations play such a prominent role in the development of collective agreements between employers and employees, it is important that we have before us all the tools available to make those negotiations work. Nowhere are negotiations more important however than when labour and management sit down to work out their differences and to bargain for their wages and their working conditions.

As important as those negotiations are and perhaps even more so because of that importance, agreement is sometimes hard to find and settlements can be elusive. The Minister himself referenced in his remarks several times the difficulty in reaching agreements that results in strikes and lockouts. Because of that and because both labour and management want to avoid strikes and lockouts to the extent possible, they together have developed a set of tools to assist them through difficult negotiations and to help them develop effective bargaining techniques.

A large number of those tools are familiar to all of us. Collective bargaining itself, mediation and conciliation, binding and non-binding arbitration. Of course the ultimate weapons and the weapons that one would want to avoid if at all possible and use judiciously if necessary are strikes and lockouts.

Now those dispute resolution mechanisms which were designed to help labour and management avoid strikes and lockouts did not just pop up out of thin air. Neither did they appear all at the same time in one neat tidy package wrapped up with a bow and presented to union negotiators and management negotiators and said, here is your tool box of negotiating techniques. No, they evolved over time as the art of collective bargaining itself has evolved over time. In many instances in their day, these procedures, procedures that are very acceptable to us now and commonly known and commonly used such as mediation and conciliation, and binding and non-binding arbitration, were new and innovative responses to new circumstances just as is the case with final offer selection today.

I have tried to put myself in the place of a negotiator who was first approached with the idea of mediation, or first approached with the idea of conciliation, or first approached with the idea of binding arbitration or non-binding arbitration. I believe that they probably found those new processes that were being suggested to them at the time to be somewhat frightening. Indeed they were somewhat frightening as history tells us to those who first chose to use them, just as is the case with final offer selection. Put yourself in the position of those first choosing binding arbitration. To them it was an entirely unknown process. It was a process full of all sorts of unanticipated dangers and fraught with unseen

perils. The same could probably be said for the strike and the lockout when it was first developed as a tool to resolve very difficult-to-resolve impasses.

Notwithstanding those early fears and trepidations, those earlier negotiators must have felt when trying out new tools and weapons those mechanisms worked. They worked because people had the courage to try them in the first instance, to put aside their own personal fears, to put aside the concern about what unseen perils are out there in order to try to develop better negotiating techniques that would lead them to settlements over difficult issues.

Because of the foresight of those early innovators and because of their courage, we no longer have to rely solely on raw power and brute force as a way to resolve otherwise irreconcilable differences. Those forerunners of the process that we have today improved upon the art and the science of negotiation. Both management and labour and indeed a third party, the public that they represent, are better off today for the work that they undertook in spite of those concerns and fears.

Like those earlier innovations final offer selection is one of the newer tools available to negotiators as part of a package of dispute resolution mechanisms. Just as with every one of those early innovations there were concerns and questions. As a matter of fact, there are still some concerns and questions about final offer selection. There were questions about how it actually works. There are questions about its potential impacts. There are questions about how the process will help in reconciling disputes. Fortunately for us most of those questions have already been answered by experiences in many other jurisdictions that have already used final offer selection as a way to improve upon the process of negotiations. Those experiences repeated themselves in Manitoba.

I want to come later on in my speech to the comments made by the Minister of Labour (Mr. Connery) with respect to the number of times that final offer selection was not used. I think upon reflection and if he truly tries to understand the process and what it means for labour relations and the improvement of the labour relations in this province, he will see that the fact that the final offer selection has not pursued its process all the way to the arbitration is an indication of the success of the process and not the failure.

Even notwithstanding that positive experience that we have had over the past little while with 30 cases of final offer selection, the Conservatives—and I am told that they have the support of the Liberals on this issue—intend to repeal that legislation which has worked so well to date.

* (1500)

Now, I am only basing the assumption that the Liberals are supporting the Conservatives on what I read in the paper, the fact that the Liberal Leader (Mrs. Carstairs), when this legislation was introduced last Session, voted against it and the comments on the Minister today who indicated that the Liberals and the Conservatives are lining up on this particular issue to ensure that final offer selection is repealed.

I hold out some hope that is not the case, although politically it would not be disadvantageous to see Liberals and Conservatives line up against labour on this particular issue, but I believe that this issue goes beyond partisanship, that this issue goes beyond political motivations, that this issue is one of crucial importance to the future of collective bargaining in this province. So I hope that they will reconsider their earlier positions and perhaps agree with the New Democratic Party that final offer selection has worked in this province and should be given a chance to continue to work.

It is important, however, that we put what is happening today, the repeal of final offer selection into the proper historical context, because what the Conservatives are saying today is no different from what they have said any time a New Democratic Party Government attempted to bring forward progressive and innovative labour laws.

The Minister himself said that there is a perception that the Conservatives are anti-labour. I can tell the Minister of Labour (Mr. Connery) that what he has done today with the repeal, or the attempted repeal of final offer selection, is going to in many ways substantiate, confirm and prove that his Government is in fact a right-wing Government that is anti-labour. Let there be no doubt about that.

He can shake his head to the negative all he wants as he sits in his seat, but the truth of the matter is when there is a piece of legislation that can help resolve strikes, that can help avoid strikes, that can help resolve lockouts, that can help avoid lockouts, that is put in place in this province and it is working and they repeal it, we can only assume that they are repealing it on the basis of a philosophical approach that has historically been and continues to be today anti-labour.

When the Liberals side up with them on this piece of legislation, let them know what they are doing as well, because they are stepping into that anti-labour camp. They are stepping into a camp that is repealing progressive legislation that attempted to even out the balance of power in industrial relations.

Let us listen to what the Minister said today about why they are repealing this legislation. Every time new labour legislation was brought before this Legislature by an NDP Government, the Tories responded in a time worn and typical fashion. It was their typical right-wing anti-labour approach. Every time they oppose progressive labour laws, Conservatives are quick to point out that they are not anti-labour, but they believe that this legislation by the New Democratic Party gives the unions too much power over business.

That is exactly what the Minister said today and he substantiated his concern for fairness and balance by referring to a conversation he had in an elevator with some management consultant over what causes people to relocate and to locate their new industries in different jurisdictions. I have done a very comprehensive study of relocation factors with respect to relocation of industries and the movement of industries from different jurisdictions. I can tell you that the final offer selection never showed up in any one of those studies, nor does the labour relations balance rate very high on the scale.

The Minister, in going through his own comments, said when he met that consultant in the elevator that—and I list them in the order in which he listed them—these are the things that influenced the location of industry in certain areas: markets, raw products, a skilled labour force, taxes—he referenced particularly the health and education levy—and labour legislation.

When he talked about labour legislation, he did not talk about labour legislation per se, he talked about labour unrest and, yes, employers are concerned if a jurisdiction has a large number of strikes and lockouts, because they know strikes and lockouts result in lost productivity, they result in lost time, they add cost to the company. They also know that they create negative labour relations, divisive labour relations, a divisive working relationship between employers and employees that, in the long run, do not add to their profits or their productivity.

So the Minister in suggesting that they are not anti-labour is trying to refute what has been commonly accepted. They are singing the same old story every time new legislation is brought forward, only this time now they are singing in two-part harmony with the Liberals, because the Liberals are siding with them in this attack on labour.

But their bias, both historical and currently, is essentially a pro-business bias. There is no doubt about that. If one accepts the fact that the interests of labour and business are not, in all instances, the same then one would be also safe to assume that on occasions, the needs of labour are somewhat different than those of the employers. One could assume that the needs of working men and women are sometimes different than those of the employers. Although they share some common ground and although they share some common objectives and they rely each upon the other for their own economic health and well-being, within that framework, within that context, the assumption can be made, and I believe it is a safe one, because it has been proven historically to be the case, that they have differing needs. Governments have a responsibility to address those needs. A Conservative Government, and based upon the Liberal support for their actions in this instance, we can guess that a Liberal Government will quite naturally address the needs of labour and business differently than would an NDP Government, historically both of them have sided with their business friends and their corporate sponsors.

(Mr. Speaker in the Chair.)

It is interesting to reflect back momentarily on some of the vitriolic debate that went on about this particular Bill when it was brought forward. Some of the things that the Conservatives argued, they are arguing again today. The Conservatives argue that Manitoba does not need any changes to our labour legislation because things are working very fine, thank you very much. They are working just fine and they will continue to work just fine as long as an NDP Government does not change the law and drive business away. It is interesting to note that the only time they have something good to say about labour relations in Manitoba is when an NDP Government has announced changes to the existing legislation. That is the only time they have

anything good to say about it. The Tories will lament, as they did today, the labour relations climate in this province day after day after day after day until it comes time to change the law. Then all of a sudden, as if by a miracle, the labour relations climate overnight becomes one of the best in the country with just the right balance of power and, furthermore, it will stay that way unless a nasty NDP Government comes forward and changes the law again.

Listen to what Mr. Spivak said when he was Conservative Leader in 1972, at a time when the NDP introduced major changes to The Labour Relations Act. He said and I quote: "Mr. Speaker, we have labour relations in this province which are the best in the country", in 1972 he said that. He then goes on to say that this new NDP legislation at the time, which was a reform of the labour laws, may well upset the balance and conditions will worsen. His praise of the existing system must have come hard to his lips, given that an NDP Government had already been in power for three years at that time. The world or at least the world in Manitoba had not yet come to a crashing end. By the way, those sentiments were echoed time and time again by his colleagues in the House who bravely prophesied that this new legislation in 1972 would bring ruin to the province.

So what happened in 1982 when first contract legislation, new labour legislation, reform of the process was debated? We hear from the Conservatives and we hear from their business friends about what a fine labour relations environment we have here in Manitoba, and how any new NDP labour legislation would upset the delicate balance that serves us so well and bring ruin and despair down upon our collective heads. Again, more changes to labour law in 1984 and a Tory band played on again.

Remember that infamous June 26, 1984, advertisement that the Conservatives in this House were so proud to quote; they would puff out their chests and they would lower their voice. They would say, we are right because our friends in the Chamber of Commerce and the Manufacturing Association say we are right. They would quote this June 26, 1984, advertisement that was put in the paper by the Winnipeg and Manitoba Chambers of Commerce, the Manitoba Mining Association and other employment groups, that spoke threateningly and I quote: "The dark cloud over Manitoba and the peril that Bill No. 22, more labour relations legislation meant for all Manitoba."

* (1510)

The Member for Lakeside, from his seat, says exactly what he said from his feet at the time, that in fact that dark cloud did hang over all of us. Remember that ad and how it started? The Member for Lakeside (Mr. Enns) and the Member for Portage (Mr. Connery) could probably quote it verbatim because they used it so often in their speeches. But I want to, in case they have forgotten exactly how it started, remind them. It said: "Up to now our management and labour relations in Manitoba have been in relative harmony. Indeed, our record for solving problems through discussion at the bargaining table is outstanding compared to other provinces."

Outstanding, indeed! Two years after they were saying that there was going to be ruin and devastation because we brought forward first contract legislation. A number of years, a decade and some after, they had said this province would be ruined because we brought forward labour reforms at that particular time. They say the same thing all the time. All is well, and any changes to labour legislation will bring about the end of the labour relations world, and civilized men and women know it.

The advertisement went on to predict—and it was supported and substantiated by the Conservatives of the Day, and the Liberal of the Day—because of first contract legislation, and I quote: "Free collective bargaining, as we know it in Manitoba, is finished, a thing of the past." It warned, and I quote again: "Big brother will make decisions for us." It forecast that many young Manitobans will have to leave Manitoba to find jobs elsewhere in the country, facing a huge unemployment problem. Bill No. 22 is a complete disaster for Manitobans.

The fact is that unemployment has increased both relatively and absolutely since the Conservatives came in power and that unemployment under an NDP Government under this legislation with some of the lowest unemployment in the entire country. Now, instead of leading the country or being second with respect to our employment and the jobs that we have created here, we are third. I can predict that situation will deteriorate as well if the Conservatives continue along the path they have charted out.

That ad also, and the Tories in this House also prophesied that businesses both big and small would flee the province to escape this legislation.—(Interjection)—Well, the Member for Portage, the Minister of Labour (Mr. Connery) says, "And they did."

You know, I live not too far from a main highway going south and I live not too far from a main highway going east and west and the second-best constituency in the province, outside of Churchill.

An Honourable Member: Who is your MLA?

Mr. Cowan: —and an adequate MLA represents the area, at least for the time being, perhaps. Perhaps we will have a better MLA in the future, or a worse MLA in the future, I do not know. But given the circumstances of the day for the Member for St. Norbert (Mr. Angus), I have to tell him that it probably is the second-best constituency. No, I am going to have to change that because the way things are changing it is probably the fifth or sixth-best constituency, but it ranks in the top ten.

The fact is though, when I drive to work I do not see moving vans moving large industry out of the province, small industry out of the province. As a matter of fact, I see job creation records since the time this legislation was introduced that were the envy of some of the other provinces.

So what they said was going to happen did not happen, not then. It did not happen before when they said it. The ad prophesied that big and small businesses

would leave; they did not. The Conservatives in the Legislature parroted the pleadings of their friends in the Chambers of Commerce, in the Mining Association and other employer organizations.

As a matter of fact, an article from the Free Press, dated June 30, 1984, it read and I quote: "Opposition Leader Gary Filmon said the Bill has shattered harmony in labour management relations." Another article from the same paper, a bit later, July 3, 1984, read and I quote: "Gary Filmon summarized his Party's position. They could not understand why the Government was attempting to destroy the fragile balance between labour and business. This legislation would be just another roadblock to job creation and investor confidence."

They say the same thing every time and I say that and I give this bit of history to my friends in the Liberal Party because they have not sat through all those changes, and perhaps they have not had an opportunity to go back and read the Hansard as to what the Conservatives said every time labour legislation was brought forward. Because what they were saying then did not prove to be true, and what they are saying now which is exactly the same thing does not ring true.

Well, once again, when we are talking about a changed Labour Act and the Chamber Commerce and some Conservatives are again talking about what a fine system we already have in Manitoba, and how well it was working before we brought forward this legislation, and why did we have to change it because if we did change it the last year we would all suffer unspeakable catastrophes and calamities. I am not overstating what they said. I read you exactly what they said on the record. They talked about shattered labour relations. They talked about a "dark cloud over Manitoba." They talked about businesses fleeing the province. They were the ones who used that same old tired right-wing rhetoric and overstated the case.

They predicted disaster in 1972 and it did not happen then. They predicted disaster in 1982 and it did not happen then. They predicted disaster in 1984 and it did not happen then. They predicted disaster last year and it did not happen then either. They were wrong before and they are wrong now. Yet, they are attempting today to change legislation that I believe can be proved without a doubt to be helping to prevent strikes and lockouts; legislation that is helping build a better labour-relations climate; legislation that is improving the collective bargaining process in this province so that we avoid strike and lockouts which is what employers are really concerned about, more so than almost any other aspect of labour relations. They are concerned that when they come to a province that they not be subject to unnecessary strikes and that they not be put in a position of having to undertake unnecessary lockouts.

The Minister talked a bit about his concerns about final offer selection. In order to address the issue of final offer selection, one has to plough their way through all that Tory rhetoric and some of the Liberal rhetoric from the last time around, and the Tories' transparent criticisms and venomous aspirations against the labour leadership, unions and the NDP. One has to put that aside and attempt to ignore it.

The real issues as identified primarily by those outside of this building revolve around several key areas of final offer selection. Those concerns, and there are concerns that were exhibited and expressed either through questions or criticisms, are not unexpected. They are not unexpected now, they were not unexpected a year ago, they are not unexpected now nor should they be.

Any new change or any new innovation begins with some uncertainty and some question that must be analyzed and addressed. People basically do not like to change unless they are convinced that change is going to bring about positive results. Fortunately, in the final offer selection there is some experience in other jurisdictions that give us some insight into questions about its use and potential impacts and, as I indicated earlier, those experiences have been borne out in Manitoba in a very short period of time.

So we should examine some of the criticisms we have already heard about final offer selection in the context of what has happened elsewhere. The first misconception and it is a misconception even although the Minister of Labour may believe it fervently, it is a misconception. It only shows his lack of understanding as to how the collective bargaining process works, is that final offer selection takes away the right to strike. Nothing could be further from the truth. The legislation, as we put it in place here in Manitoba, very clearly places the decision on whether or not to go to final offer selection or to go on strike with the members of the bargaining unit who must ultimately bear the consequences of either action.

That is where those decisions should be made. They are made in a democratic fashion by democratic vote, by the members of the bargaining unit, and that is where the legislation that is being repealed today delegated the decision-making process. It does not take anything away from labour, it does not take anything away from the workers on the shop floor, or in the factories, or in the mines, or in the mills. In fact, it adds to their ability to bargain in good faith with their employer and reach a fair settlement where possible.

* (1520)

Let there be no mistake about it. Even with final offer selection there are going to be strikes and lockouts. Some issues just do not lend themselves to the final offer selection process. We have seen in Manitoba over the past little while in those 30 cases that have proceeded to final offer selection where there was a strike, final offer selection was suggested as a way to resolve that strike. The bargaining unit who had legitimately and democratically voted to go on strike, voted against final offer selection because they did not think it would meet their needs. That happened in my own constituency.- (Interjection)- I will get to what the Minister is suggesting or asking right now with respect to the prevention of strikes.

Disputes revolving around seniority, grievance procedures do not lend themselves well to any form of arbitration or third-party intervention. Final offer selection probably would not be an option in those and

many other instances but the fact remains, notwithstanding that, that there will be situations where bargaining has broken down for any number of reasons and arbitration or final offer selection can be used effectively to avoid strikes and lockouts. It will be up to the employees under the existing legislation, it has been up to the employees, to decide whether those circumstances warrant final offer selection or a strike.

In that case final offer selection offers the opportunity to prevent labour-management strife. That is all, nothing more, nothing less. It does not take anything away, it only adds. It allows for one more opportunity to reach a negotiated agreement before an employer and employee feels compelled to resort to a lockout or a strike.

On the other hand, there have been some who have said that final offer selection is too attractive as a replacement for a strike and consequently it would stop parties to a collective agreement from bargaining in good faith. They suggest that final offer selection would soon become the preferred option over that of good-faith bargaining.

By the way, that is exactly the same argument the Conservatives used to oppose first contract legislation in 1982, and they are not repealing first contract legislation primarily because it was in place long enough to be shown that their arguments were wrong in 1982, just as they are wrong today. They misunderstood the process. They misunderstood the role that first contract legislation would play, and that they were opposing that legislation out of a right-wing approach to labour relations that pays little attention to fact, little attention to experience or little attention in trying to provide an innovative bargaining atmosphere.

What do they say? It is a Member for whom I have—no longer a Member of this House—but a Member for whom I have a great deal of respect and that is the previous Member for St. Norbert, Mr. Mercier. What did he say about first contract legislation in 1982? "Too easy not to negotiate, too easy to circumvent the bargaining process, and the entire concept of collective bargaining in this province may deteriorate or be destroyed."

I do not know if the present Member for St. Norbert (Mr. Angus) for whom I have respect agrees with the previous Member for St. Norbert but their Parties are lining up together on this particular issue. What he said on that day did not come to pass. Obviously his concerns and that of the Conservatives of the Day failed to materialize. They are not repealing that legislation because it was good legislation when it was brought in and it is good legislation today. Their predictions of doom were unfounded, just as they were in '82, just as they were in '72, and time once again proved them wrong.

Mr. Speaker, it is interesting that when they came in power from 1977 to 1981 after predicting all sorts of negative consequences of our labour legislation, they did not touch our labour legislation during that period of time. They said that labour legislation when it was being passed would bring ruin upon the province. When they had four years to repeal it in majority Government

they never touched it. Thank goodness that they can be brought to their senses from time to time, even although it is a difficult process. Thank goodness that they can see their mistakes from time to time.

All we are suggesting in this particular instance is they allow this legislation, final offer selection to work its way out as did the earlier legislation in '72, as did the first contract legislation in 1982, to the point where it can be proven to be either right or wrong legislation for our province. I think to date the evidence shows that it is good legislation, but even giving them the benefit of the doubt, let it go on for another couple of years to see if their predictions of doom and those of the Mining Association, the chambers of commerce and the dark clouds and this shattered harmony come to fruition. I do not believe they will because I believe they are wrong once again.

On first contract legislation, I do not know how many have been in place now. In 1982 to 1986, I think there were 12 first agreements that were decided by the Labour Board under first contract legislation. Remember they said it is going to be too easy not to negotiate and people will jump to use first contract legislation. Well, in five or six years, only 12 first agreements were brought which is less than 5 percent of all the certifications that were granted during that period of time for the first time.

I make that point and I am going back to that point because I think history has some lessons which we should take advantage of. One of the lessons of history is every time they have approached labour relations from the right-wing perspective they have been wrong. Experiences in other jurisdictions by the way where final offer selection has been used successfully for over a decade, show very clearly that it does not discourage good faith bargaining. As a matter of fact the contrary is true.

Final offer selection has encouraged good negotiations in the jurisdictions which has been used. Mr. S.A. Bellan, states in his article in the Osgoode Hall Law Journal entitled "Final Offer Selection—Two Canadian Studies and an American Digression" states the following and I quote, "Both parties reported considerable pressure were generated by the final offer selection deadline after mediation. Each preferred to reach agreement through negotiation rather than risk a complete loss in arbitration. Obviously the pressure of final offer selection keeps negotiators at the bargaining table rather than forcing them or even enticing them away, and the Minister suggesting that the fact that the selector has not had to be used in over 90 percent of the final offer selection applications, applications as an indication of failure of this Bill shows how wrong-headed his approach is.

The fact is it shows that the Bill is working and that is not myself talking only and that is not the New Democratic Party talking only, that is Mr. S.A. Bellan in the Osgoode Hall Law Journal who says that exactly what happened in Manitoba has happened in other jurisdictions. It forces people to negotiate because they do not want to leave up to the arbitrariness of an arbitrator the issues which are important to them. It keeps them at the table. Mr. Bellan in that article was

examining Canadian examples of final offer selection that did not take place last year, or the year before, or the year before, but took place in the mid-Seventies in Ontario. He drew eight conclusions from that review. Four of them dealt with the concern that final offer selection discourages good faith bargaining and let us hear what he had to say about those four.

One, and I am quoting from his article, "There was significant convergent pressure to appear reasonable in the eyes of the selection officer. So what it forces individuals to do is to put forward a reasonable proposal to move away from the negotiating proposals that are sometimes not unreasonable in the context in the negotiations where you have a win-lose situation, but to move towards each other's positions where you want a win-win or a no-fault solution." So it forced them to do that.

Secondly, and I quote again, "Both sides felt strongly motivated to settle the agreement themselves for personal satisfaction and to avoid the risk of complete loss at arbitration and yet both felt that final offer selection gave the parties a large measure of control than did conventional arbitration." That is exactly what has happened in Manitoba. We have, I do not know—the Minister said 11 cases, my count is 15 cases—where final offer selection was applied for but they were settled before the arbitrator had to make a decision. That proves that the legislation is working. As a matter of fact, I believe there are only two that actually went to the selector. One was agreed to or the employer's position was agreed to and the other was the union's position was agreed to.—(Interjection)— Yes, the Member for St. Norbert (Mr. Angus) had asked if I permitted questions. Yes, I would.

Mr. John Angus (St. Norbert): By leave, I wanted permission to ask a question of the Member for Churchill and he has consented.

Mr. Speaker: Does the Honourable Member for St. Norbert have leave to ask the question of the Member for Churchill? (Agreed)

Mr. Angus: Thank you, Mr. Speaker. Would the Member for Churchill address his remarks on the Bill to answer the question? Is there anything in the Bill that prevents binding arbitration? Is there anything in the Bill that is being introduced by our colleagues from across the floor that prevents the two parties from agreeing to a binding final selection arbitration. Thank you.

* (1530)

Mr. Cowan: I will get to that point a bit later because that is the reason why the Bill was brought forward in the first instance. When we talk about balance and fairness, and we will get to that point later on in the comments, I will explain to him why the Bill is important.

The fact is that there is nothing that prevents final offer selection. The fact is that there was very little final offer selection, if any—I do not know of any cases—but there may have been one or two before this Bill was brought forward. There had been 30 cases

of final offer selection after this Bill had been brought forward. What that means to me is that the Bill is encouraging a new and innovative form of conflict, resolution, dispute, reconciliation that prevents long, drawn-out strikes and lockouts.

The third point that Mr. Bellan made, "Both felt that the time frames set in advance prevented a stalemate from developing and kept talks progressing albeit slowly at times." In other words, and that is what we had in our Bill because there was a time frame, people were encouraged to keep talking because they knew that there was going to be a day of reckoning sooner or later and they were going to have to decide on whether or not to proceed with final offer selection. So let us try and resolve it before hand.

Fourth, Mr. Bellan quoting again, "Both parties felt compelled to justify their positions during negotiations by reference to concrete financial data in preparation for the final offer selection criteria of reasonableness. Indeed, both reported that the final offer selection deadline encouraged 'realistic', and Mr. Bellan quotes that specifically, highlights that, 'realistic' bargaining throughout the process." That is not the NDP talking. That is not the Manitoba Labour Movement talking. That is not the Members of this Legislature talking. That is Mr. Bellan talking to the Osgoode Hall Law Journal based on his experience in final offer selection. It runs contrary—

Mr. Enns: You believed Justice Hall when he was talking about Medicare in free trade . . . your own conviction Jay.

Mr. Cowan: The Member for Lakeside attempts to deflect attention away from a very well thought out and reasoned analysis of final offer selection that runs contrary to his own right-wing, preconceived mentality with respect to labour relations. Let me tell him that I have read through almost, let us say, a good dozen to a dozen-and-a-half articles and excerpts from books on final offer selection. The overwhelming majority substantiates what is being said here. The overwhelming majority of experts substantiate the fact that final offer selection provides for a more reasonable approach in negotiations. Let me tell you why that is a concern.

Mr. Enns: . . . expert said the same thing about the Free Trade Agreement and how it would not impact on the Social Services.

Mr. Speaker: Order, please; order.

All Honourable Members who wish to participate in the debate will have the opportunity to do so. At present, the Honourable Member for Churchill has the floor.

Mr. Cowan: What bothers me about reading that is I missed one expert. I did not happen to run across a management consultant in an elevator. That is the only expert that the Minister of Labour quoted in his entire speech; a management consultant in an elevator telling him that labour unrest is one of the reasons why people do not come to Manitoba. How does he respond to that? He repeals a Bill that is bringing labour rest and

better collective bargaining to this province. How long-headed can one be? How hard he has to bite his lip to go against what is obvious to anyone who takes the time to study the issue and apply his right-wing approach in spite of all the good advice that is given to him.

(The Acting Speaker, Mr. Edward Helwer, in the Chair.)

Why does a reasonableness factor come into bear? Why does the fact that both parties felt strongly motivated to settle the agreement themselves come to bear? Why am I spending so much time on that particular issue? Because in his news release, dated November 17, 1988, the Minister of Labour (Mr. Connery) said that they are repealing final offer selection. Why? Because, "Under final offer selection, employer and employee representatives present their final offer to mutually agree upon, select, or choose one option or the other 'by its nature,'" said Mr. Connery, "final offer selection is an all-or-nothing proposition that creates a winner and a loser. This can lead to animosity between the parties and certainly lessens the commitment of one side to the contract." It is not the case at all. If he is wrong in his basic assumptions about repealing the legislation, why is he getting support from the Liberals?

I want to show as best I can using this form why it is I believe he is wrong and why it is I believe the Liberals should change their position on this Bill.—(Interjection)—Another misconception about final offer selection is exactly what the Minister said. That is because the arbitrator picks one package over that of the other, there will be clear winners and losers when the final offer selection process is over. Again the experiences in other jurisdictions such as the previous one show that such is not the case.

The American experience is the same. James Stern, another expert, in a paper prepared for the Annual Meeting of the National Academy of Arbitration, wrote the following and I quote; and I ask the Minister to listen to this because he has fallen prey to the misconception and the misunderstanding that Mr. Stern tries to correct.

There is a good deal of misunderstanding about the process on the part of individuals who have not been involved with final offer selection. As for any damage wrought by the winner-take-all aspects of the final offer arbitration awards, it has not caused either the winners or the losers to condemn the procedure on this ground.

And going back to what Mr. S.A. Bellan said, because he is even more conclusive in his analysis that final offer selection does not cause winner-loser problems, he says:

Final offer selection merely reflects the broad win-loss notion of the collective bargaining system and in fact by generating convergent pressures on the parties, they may be so close together that animosity is lessened at the end of their arbitration process. Frankly, by forcing the parties to compromise rather than risk everything at arbitration, the result is likely more

acceptable than if an arbitrator himself compromised the two positions to reach a settlement.

He later states in the same article that final offer selection, and I quote again:

Enhances the possibility of a settlement by the parties without recourse to arbitration and the results appear to be acceptable both in terms of the immediate dispute and the ongoing employer-employee relationship.

So in fact history rejects a notion, the notion that was put forward just a few days ago by the Minister of Labour (Mr. Connery), that final offer selection decisions create future problems. Those with experience in the process and those others who have studied it in their work report that in actuality the opposite is true. The parties are brought closer together to try to be more reasonable because of the convergent pressures during the selection process and there is oftentimes less animosity following the process than there would be under other circumstances.

Stanley Jevons stated:

Peculiar as this procedure seems, there are in reality distinct advantages in it, the most important being that any demand made by either party must be strictly reasonable and capable of being supported by good evidence so that it has at least a good chance of being accepted.

What is most interesting about his comments on this new and unique bargaining tool is that they were made in—Does the Minister of Labour (Mr. Connery) know when those comments were made? Let me read the comments again. Let us see how well the Minister has studied this issue, see if he understands the history of it. The comments were by Stanley Jevons:

Peculiar as this procedure seems, there are in reality distinct advantages in it, the most important being that any demand made by either side must be strictly reasonable and capable of being supported by good evidence so that it has at least a good chance of being accepted.

Mr. Angus: In case.

Mr. Cowan: Well the fact is that comment was made in 1915. It was made as part of Mr. Jevons' book on the British coal trade. Final offer selection was used in the early 1900s for several years in setting wages. But more recent history confirms as well the fact that final offer selection forces reasonableness and that reasonableness when put together reduces hard feelings and does not result in the suggested win-lose mentality after the contract is settled.

Another misconception we have heard from the Conservatives about final offer selection is that unions or indeed management could lose major gains such as seniority, the right to grieve, or even management rights if they were to submit to final offer selection and either the union or the employer would develop an extremely reasonable package with one exception on a major issue in the hope that the arbitrator would choose their package as being the most recent one.

Again, history proves that just the opposite is true. Mr. Bellan addresses this misconception in this article. He states:

Another criticism stresses the possibility that the arbitrator may be forced to choose between two patently unreasonable offers, whereas arbitral discretion could shape a reasonable compromise or collective bargaining to force a test of strength. Firstly, to suggest that the likelihood of such an occurrence is remote. Few unions or companies wish to risk everything at arbitration rather than compromise themselves.

Further, even fewer negotiators would risk losing face so dramatically in front of both their superiors and their counterparts by backing a losing side. Consequently it is argued that the bargainers themselves have a vested interest in closing the gap, even if a collective agreement could not be reached.

Secondly, the result would likely be not better under conventional arbitration which would probably impose a settlement unacceptable to either unreasonable party, while collective bargaining would merely have one side eventually knuckle under.

Finally, Mr. Bellan states, the criticism ignores the very real convergent pressures reported in case studies which are generated by final offer selection.

* (1540)

So the possibility of major gains being eroded or lost during the final offer selection process is extremely remote and, to my knowledge and that of others who have studied this issue, it has not been a problem. The Conservatives think it is a problem and I think I am going to address why they think that is a problem later on in my comments. They do believe it to be a problem but the experts do not. Those who have studied it do not. Those who have used it do not. No, the fact is that they are out of tune with what is actually happening.

The fact is that final offer selection has proven to be a valuable bargaining tool which narrows the issues and mitigates against one side trying to take advantage of the other for fear of appearing unreasonable or losing everything.

Another criticism we have heard, primarily from the Conservatives but also from the Liberals and from the business community, is that final offer selection gives too much power to workers and their unions. We heard the Minister say that in his speech again today when he talked about fairness and balance.

The fact is that the workplace is not fair and balanced. The fact is that it has never been fair and balanced. The fact is that the employer has certain powers that are not available to the employee, and the fact is that the employee has certain powers that are not available to the employer, but in the jungle where there are no laws the power belongs to those who flow the capital, the power belongs to those who have the cash, the power belongs to those who can hire and fire.

One need only review the history of management rights arising out of The Master and Servant Act to

understand why it is that the workplace has been unbalanced for so many years and why it is important that progressive Governments set about to make the workplace more balanced, to make it a fairer place and to try to balance out the competing interests because, as I indicated earlier in my comments, there is no disagreement that employers and employees sometimes have different needs that must be addressed.

But final offer selection does not do a lot to upset the balance. As a matter of fact, I am going to quote Mr. Bellan again because he says it equalizes the power among the different parties involved in negotiations. I know some of you are growing weary of hearing the quotes, but I think it is important that people understand that what I am saying here is not said capriciously or is not said without some understanding of the issue and is not substantiated by experts.

I would be more than happy to sit and listen to the Minister or any other Member of this House or any other Member generally or any other individual who wishes to bring forward expert opinion that suggests the contrary to what is being said in this speech today.

It is important to listen to the experts and Mr. Bellan suggests that final offer selection, "may be considered to afford some advantage to the weaker party." I would suggest that this weaker party in one instance may be a small union against a large business, or in other instances may be a small business against a large union. In either of those instances, final offer selection will indeed give some comfort to the weaker party. In other words, final offer selection tends to make the balance fairer rather than to allow an unfair balance to continue.

Again the Minister is entirely wrong in his understanding of the situation when he suggests that the repeal of final offer selection will provide for a fair and balanced labour relations climate. It will not.

I guess that the levelling of the playing field in order to avoid a stonger party pulling a weaker party through an unnecessary strike or lockout is something that the Conservatives and the Liberals oppose, because that is what this legislation does and they oppose this legislation. That is exactly what they are telling us when they oppose giving workers in Manitoba the right to choose final offer selection over a strike or a lockout.

That sort of law of the jungle style of collective bargaining and the impact it has on our society has to be rethought in this day and age. Now I am not certain how final offer selection would have affected the strikes that we have seen over the last little while, but anything that would help us avoid the violence and the problems that we have seen historically has to be at least worth a try at the very minimum. One should want to try it out to see if it works, to give it a chance. Maybe final offer selection could help in those situations where because of one party being much stronger than the other or one party thinking it is much stronger than the other, which happens in some cases, or because there is an imbalance one party resorts to a strike or lockout, final offer selection could help stop that process.

Just a couple of more criticisms that we have heard about the legislation. This was a criticism again that

was referenced by the Minister and I think it is probably at the crux of the issue. I think this is probably what bothers the Conservatives most about final offer selection. That is that only the employees have the ability to vote on whether or not the final selection process will be started. The Conservatives, and I include the Liberals in this until they change their mind, are opposed to giving working people this right to control their own destiny in their own workplace. They would rather see them forced to strike or they would rather see them subjected to a lockout by the employer than see final offer selection be determined democratically by them by a vote.

The lockout by the way is a situation that is unilaterally imposed by the employer without any say in the matter by the workers, usually not a democratic decision. You do not call up the stockholders. You do not call up the board of directors. A strike is a democratic decision. It is done out in the open and it is done by a vote. It is done by a vote that is carefully controlled with respect to being democratic and being fair. Not the lock out.

If there is some unfairness and unbalance in the way in which things happen today perhaps it is the right of the employer to lock out employees without a vote. That to me is unfair because when the employer locks out the employees what is he or she doing? Taking away the right of those employees to work. If we want to talk about right to work let us talk about right to work where it allows individuals who want to work the opportunity to work. Where is the Conservative and the Liberal concern for fairness when an employer has locked out the workers, or hire replacement workers to take away the jobs of workers on a legal strike? Where is their sense of fairness and balance then?

The fact is that final offer selection is not going to be much use to the larger unions and to the larger businesses. They will not need to use it and they probably will not want to use it. That was shown in my own constituency when final offer selection was sought by the company to end a mine strike but was turned down by the union. It was turned down by the union for a couple of reasons. One was they wanted to negotiate a settlement. The second was they felt they could resolve the issues within a short period of time without final offer selection. Thirdly they felt that there were certain issues on the table that should not be determined on the basis of arbitration, but should be determined on the basis of collective understanding and a common agreement.

It is interesting to note that they were successful in resolving that strike shortly after final offer selection was turned down, which shows the turning down of final offer selection does not prolong strikes or cause strikes. It shows that final offer selection in fact is another tool that can be accepted or not accepted. When it is not accepted there are ways that can be found to reconcile irreconcilable differences that have existed to date. It is not going to be something that large businesses or large unions use frequently.

* (1550)

Much of the Manitoba labour force is made up of smaller unions and smaller businesses. How will final

offer selection affect those smaller, less powerful unions and those smaller businesses in the province? We believe that it will help them resolve differences which they cannot otherwise resolve in as speedy a manner. That is why the Manitoba Federation of Labour, the foremost labour organization in Manitoba according to size and history, fully supports the concept of final offer selection.

The Minister read out a list of unions that spoke out opposed to final offer selection. In fact there were those that were opposed to final offer selection, but the Manitoba Federation of Labour which is a group that he pretends to have a good working relationship with, and a group which he pretends to listen to, although I do not think that is the case and I think that is becoming more and more apparent and a group which he wants to work together with in a cooperative and a proactive fashion. They fully endorsed the concept of final offer selection and they will continue, as I understand it, to endorse the concept of the final offer selection as long as it works and it is working in this province.

There is a press conference at the time we are debating this Bill. The executive, the full executive of the Manitoba Federation of Labour representing nearly 80,000 unionized men and women in Manitoba clearly stated their support and they said, and I quote, "Final offer selection was debated and endorsed by an overwhelming majority of more than 600 delegates to the 1985 MFL convention." Those 600 delegates represent approximately 350 local unions, in almost every community in Manitoba, and they were overwhelming in their support for final offer selection. Let there be absolutely no doubt about it.

Final offer selection, the legislation as being repealed today was and is supported by the vast majority of Manitoba unions. They support it because they believe it will provide for more fairness and balance. Mr. Bellan, again, states in speaking to the benefits of final offer selection, "A system which required the subjugation of the weaker party, despite a more compelling argument for its offer on the grounds of group force standard, is hardly attractive." Let there be no doubt about what is happening in this Legislature when we repeal this legislation, if we repeal this legislation, and it will only be done by the Liberals and the Conservatives voting together, if it happens.

What we will be doing is taking a system which does not force the subjugation of the weaker party because there is another party that is more forceful and uses group force to overwhelm that weaker party even in spite of a compelling argument. It will be taking that away from the workers in this province. The fact is in the instances where final offer selection was used agreements were reached and they were reached in almost 90 percent of the cases that have been settled, as a matter of fact in more than 90 percent of the cases that have been settled on the basis of collective bargaining that was forced as a result of final offer selection process. Only in two instances was a selection required, one went for the union, one went for the company and that is the type of system that allowed for the weaker parties to negotiate on the basis of logic

and compelling reason rather than on the basis of brute force.

And that is what both the Conservatives and the Liberals are promoting: a brute force standard instead of a reasoned argument and that serves them a balance in fairness and justice, brute force and the survival of the fittest and we have heard that from the Conservatives time and time again. It is their Darwinian approach to economics. As the Member for Elmwood (Mr. Maloway) it is the right-wing approach, that right-wing mentality. We have talked about that ever since this minority Government was elected and I remember saying early on when they were trying to be cautious and they were trying to find the middle road and the middle ground and they were being very tentative in what they were doing, that there is an undercurrent of right-wing mentality in that caucus and in that Government and it will come to the surface sooner or later. We have just seen it like a great big whale coming up to spout, come to the surface with this Government today when they repeal final offer selection.

That is what this Bill is. It is a right-wing attempt to repeal a process which allows for compelling reason and logic to be used instead of brute force when collective bargaining and agreements are hard to reach. Back to the law of the jungle; back to brute force; back to the weaker party being subjugated by the stronger party; back to the days of old; back to all that ignoring the reality of the day and the lessons that we have learned over the last number of years with respect to final offer selection.

Mr. Acting Speaker, the world just does not stand still. As much as the Conservatives would like it to be exactly the same as it was in the good old days, as much as they would like to turn back the clocks, the world just does not stand still. New approaches are constantly needed. New innovations are constantly needed. New ways of doing things are constantly needed. Final offer selection has not even been given a chance in this province to prove itself or to disprove itself. I believe and I am willing to take that chance. I believe that it will prove itself to be another tool for the effective resolution of conflict in the workplace. I believe that it will be another way to reach an agreement. That is all, nothing more, nothing less. It will not replace the strike. It will not replace the lockout. It will not force large business to bow to small unions, and it will not force small unions to bow to large business. As a matter of fact, it will do the opposite. I ask the Members of the Conservative Party to give the Bill that chance. Maybe just say let us let the Bill continue for—it was going to continue for a certain period of time in any event. Let us say, let us let the Bill continue for another year because we are going to be back in this forum in another year's time, give or take a few months one way or the other.

As a matter of fact, we may still be in this forum in another year's time but I hope not. But there will be a Christmas break, I am certain. I am not certain if this Bill will be passed before then, but there will be a Christmas break. I am certain. But give it a chance. What has gone wrong because it has been in place since the beginning of the year? What devastation has

been wrought upon the collective bargaining harmony and climate in this province? Where have all those things happened that they said would happen? They have not. The fact is what has happened because of final offer selection in the past few short months is workers have been able to stay off and get off of the picket line and employers have been able to run their operations.

They have done so with collective agreements in place because final offer selection was one tool, just one in many that enabled them to resolve that conflict in a mutually satisfactory way. I have not heard one employer who has had final offer selection used in their workplace complain about the results. Now if it has been so bad why are they not complaining? Let us not worry about the management consultant in the elevator with the Minister of Labour (Mr. Connery). That is not scientific. That is not even good research. That is the way he likes to approach labour relations, listen to people who say things he likes to hear and will agree with him. They are getting fewer and fewer.

But where is the analysis? Has he talked to the employers that have used final offer selection? Has he talked to the employees that have used final offer selection? Let us look at one example of this Bill. Now I want to ask this question because I have to admit I did not read this article carefully when it first appeared, but in rereading it today in preparing for this speech there is one question which I made to the Attorney-General and the Minister of Labour -(Interjection)- might like to address in later comments. He said, this is the Premier (Mr. Filmon). He said that the Tories so far have only one legal opinion suggesting that the Act cannot be repealed. We are still seeking other legal opinions on the matter. Is not that just like him? They had three legal opinions on free trade. That told him how it would be effective and they sought a fourth one. They keep finding lawyers until they find a lawyer that would give them a legal opinion that suited their own needs. The fact is that they said not that long ago, July 26, that they only had one legal opinion suggesting the Act cannot be repealed. Are they prepared to table that legal opinion? Are they prepared to table other legal opinions which obviously they sought out which show that the Act can be repealed, because that is germane to the debate that is going on here today. If they did not have it in July, do they have it now? The Liberal Leader, Sharon Carstairs said she agrees with the Tories that the Act should be repealed.

* (1600)

An Honourable Member: Hear, hear!

Mr. Cowan: Here is one I agree with though. NDP Energy critic, Jerry Storie, quoting from the paper said the Tories want to say it, set labour legislation back 20 years by repealing final offer selection. When asked why Connery would suggest other options, I am quoting from the paper, Filmon replied, "Mr. Connery may be looking at other options that I am not aware of." Maybe the Minister of Labour would suggest what those other options were.

Here is what is important. Since the controversy, it is a controversial—there is no doubt about that—form

of arbitration came into effect in January, the Manitoba Labour Board has received 20 applications for the service, 19 from unions and one from the employer. The first settlement under the process in which union and management cement their final bargaining positions to a selector, who chooses one for a contract, was achieved last month. In that case, selector Jack Chapman picked the union's offer. The selector, Jack Chapman, what did he say? He said his experience with the law was a positive one. When two sides cannot agree, this process is helpful.

Mr. Filmon said yesterday he would not concern himself with the possibility that all cases under the process would prove to be positive, an indication that final offer selection works. "We will deal with what it is, not with what if," he said. Now figure that one out. He said he is not concerned that the process might work and they are repealing it. They are going to repeal it anyway. Does that not say it all? Perhaps I should have just read that and saved a bit of time in the beginning because what in fact has happened is they have ignored every bit of expert advice that was available to them. I do not think they sought it out, quite frankly. I do not think they sought it out because I believe they had their minds made up. I believe they had their minds made up because they have a right-wing mind set that told them instinctively in the gut that they are Tories and Tories repeal progressive labour legislation.

Hon. Albert Driedger (Minister of Highways and Transportation): I would not want us to be NDP, would you?

Mr. Cowan: The Minister of Highways says that the NDP would not want to be NDP. In his instance, I am not—

Mr. Albert Driedger: Us.

Mr. Cowan: Oh, us, generally. Okay, well, no, he is absolutely right in that case. He is absolutely right. A delusion of the Party in that respect would be most devastating.

However, Mr. Acting Speaker, what they have done is they have ignored all of that expert advice because this article, July 26, 1988, the Premier had his mind made up. He did not care what the facts were. "Spare me the facts, my mind is made up. We will deal with what is, not with what if," he said. Yet in all the cases we have found there have been no complaints about the process. Maybe this is what really put them off. This is June 28, "Union cheers Final Offer Selector's First Case." Maybe that is what caused them so much concern.

It was a case, by the way, not with the MFCW which they suggest this Bill was written for, but it was a case with Local 901 of the International Union Operating Engineers. The union representative says, "I feel the process went smoothly. Both Parties have to think very hard before going into it." It was with the municipality. Jack Chapman, the selector, said his first experience in the new law is positive. We said that already. He

said he considered factors like the cost of living, the employer's ability to pay, and salaries for workers doing some tasks elsewhere before reaching its decision. In other words, he based it on logic and comparisons, not on brute force.

No matter how much the Conservatives might wish to turn back the clock, circumstances do change. Those changed circumstances require new and innovative ways of doing things. That holds as true to labour legislation as it does to everything else. That is exactly why final offer selection is a positive experience for both employers and employees. It provides them with an opportunity to reach a collective agreement without necessarily having to resort to strikes and lockouts. That is what it is designed to do. That is exactly what it will do. That is exactly what it has done.

Mr. Acting Speaker, the NDP is prepared to fight this legislation because we believe it to be right-wing, wrong-headed legislation that runs counter to the facts, that runs counter to the experience that has taken place in other jurisdictions, and runs counter to the development of innovative ways of reconciling differences.

We believe it is in fact a return to a system which subjugates the weaker party despite a more compelling argument for its offer on the grounds of brute force. We agree with Mr. Bellan who says that brute force standard is hardly attractive. We believe that the legislation at the very minimum should be given a chance. It has proven to date that it works. There is nothing that the Minister has said, or any Member of the Conservative Party, or any Member of the Liberal Party from their seat, have said to date which shows that the legislation is not working. As a matter of fact, everything they have said shows that it is working, that it is not bringing about the end of collective bargaining. They have used those same arguments before and they were wrong before and they are wrong again. When are they going to sit back to analyze the circumstances, to take their head out of the sand, to take a reasonable approach to developing progressive solutions to problems which in fact can be resolved in that fashion?

There will be a lot of speakers on this Bill, Mr. Acting Speaker. I expect that there will be a lot of speakers from the Conservatives and I look forward to hearing them. I hope that there are a lot of speakers from the Liberals because I look forward to hearing them support their position of standing side by side with the Conservatives in repealing this progressive labour legislation.- (Interjection)-

Well, now wait a second, perhaps I am seeing the chink in the armour here. The Member for Transcona (Mr. Kozak) said from his seat, no, that is not the case.- (Interjection)- Oh, not side by side, well, then perhaps just a bit behind the Conservatives, looking over their shoulders.

I guess I should ask the Member for Transcona a question. Are you in favour of the repeal of final offer selection? Perhaps I should ask the critic the question and he can nod from his seat. Is the Liberal caucus in favour of the repeal of final offer selection? - (Interjection)- Oh, no, address it in due course. The

Liberals said they will address it in due course. They are picking up the language of the Conservatives as well, and it does not sound much different when they say it as compared to when the Conservatives say it.

This Bill will not pass, even with the support of the Liberals, without a fight. It will be a hard-fought fight, because what is at stake here is principle. The principle is that we either move ahead and help workers and employers alike develop tools that help them settle their disputes in a civilized and a reasonable fashion, or we move backwards as we would under the Conservatives with the repeal of this legislation.

(Mr. Speaker in the Chair.)

Earlier I quoted J.F.K., I want to quote him in closing. In that new beginning that J.F.K. spoke about, he reminded us about the fact that "civility is not a sign of weakness." This legislation, over the past while it has been in place, has made it so that no Manitoban would have to negotiate out of fear of brute force, and so that no Manitoban employer or employee will ever have to fear to negotiate.

Mr. Speaker, those words ring as true today as they did those many years ago, and this legislation has brought about that civility, and this legislation has brought about that better balance and greater fairness in the workplace and we are not going to allow it to be cast aside and put asunder by Liberals or Conservatives in this House without a strong fight. Thank you.

* (1610)

Mr. Jerry Storie (Flin Flon): Mr. Speaker, I have to say at the outset that I am extremely disappointed that the Minister of Labour (Mr. Connery), this Government, has chosen to introduce this piece of legislation. My colleague has said, I think quite eloquently, that this piece of legislation, perhaps more than anything else that this Government has done in the last six, seven, eight months now, goes to show that they are not progressive at all, that in fact they are regressive, that they are, as my colleague has suggested, extremely right wing, and that mentality pervades not only the minds of people like the Minister of Labour, who might have expected to bring forward legislation like this, but unfortunately it pervades the minds of some of his front bench colleagues who have allowed this to come forward when it clearly is not on the agenda of Manitobans, neither those in business nor those in the work force, nor anyone else.

This issue has not been the subject of public controversy. Certainly it was when the legislation was first introduced by the previous Minister of Labour. It was the subject of much discussion in this Legislature and the subject of a lot of scorn on part of Members' opposite who predicted dire consequences for passing this kind of legislation.

We could certainly go through the speeches that were made by Members of the Opposition, some who are not here, who said some rather ludicrous things about the impact of this legislation, people who predicted the end of collective bargaining, people who predicted that

Manitoba businesses were going to be forced out of business, businesses that were going to be forced into bankruptcy because of the requirements of final offer selection. None, not one word of those predictions has come true. The fact of the matter is that this legislation was passed with the approval of the majority of people in this Legislature, by our caucus. It was not supported by the Liberals or by the Tories because when it comes right down to it, neither the Liberals nor the Tories do have the interests of working people at heart.

They neither understand unions nor negotiations in any sense whatsoever and it is going to be very interesting to see whether in fact the rather thoughtless remark by the Leader of the Liberal Party (Mrs. Carstairs) is going to be the last word of the Liberal caucus when it comes to this legislation, because I can tell members of the Liberal caucus who have been chastised for determining policy based on the direction of the wind, they have not heard the last of this issue. And if they think they are going to stand up in this Legislature and pretend they represent the interests of people working in the City of Winnipeg or anywhere else in this province, based on their opposition to this legislation, they are not going to succeed.

This legislation has the support, as my colleague suggested, of the Manitoba Federation of Labour, the vast majority of working people. The fact of the matter is that even some of those who opposed it originally have decided that perhaps their fears were unfounded, even some of those that opposed it, including members of CUPE locals whom I know and have spoken to. The fact of the matter is that some of the fears, and I will be the first to acknowledge that communicating something as complex as final offer selection is not easy, the fact of the matter is when they sit down and they understand the process and have seen it operate in the province, albeit for a very short period of time, they have changed their opinion.

But I just want to put on the record today that our Party, our opposition is going to be long and hard, our conviction that this legislation was progressive and useful in terms of the collective bargaining in the province is unshaken, we believe this worked. The evidence is going to support it and my colleague has referenced some of it and I will be talking about some other examples of how this is working and why it is working in the interests of both parties to collective agreements in this province.

But I want to say to the Members of the Liberal Opposition in particular that this issue is going to get a rough ride. This is not going to be simple and Members on that side are not going to be able to convince many of the people who are out knocking on doors and supporting them that what they are doing is in their interest because they know better and we know better. The longer this issue is before the public of Manitoba, so will all of those others who do not have a direct interest in this legislation view this cozy relationship that is developing between the Tories and the Liberals on this legislation, will look hypocritical to say the least, because the Liberals in particular have tried to paint themselves as someone who is prepared to stand up for average Manitobans, trying to—and

successfully in some cases, having support that was traditionally a New Democratic Party support move to the Liberals. But this is going to be a symbolic turning point for many of the supporters.

The Member for Assiniboia (Mr. Mandrake) is asking a very important question, who supported the Budget. Obviously the New Democratic Party sent people into oppose the Budget. We opposed it in principle because of the direction that was being set. However, I quite freely acknowledge that we did not bring down the Government. Of course the Leader of the Opposition (Mrs. Carstairs) was saying, oh, that would be irresponsible, we are going to go and be a responsible Opposition. Her first opportunity to prove it, she failed. Her second, she failed, so we need not worry about too much about the rhetoric that we hear from the Liberal Opposition.

What we are going to want to see and what people will be watching for in each of your constituencies is how you really vote when it comes down to issues that are important to working people. What were we talking about -(Interjection)- pardon me. I am sorry, I am trying to have a conversation here with the Member for Inkster (Mr. Lamoureux). The Member for Inkster I think is probably going to be one of those who is going to lose considerably if his direction on this particular piece of legislation is not in accordance with the wishes of his constituents.

I want to assure you that our objective in this debate is going to make sure that Manitobans in every quarter of this province understand what the legislation was supposed to do, what it was in fact doing, and why their interests are being undermined by the Liberals and Tories. If individual Liberal Members do not think that this will have an impact on people, I think it will because they have not proved themselves when it comes to their interest in representing average Manitobans, working Manitobans, people who were disillusioned with the New Democratic Party because of a couple of issues.

This issue is going to be a true focal point for the debate over the next several months. I can guarantee my Government colleagues that this issue is not going to be resolved in a matter of days or a matter of weeks in this Legislature. This issue is going to be forefront for weeks and weeks and there are going to be hundreds of people who are going to express themselves, and perhaps thousands who are going to express themselves to any Member of this Legislature who supports this legislation, who imposes in principle the introduction of more civility, more ration, more reason to the collective bargaining process.

I want to deal for a couple of minutes with what this Bill, the final offer selection legislation does, and why this amending Bill repealing those sections is counterproductive. I know that the Minister of Labour (Mr. Connery) has never, and probably most Members of the front bench have never been involved in collective bargaining directly, the front benches. Several of the Members in our Party have been involved. Certainly many of the people who are supporters of this Party are very familiar with the collective bargaining process.

I emphasize that it is a process because there is no magic formula to successful negotiations. It is a dynamic process and it depends on the will and the strength of the arguments of two opposing parties, parties who as my colleagues suggest want to end up as winners in the negotiation process. It is possible and it has been done in the past, and it will be done in the future where both parties to a collective agreement are satisfied that they have met their objectives in one way or another. That is ultimately the goal, and we are blessed in Manitoba with a relatively good labour relations climate. We have one of the best labour relations climates in the country, second only to Prince Edward Island who is the province with fewer days lost to strikes on a per capita basis than Manitoba, only Prince Edward Island.

When this legislation was introduced we were told this was going to disrupt the harmony that existed. It is a rather fuddled explanation by Members opposite because of course on one side Members like the Minister of Highways and Transportation (Mr. Albert Driedger) would say that the NDP had wrecked labour relations but of course when they were discussing this Bill they said everything was great. Do not tamper with it.

The fact of the matter is that labour relations were on an even keel during the NDP administration. This legislation was viewed by many, certainly by the Government of the Day as a piece of legislation which was going to improve the chances of even more harmonious labour relations into the future. It was somewhat innovative. Yes, it did have its detractors. There were fears about how successful it would be. The Minister of Finance (Mr. Manness) talked the other day about the necessity of taking at some point a decision and the necessity of being prepared to take a leap of faith. The introduction of this legislation was a leap of faith. Final offer selection is not unknown. It has been tried in industrial settings before. It certainly had been tried in the public sector on many occasions in the past. It was viewed as a likely alternative to add another tool to the collective bargaining process to allow for mutually agreed upon final ends. We said when we introduced this legislation that we wanted to give it a trial period. The fact of the matter is this legislation is unnecessary.

Perhaps if it came before us because of some emergency, because of some emergent problem, perhaps if the Minister of Labour (Mr. Connery) could point to circumstance where this legislation was not a piece of legislation that could be used in resolving a problem but was creating problems, perhaps then we could tolerate this kind of injection of a right-wing agenda. There is no problem. There is no problem existing. There is no problem emerging. Labour relations has been as peaceful as it has been in the past in this province. This piece of legislation is being used to advantage by both management and labour.

The rationale for introducing these amendments at this time escapes me. I think it escapes Manitobans. There can only be one purpose and that is fulfilling an election promise, some would say a foolish election promise or the completion of some right-wing agenda of perhaps the Chamber of Commerce, or some of

those who irrationally, in my opinion, oppose this legislation when it was first introduced. But on a rational basis, the experience with this legislation, as short as it has been, is extremely positive. My colleague noted that of the 30 applications for final offer selection, two final selection decisions have been made, one which supported the union's proposal and one which supported management proposal. Fifteen others, 50 percent, did exactly what we predicted it would do and that was to lead to more bargaining and more resolution of disputes, because 15 of those groups that applied went back to the bargaining table. They looked at what their final positions were, they found the common ground that was necessary and they were successful in negotiating a contract.

That was the purpose of the legislation. That is specifically what we said it was going to do. Where the solution, where the selector had to impose a settlement by choosing one of the applications, it was done so in an atmosphere of acceptance. My colleague referenced a fact that the Parties to the first ever final offer selection were both satisfied that the process worked. The selector suggested that his experience with the legislation was positive, that the legislation did what it was designed to do. So what is the problem? What problem are we trying to resolve by the introduction of this legislation? There is no problem. The evidence is overwhelming that the objectives of this legislation are being met. They are being met today. They will be met in the future if we keep the Minister of Labour from tampering with this legislation. It is unnecessary.

This legislation has already seen the resolution of at least 19 potentially disruptive sets of negotiations. It has affected hundreds and hundreds of workers in a very positive way. We have had the resolution of disputes because of this legislation. It is instructive when you go over the list of people who have applied for final offer selection and when you see the diverse groups who have requested this additional tool in the negotiations bag, if you will, to resolve disputes. We have groups as diverse as The Hudson's Bay Company, Hudson Bay Mining & Smelting, Blackwoods Beverages, the Rural Municipality of Springfield, Modern Dairies, Vista Park Lodge, B.A. Construction Limited. Hundreds and hundreds of lives have been affected in a positive way and I challenge the Minister of Labour (Mr. Connery), the Minister responsible for this regressive piece of legislation, to show me one example, one example—

An Honourable Member: Just one?

Mr. Storie: just one, that is all I need—one example where this legislation has done other than what we predicted it would do, and that is give both management and labour another tool to help them resolve disputes, to help them come to an amicable agreement when it came to collective agreements. That is the objective, plain and simple.

Mr. Speaker, the fact of the matter is that the Minister of Labour (Mr. Connery) has failed on that score. He has not chosen to deal with the substantive issues when it comes to what this Bill was all about. Instead, in a rather self-serving and quite trite news release on

November 16 he says amendments would repeal final offer selection and, he says, "We carefully considered various offers and concluded that repealing the legislation was the best way to restore fairness to the collective bargaining process."

According to whom? My colleague asked that question, according to whom? Who was consulting with the Minister of Labour (Mr. Connery) and indicating that there was some unfairness?

An Honourable Member: In an elevator.

* (1630)

Mr. Storie: In an elevator. A business management consultant apparently dropped into an elevator and told Ed, change this legislation. That is not good enough.

The fact of the matter is that this announcement I think shows, more clearly than certainly the words of the Minister, how insincere he is in his rationale for repealing this legislation. His own words, "Eliminate unnecessary interference with the process of free collective bargaining. Again the parties who have used final offer selection are not saying that this is necessary."

In fact, I am sure that many of the people who originally had some concerns about the utility of final offer selection, certainly those groups that have applied, those groups that have seen the results of having to put your offer together in a package which is going to be adjudicated by a selector is itself a helpful process for both parties. The fact that 15 out of the 30 applications ended in a mutual agreement on a collective bargaining package is, I think, illustrative of that objective.

The fact of the matter is that there is not unnecessary interference. That has not been suggested since the original arguments that we heard in this Chamber, all of which or most of which came from the Conservative Opposition and the same kinds of concerns we are hearing now expressed by some Members, it seems, of the Liberal Party in terms of this legislation.

The Minister of Labour (Mr. Connery) went on to say that it would "Remove inequities created by the existing FOS provisions." If the inequities that the Minister of Labour was talking about were the inequities he thought were in this legislation, then it is time that he rethought his rationale for introducing this legislation, because all of the things that he said have not come to pass. They were arguments that were used when they were Opposition and were opposing this legislation, but again the statistics do not bear out any of those suggestions.

History, what little there is of it, because of their insistence that these amendments go forward, shows that they are wrong, shows that it will work. It will work in cases where there is no settlement and it will work in cases where there is a possibility of settlement and the parties, because of the necessity of putting their final positions together, submitting them to a selector, moves them to redefine their positions, to become more realistic about each other's positions and finally come to an agreement.

The Minister goes on to say, "Ensure that the provisions of collective agreements are freely negotiated

and acceptable to the parties as opposed to being imposed by a third party." Mr. Speaker, the imposition of an agreement has also been part of labour history in Manitoba for some 35 years approximately and that has been true since the imposition of arbitration. Arbitration is less democratic than final offer selection. That is because the arbitrator picks and chooses and does not require the parties to really bargain in good faith because both parties know that the arbitrator, in the final analysis, is going to do some sawing off of propositions proposed by both parties.

In this case, in final offer selection, the negotiating committees themselves take ultimate responsibility for the welfare of their members. They are the ones that are required to refine their positions to a point where they say, yes, a selector is going to choose our position because our rationale is strong, because our arguments are strong, because we believe what we are saying and we know that our position is supportable.

So the fact of the matter is that the Minister of Labour (Mr. Connery) is not, in some grandiose way, eliminating the impediment he sees in freely negotiated collective agreements. The fact of the matter is that labour relations management in every jurisdiction in this country has recognized that at some point binding arbitration is a useful tool to have at the disposal of two groups looking to settle a collective agreement.

He is not doing that. What he is doing is selecting one new tool in the bag, final offer selection, for rejection. It is quite ironic and it is quite sad. Like I said, if there was any evidence that their fears or the fears of the business community or labour groups who originally opposed this legislation were true, were well-founded, then there might be justification for this. If we really believed that the Minister of Labour was concerned about the free negotiations of collective agreements, then we might have some sympathy. There is no evidence of that at all because clearly the use of arbitration in the settlement of collective agreements disputes is perhaps less democratic.

Certainly, in my view, it absolves the two parties. It evolves the negotiations teams of the two parties to be responsible because they do not have to fine tune their proposals to the point where they will be acceptable to a selector.

I think my colleague pointed out quite correctly that in the bargaining process the real objective of the two parties is to achieve something that is mutually acceptable. There is no situation where either party—either management or union—is going to leave on the record proposals in a collective agreement package which are going to be clearly unacceptable to a selector. They are not going to risk losing benefits for their members. They are not going to risk losing the respect of their membership. They are not to risk losing the respect of their colleagues in the negotiating process by putting forward something that is clearly irresponsible, not within the realm of possibility, whether it be in terms of what is being asked of the workers to sign or what is being asked by management to sign. So this is an assist to the process.

It would be nice to think that this piece of legislation, and I know Members opposite have used this argument

before, is designed to help one group. I do not think anything could be further from the truth. The fact that the process has been used by many groups, by many employers, I think illustrates very clearly that the intent of the legislation is taken as serious, the effect of the legislation has been positive, and this amendment is without legitimate explanation. They simply cannot do it.

Finally, I found one of the points that the Minister made in issuing his press release to be quite cynical. He said he was introducing these amendments to help avoid creating any divisions between a union and its membership. I find that quite ironic because many of the Members on that side of the House have said on a number of occasions that one of the problems with big unions, with unionized work forces, is that the membership listens to the leadership and not to the company's circumstances, that somehow the union leadership is misleading the rank and file workers. The Minister here is suggesting that somehow repealing this legislation is going to solve a problem that might be created by the imposition of a final offer selection process by creating divisions between unions and the membership.

I think this builds in certainty that the union leadership and the rank and file worker will be in lock step, that they will know what is put on the negotiating table, they will understand what is being put on the negotiating table and they will have approved it. They will have dotted the "i's" and crossed the "t's" to make sure that the proposal that is going before a selector is well-understood. I can guarantee you that final offer selection will in no way whatsoever interfere or create divisions between the unions and its membership.

Final offer selection does more to guarantee that than anything that has been said or done by Members opposite during their term in Government this time or any previous term. The fact of the matter is that the process of coming to a package which is going to be put before a selector is going to guarantee that. Again, of the applications we have seen, I do not believe—I know that in not one of those instances has there been any division created, has there been any sense of division between the union leadership and the rank and file.

The fact of the matter is it is a tool and I can give you no better example than the HBM & S example where an application was made for final offer selection and the workers turned it down. Ultimately, that is why this is not only a useful tool for management but a useful tool for the workers as well because they have the final say as to whether the tool should be used at all and, of course, because of their involvement from day one in not wanting to have their leadership put something before the selector which is not acceptable or unreasonable, they are going to be involved in the bargaining process.

* (1640)

The experience to date with the 30 applications suggests that of all of the applications that were sent, only three of the applications have been dismissed.

That means that the rank and file who have the final say on whether this process is going to be used have overwhelmingly supported the positions that have been taken by the leadership, have supported the positions that have been worked out in the vast majority of cases. So the idea that somehow a split is going to develop because of using this legislation, I think is erroneous and not in accordance with the facts.

There is not much that can be added to the assessment of this communications piece that was put out by the Minister of Labour (Mr. Connery). The fact of the matter is that it did nothing to reveal to anyone the real reasons for this legislation. The Minister of Labour knows and his colleagues know that the real reasons this legislation is before us are much more sinister than that. They come, unfortunately, from a lack of understanding of the importance, the dynamics of the collective bargaining process. They come from a misunderstanding of why this tool is useful to both management and labour, and finally, they come to us from an agenda which was printed long before the election and which this Government seems prepared to put before the people of Manitoba regardless of whether it is right, whether it is contributing in any significant way to labour harmony in this province or whether it is contributing to anything good in the province at all. They have made up their mind.

My colleague quoted from the First Minister, from the Premier of the Province (Mr. Filmon), when he said, well, I have made up my mind and do not give me "if's." I do not think we have been giving him "if's." I think we have given him concrete proof that the system works, the process works and it should not be tampered with.

The agenda that has been laid out, I think is without the knowledge and consent of every Member of that Caucus because I cannot believe that all of them are so convinced that this legislation needs to go forward that they would be supporting it in that way. I have to believe many of them have not thought through the benefits of final offer selection, not looked at the record it has achieved in Manitoba in its short history, and perhaps there is some hope that cooler heads will prevail and we will see this particular piece of legislation dropped.

(The Acting Speaker, Mr. Parker Burrell, in the Chair.)

I want to say as well, Mr. Acting Speaker, for the many people unionized and presently not unionized people who may want this particular tool at their disposal, it is unfortunate that in its very short successful history that we are now about to cut it off, that we are about to end what could have been a very successful chapter in the history of labour legislation in the province.

We offered, when this legislation was first introduced, to provide a sunset clause in the legislation which we were prepared to shorten at that time to three years. Certainly, we believe that a five-year provision was a realistic time in which to evaluate legislation this complex. If Members opposite would like now to say, well, let us have a sunset clause and let us see if it works, I think that would be a more acceptable process

than simply amending it when we know that it is working. It is unfortunate that the Members opposite feel so insecure about their own knowledge of labour relations, about their own understanding of the facts, that they have to repeal this legislation before it has had a sufficient opportunity to prove to the satisfaction of everyone that this works.

I think that the record is pretty clear but it is at a minimum. We need to have some additional years to show us more dramatically, perhaps, one way or the other whether the legislation works.

I want to also put on record that Members on this side are not going to let this legislation pass easily. We are going to do whatever it takes to make sure that the success of this legislation is understood by everyone, and we are going to force Members, wherever they oppose this, whether it is the Liberals or the Tories, to explain the rationale to the people of Manitoba.

What is there in this legislation that is objectionable? What is there in this legislation which is creating problems for the business community or working people in this province? There is nothing. The Minister of Labour (Mr. Connery) has not put on the table one shred of evidence that provisions in The Labour Relations Act are causing any problem and there is no justification, other than ideology, for the introduction of these amendments. None whatsoever.

I can tell you that I will be working as hard as I can with my colleagues to make sure that those who understand labour relations, who understand negotiations, are here in force to tell Members, wherever that opposition might lie, that this amendment is not welcome, it is not needed. If it turns out the bell for whom it tolls is you, the Members of the Government, then that is too bad because I think I can say that Members on this side feel strongly enough about the importance of legislation like this that we are going to do whatever we can to make it an issue. If it means that this Government's already foreshortened tenure or the prospect of its foreshortened tenure is shortened even further, so be it because there is no reason for this. The Minister of Highways (Mr. Albert Driedger) walks away laughing. He knows there is no reason for it. It may be high on the Minister of Labour's (Mr. Connery) agenda but it is certainly high on no one else's agenda, either in the business community or anywhere else, so as long as notice has been served that this process is far from over.

The onus is clearly going to be on the Government to show what is wrong with this legislation, why these amendments are being introduced, why final offer selection is being repealed. If the Minister of Labour's speech on why it is being repealed is the only defence that Members opposite have, then they are in effect defenceless because there was no defence. In the Minister's press release, if his rationale was any indication of the strength of your defence on this score, it also means that you are defenceless.

I simply ask that Members opposite perhaps review the facts a little more carefully, perhaps take the time to talk to some of the people in the labour movement who have had experience with final offer selection,

perhaps talk to some of the companies who have seen fit to ask for final offer selection. Talk to them about their experiences. Before Members try to emulate the Charge of the Light Brigade 1988, perhaps they should know where this particular charge is leading. My colleague from Churchill (Mr. Cowan) reminds me that this may in fact be the Charge of the Light-headed Brigade, which is a totally different group.

I leave this debate with the knowledge that my colleagues—and I hope Members from the Liberal Party come to their senses and support my colleagues in opposing this legislation, opposing it in principle, opposing it on the basis of reason because there is nothing in this legislation that needs to be tampered with. It is working, it is going to work. If it is left alone, it will lead to the continuation of good labour relations in the Province of Manitoba. It will leave us, as a province, as a leader in the area of innovative legislation and labour relations improvements across the country. There is no need to tamper with it. It is not good Government, and that is what we have been promised. Let us not have something imposed on the people of Manitoba simply because the Minister of Labour has made a right-wing commitment without any understanding of the implications of his actions.

Mr. Acting Speaker, I thank you for the time and just want you to know that this is an important issue and one which will be fought for vociferously.

COMMITTEE CHANGES

Mr. Jay Cowan (Churchill): I would like to make some committee changes if possible.

I move, seconded by the Member for Inkster (Mr. Lamoureux), that the composition of the Standing Committee on Industrial Relations be amended as follows: Dauphin (Mr. Plohman) for St. Johns (Ms. Wasylycia-Leis); and Brandon East (Mr. Leonard Evans) for Thompson (Mr. Ashton).

I move, seconded by the Member for Inkster (Mr. Lamoureux), that the composition of the Standing Committee on Public Utilities and Natural Resources be amended as follows: Rupertsland (Mr. Harper) for Concordia (Mr. Doer).

BILL NO. 41—THE LABOUR RELATIONS AMENDMENT ACT (Cont'd)

Mr. Bill Uruski (Interlake): I do not know what the significance of a flashing light even before I begin my remarks -(Interjection)- I wish to put some remarks on this Bill, Sir.

I think the Conservative minority Government here ought to take heed that this Bill will not go through very easily. In fact, this Bill will be spoken to and I am sure that those who will come before committee, and I predict that there will be a fair number who will come before committee, will want to raise the question: why are we proceeding to do away with a process that if it has not got a sunset clause, there should be one put into place and let the process work? Let men and women in this province have the opportunity to have

their negotiations and, if they are on the verge of breaking down, go through another option to have peace and harmony in the workplace.

Final offer selection is one of those processes that in fact is just beginning to work in the Province of Manitoba. It is just coming into play. I really cannot understand for the life of me why this Minister of Labour (Mr. Connery) who purports to be one who is to be fair-minded—you know, Mr. Acting Speaker, fair-minded to do what? To go into his own department and smile and say to people, I have got my pink slips in my back pocket and it is just fine. If any of you make any negative statements about this Government, I have got a pink slip in my back pocket and I am ready for you. Then he smiles and says, really, I did not mean that.

* (1650)

Is that the type of unbiased approach that he takes to his own relations within his own department that he is now carrying on into the regular workforce? I mean, who is he really speaking for? Who is he really speaking for? Is it the Winnipeg Chamber of Commerce because clearly they are one of those, Mr. Acting Speaker, who fought this piece of legislation. I think I know that some of those headlines that appeared in 1984, the Winnipeg and Manitoba Chambers of Commerce, the Manitoba Mining Association and other employer groups spoke, what one could clearly say, threateningly about a "dark cloud over Manitoba" and the peril that then Bill No. 22, more labour relations legislation, meant for all Manitoba.

They had ads in the paper. They even put ads in the papers and they said: "Up till now, our management and labour relations in Manitoba have been in relative harmony. Indeed our record for solving problems through discussions at the bargaining table is outstanding compared to other provinces." Now they recognized that the process of collective bargaining at that time in the history of it in Manitoba, relative to other provinces in this country, was good. In fact, it was excellent.

What do we have here today? We have the Minister of Labour (Mr. Connery) saying that labour relations is going all to pot so we have got to do away with those legislations because it is not creating peace and harmony. Well, the facts are there have been a number of cases in this province of application for final offer selections, and we should go through some of those actual applications.

We had in January the R.M. of Springfield with the International Union of Operating Engineers, and Order 702 issued on February 8 and a vote was ordered under legislation. The vote was conducted. On the 16th and the employees voted to use final offer selection. A selector was appointed by the board, Mr. J. Chapman, and within eight days, within one week of the appointment after the results of the votes—not since the appointment, after the results of the vote—the selector filed his decision. Within four months of the vote, the selector filed his decision for the union proposal and settled the issue, and it was done. It was

handled and a strike was avoided. That is in effect what happened, a strike was avoided.

* (1700)

Mr. Jay Cowan (Churchill): And an agreement was negotiated by the selector.

Mr. Uruski: An agreement was settled. There were 15 employees who did not go on strike in that situation.

January 22, Blackwoods Beverages Limited and the Manitoba Food and Commercial Workers, Local 832 was the applicant.

The Member for St. Vital (Mr. Rose) speaks about, we would not have any fun if there were not any strikes. The Member for St. Vital must have a warped mind to suggest such a situation. To suggest that any Member in this House has anything but the most, I would say, noble of intentions is to really say nothing for the Member for St. Vital when he makes those kinds of derogatory comments about anyone or any Party.

Now the real kind of underlying right-wing comments come out from the Tories.

Mr. Cowan: And the Liberals.

(Mr. Speaker in the Chair.)

Mr. Uruski: And the Liberals. We have a Liberal Member being as derogatory as they can, and we have the Minister of Highways (Mr. Driedger) saying the same thing. If they cannot argue on the facts they will throw all kinds of derogatory comments. What did you say to the Minister of Highways? Maybe he was, and I think he was at a flag burning. Mr. Speaker, what kind of relationship of comments. I hope the Minister of Highways gets up and clarifies himself on the record as to what he really means by that kind of innuendo.

Mr. Speaker: Order, please; order, please. The hour being five o'clock, it is time for Private Members' Hour. When this matter is again before the House, the Honourable Member will have 31 minutes remaining—the honourable Government House Leader.

Hon. James McCrae (Government House Leader): Mr. Speaker, because I am so anxiously awaiting the remaining 31 minutes of the Honourable Member's speech, I think all Honourable Members would agree that we should agree to waive Private Members' Hour today so that we could hear the Honourable Member.

Mr. Speaker: Is it the will of the House to waive the Private Members' Hour? (Agreed)

The Honourable Member for the Interlake, who has 31 minutes remaining.

Mr. Uruski: Mr. Speaker, when you have Conservatives not knowing what they are going to argue about, they will start throwing innuendo and false accusations. That is how Conservatives debate. If they cannot get you on any principle or other matter of fact, they will use whatever innuendo they can. I have seen it time and

time again. You have had Conservative Members in this Assembly who voted against this legislation, the former Member for Sturgeon Creek. They go on to say that, and they have said before and as the Minister of Labour (Mr. Connery) invariably made the statements and alluded to the comments that this legislation is not of benefit to the working person, but rather this legislation was designed for "union bosses" who will benefit at the expense of the ordinary worker.

If one were to listen to the former Member for Sturgeon Creek and what he had to say when we brought in changes in 1972, and that is 15 years ago, and I quote: "The heads of those unions,"—and he earlier called them "greedy unionmongers"—"let me tell you those guys aren't for the workingman, they are just out to put their hands in the workingman's pocket again and drag money out of them." That is the former Member for Sturgeon Creek.

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please. The Honourable Member for Interlake has the floor, I wish we would give him the courtesy of listening to his remarks.

Mr. Uruski: Thank you very much, Mr. Speaker, because I believe that the Government here will have to sit back and rethink this approach to this legislation and I think my Liberal friends here, although their leader at one time voted against this legislation, will have to, as well, rethink their position on this, and it will be interesting to see how they approach this Bill. Have I read - (Interjection)- Oh, I know that the Liberal leader has voted against this legislation; that is not to say that maybe they will rethink their position as it affects the labour climate in this province. The Liberal group wants to be on both sides of the fence, but when you are on both sides of the fence, Mr. Speaker, that picket can hurt you.

-(Interjection)- I think the Member for Lakeside, who took the words out of my mouth, really knows what it is like to sit on that picket fence. In the last few months, he has attempted to be on both sides of that picket fence and it does hurt; that old picket can hurt fairly deeply when you are trying to pressure one group and threaten another and see where you are going to land on this one and it does become fairly dicey.

Mr. Speaker, getting back to some of the actual cases that this process has in fact had some significant benefit on. We have had the Hudson's Bay Company, fairly large employer, in fact a very large employer, of the Northern Stores out of Thompson, and the Manitoba Food and Commercial Workers Union who is the applicant, also a large union in the Province of Manitoba. There were 39 employees in this bargaining group. The vote was ordered on 29th of February of 1988. The result of the vote on that day were that the employees agreed to use final offer selection. The selector agreed to by both parties, as well, was Mr. J. Chapman. But while the selector was involved in the process, it should be pointed out that within two months, after the selector was appointed, collective bargaining continued, no strike resulted and the employees and the bargaining

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agents, both the employer and employee reached agreement. They reached agreement without the actual selection procedure being invoked. And so an agreement was reached and no strike took place and the final offer selection report was not required.

So that collective bargaining process was well served in this instance, Mr. Speaker, it was very well served. There was no strike, there was a selector, but there were negotiations through the whole process and negotiations were concluded between both parties, an agreement was signed and a strike was averted. So again, in the third instance, Mr. Speaker, labour unrest was avoided and a tool to the use of both parties was utilized and worked.

Another one, here again the same corporate Hudson's Bay Company in Lynn Lake and the Manitoba Food and Commercial Workers, same day of February 29, 1988, a vote was ordered. In this case 18 employees were affected. The results of the vote was conducted on March 11 and the employees voted to use final offer selection. The same selector as in the previous case was agreed to by both parties, J. Chapman. Here again the selector received notification on April 20 that parties have reached an agreement prior to the selector making a decision. Again the work, collective bargaining process was well served in this province—no strike, collective bargaining continued and an agreement reached. Although at a time when a vote was taken for final offer selection, there was the likelihood that a strike would occur and here we could clearly say that a strike was averted and labour harmony and peace continued in Manitoba.

(Mr. Deputy Speaker, Mark Minenko, in the Chair.)

Mr. Deputy Speaker, I could go on and on through a number of cases, and there are many, but I think I would like to go through a number of them where agreement was reached prior to the selector making his decision, indicating that this additional measure of latitude that is afforded to both the employer and the employees was not a hindrance, was not an impediment as is being suggested by the Conservatives, that somehow this is an impediment to labour peace in this province.

* (1710)

You had the Modern Dairies, Flin Flon and Modern Dairies, The Pas and the Manitoba Food and Commercial Workers' application of February 19, 1988, ten employees eligible to vote. The vote was conducted on the 3rd of March of '88 and the result of the vote was that final offer selection would be used. They appointed a board, M. Friedman, and bargaining went on, and between March when the vote was conducted and August of that year, the parties reached agreement. Through this whole period from March till August, there was no strike and the employees continued to work. The plants in those two communities continued to operate distribution points. No work stoppage. Milk and all dairy products flowed in to northern Manitoba and during this process no work stoppage and an agreement was reached.

Can this Minister of Labour tell us and tell Manitobans what was wrong with that process? Would he have

preferred, as the Member for St. Vital (Mr. Rose) alleged that we would prefer, would he have preferred a strike in this instance and the flow of dairy products and milk to Northern and remote communities be stopped for the period of the strike? I do not believe, I really do not believe that the Minister of Labour (Mr. Connery) is that vindictive. I really do not think so. I think he is a more—

Mr. Harry Enns (Lakeside): Compassionate man.

Mr. Uruski: —and the Member for Lakeside said—I will even use his word—compassionate man. I believe he is. But if he is, then why is he bringing in this legislation? He either does not understand or somehow in his philosophical—he has his philosophical blinders on to the degree to say we have to do this. This was a commitment of our Party. As wrong as our Party may have been, philosophically we have to push this through because the business community may in fact lose faith in us, that we cannot keep commitments that we have made. If that is the reason, why does he not bring in—or maybe there is.

In fact, I believe we discussed the sunset clause. Why does he not leave or bring in the sunset clause to this legislation and say, let it work? Let it work over the next two to three years and let us see the results. If it does not work, boom, legislation dies. Then we all can say we have tried it, we have given it a good try, not for a year, or less than year, but we have given it a good opportunity, have given both labour and management an opportunity to see whether the process can work. Let it go on for two or three years to really give the process work. Then let us examine whether or not labour management relations in this province continue to be among the best in our country. That is all we have to do.

I think the Chamber of Commerce and Manufacturers Association and others who came forward did admit that Manitoba has one of the finest labour relations records anywhere in the country—second to none. They were right. Why would we want to having had—having no evidence before us by this Conservative Labour Minister (Mr. Connery) and this Government showing us that somehow this process is detrimental? There can only be one explanation. There can only be one explanation. It is their philosophical right-wing bias to workers in this province—totally.

The parallel of this really comes home in their finance policies, in their taxation policy that they brought in in this Budget. While unemployment in this province has increased by 7,000, year over year, this Tory administration is going to give millions of dollars of tax benefits to large corporations such as Inco, CPR. While unemployment increases in this province, we are giving money back to the most wealthy in the same way we have, and not creating employment. We have the Minister of Labour, notwithstanding the facts that labour harmony and peace exists in this province.

Philosophically, we want to support the Chamber of Commerce. Those are our friends. We do not believe that working men and women have a right to really decide their own destiny in the work place, because

the ultimate decision of an employer is to close the doors. Ultimately, that right is there. It should be there. This Minister of Labour is in fact high bound in bringing in this legislation. I can tell him and Members of the Conservative Party, if they think that because the early indications from the Liberals are that they are going to support this legislation—

Mr. Deputy Speaker: Order, please. Order.

Mr. Uruski: As I was saying, I think the Minister of Labour (Mr. Connery) and the Conservatives have misread the people of this province on this issue. It is in the same way they are hidebound in bringing in legislation regarding the cattle producers. They are!

Mr. Deputy Speaker, in 1977, there was a vote about legislation and about orderly marketing in this province, and there was a big campaign in this whole area on freedom. They were freedom fighters. In fact, Charlie Mayer was one of the ringleaders and said that farmers should not have a choice to vote whether there should be orderly marketing or not. He considered their campaign as they were fighting for freedom. One does not know the Conservative definition of freedom, mind you, but they were fighting against the right of farmers of having a vote on whether or not they should have a beef marketing board in this province, and they were on the side, on the anti-side. They said it was undemocratic to give farmers a vote.

* (1720)

That is the kind of logic that we are hearing from the Minister of Labour (Mr. Connery). Mr. Deputy Speaker, every time the Minister of Northern Affairs (Mr. Downey) said, did we give labour a vote on this legislation? Every time that this legislation is to be applied, there is a vote.

An Honourable Member: And they say yes or they say no.

Mr. Uruski: And the workers say yes or no. In every occasion, there is a vote and the employees say yes or no. We will either take it or we will leave it; we will either negotiate and maybe go on strike, or settle, or we go with this legislation. That is what really bothers the Conservatives.

In the other vote, when they brought in a compulsory check-off for the cattle producers, without a vote—now hear, Mr. Deputy Speaker, without a vote. They would not give cattle producers in this province the right to vote. When we came into power we said that they had the right, any commodity group has the right, to have a check-off. I believe any group producing a commodity has the right, provided they either have the support of the majority of producers of that commodity, or they have a volunteer check-off and anyone who wishes to contribute will do so. They will either do it two ways, and I have no difficulty of saying that if the majority of producers of a particular commodity vote to say there should be a check-off that everyone will be subjected to that check-off. I will even go one step further than some of the legislation that the Conservatives are bringing in here.

But at least, Mr. Deputy Speaker, do not force it down the throats of either producers or other people. Allow those involved in that group the right to choose. So the Conservative—and here is where I wish they would discuss amongst themselves as to what approach they want. On the one hand they say we will give back the compulsory legislation for cattle producers; and on the other hand, they will say, no, no, no, the rest of you who come forward after this Bill have to have a vote and you have to have 60 percent support.

I mean, talk about contradictions, talk about hypocrisy, talk about inconsistency on behalf of a political party and a Government. Look at your legislation, look at Bill 28 and Bill 29, they totally contradict one another unless, as in this Bill, we have to pay off our political debts. We are philosophically hidebound that no matter what anyone says we are going to pay off our political debts to our business friends in this province, or our other friends, and the Minister of Northern Affairs knows of whom I speak.

Mr. Deputy Speaker, this legislation is certainly one that is not new, it is new to Manitoba. I cannot for the life of me understand why they are doing away with it. I really do not understand when, I think it is a total of, 30 applications were received, two selector decisions filed, only two. One was for the union proposal and one was for the employer proposal. Talk about a saw-off in terms of process—fifty-fifty. Nobody was favoured in this process. Three applications were dismissed and a sixth, where the selector was appointed, a decision is pending.

But here is the real key one, 15 of those 30, the parties reached agreement prior to the selector appointment and/or decision. They worked through the process. I gave the Minister and he has, I am sure, the record, but Honourable Members should be aware of those where the collective bargaining process was not impeded by this legislation because in fact an agreement was reached pending the decision of the selector.

Here is another one, Mr. Deputy Speaker. On the 29th of February of this year, Faith Enterprises Incorporated, which is trading under Family Fare and the Manitoba Food and Commercial Workers, seven employees voted on March 17 and, on the 27th of March, the result of the vote was that final offer selection be used. The selector was appointed by the board, W. Fox-Decent, and bargaining continued between March and August but, on August 18, the selector was notified that parties have reached agreement prior to the selector making a decision. So, Sir, how has collective bargaining somehow been impeded by this process?

Now let us go on. Here is another one. B.A. Construction Limited on the 30th of March 1988, and the union was the Council of Manitoba Teamsters, Operating Engineers and Labourer's Union, 32 employees. A vote was ordered on April 20 and results of the vote on the April 29, and the employees voted that final offer selection should be used. The selector was agreed to by both parties and D. Bowman was agreed to, and bargaining continued from April 29 onward until September 12. In this process—that is, May, June, July, August, four months—there was no

work stoppage, employment continued, no strikes, no pickets, and the agreement was reached prior to the selector making a decision. The collective bargaining process in this province was well served. It was well served and it was in place.

Let us go through it. On March 30, 1988, Borland Construction, 41 employees—

An Honourable Member: Which union?

Mr. Uruski: The Council of Manitoba Teamsters, Operating Engineers and Labourers. The vote was ordered April 19, and on the 28th of that same month the employees voted to use final offer selection. Both parties agreed to the selector, J. Chapman. Bargaining continued. On July 12, the selector was notified that both parties had reached agreement prior to making a decision. How has collective bargaining been impeded?

* (1730)

Why will the Conservatives and the Liberals not give this legislation an opportunity to work? How can they sit in this Chamber when every issue and every example that is there—and I have given you those where agreement was reached. There are some where the agreements were dismissed, as I have indicated earlier. But in those cases where agreement was reached prior to a decision being imposed by the selector, taking only two things, either the employees' demands or the employer's position, either one of those two positions—there is no in-between. He has done, in two cases, he has taken one of each.

So with the bargaining process continuing, one can only conclude that the Conservatives in this province are politically and ideologically opposed to the continuation of another option in promoting good labour-management relations, another option for the preventing of work stoppages, another option of keeping the picket signs off the streets

An Honourable Member: And the lockouts.

Mr. Uruski: And lockouts. They do not want to continue that process, both Parties. Talk about the ideologies of trying to gain the same support for each of them, and forget about the average workingman and woman in this province.

An Honourable Member: Or the small business.

Mr. Uruski: Or the small business, because 90 percent of our businesses are small businesses in Manitoba. They need the protection of this legislation against, and I say that, the larger unions who have the resources at their disposal and, in many instances, who also would like to provide, because this process does provide for the small business, the kind of expertise that maybe they cannot afford.

This advice will help them in meeting a resolution of the demands, because I have spoken to many small businesses in my area. They are not used to the process of collective bargaining. So it comes to the point of

confrontation, and they really do not want to have confrontation—(Interjection)—we do not need it. We can settle most of these issues here in Manitoba by using this option to help the small businesspeople, men and women, and keep labour harmony in this province. Thank you very much.

An Honourable Member: Hear, hear!

Mr. Enns: I knew that if I stayed around this Chamber long enough, I would have occasion to try to recall and to lean on a former good friend of mine, a senior NDP Cabinet Minister of an administration that served the province for a number of years, a man who can literally describe his experience as having matured in the crucible of labour-management relations. I am referring to, of course, none other than the former Member for Inkster, the then Honourable Sidney Green.

In defence of the legislation before this House, in defence of the Minister of Labour (Mr. Connery) who is presenting this legislation, let me just put a few things on record. We listened at some length to the contribution by the NDP House Leader, the Member for Churchill (Mr. Cowan), and just a few moments ago from the Member for the Interlake (Mr. Uruski) and also from the Member for Flin Flon (Mr. Storie), so the NDP are in a hurry to use up their speakers on this legislation.

But lest there be any even suggestion of some impressions, lasting impressions being left by the Honourable Members of the New Democratic Party, unprepared as I am, I will try to dispense with them in an understandable manner.

Why is this legislation here, Mr. Deputy Speaker? It is because we promised the people of Manitoba that it would be here, should we be elected. That, if anything else, is a pretty good reason. One of the reasons why the general public develops a cynicism about all politicians is because they do not always carry out their election promises. I am happy, I am pleased and I am sure most Canadians are pleased that, the day after that great exercise in democracy and freedom of a general election in this nation, our Prime Minister has let it be known with no equivocation that the free trade deal will go through and will be implemented.

I knew, Mr. Deputy Speaker, that it would not take me too hard and too difficult to get free trade back on track in this Chamber and we could debate that again briefly, having done that so much. I cite that only as an example, and I think as a commitment that all politicians should seriously heed, that is to the extent possible and, quite frankly, it should be done at all times, that is carrying out of a firm and clear and unequivocal election promise.

Now my friends in the Liberal Party need not have any concern about the corner or the position that the New Democrats are trying to paint them in on this issue because on this issue they were also, as far as I could understand reading their literature, listening to their statements, listening to the statements of their Leader, unequivocal in their belief that the labour legislation introduced by the New Democrats was an unnecessary intrusion on the part of men and women of this province in sorting out their own affairs.

Mr. Sidney Green believed very passionately in that particular view of labour-management relations. He, as Mr. Green from time to time was known to take, took a fairly extreme position, one that I quite frankly find myself wishing to emulate because I do not think the legislation goes far enough. I appreciate that under the pressures of time the current Minister of Labour (Mr. Connery) and this Government has hardly had the time to take the appropriate measures to really study what shape and what condition our labour legislation is in this province, to avail themselves of the kind of expert advice and in-depth studies to bring about what I would call is needed, major reform of labour legislation in this province.

I am pleased and I am very pleased that I am with a group that is prepared, as we have virtually every step of the way, to carry out election commitments that we made, that we promised the people of Manitoba. Even with the shortness of time that this administration has had to develop the necessary strategies and just the paperwork, the mechanics of doing this, virtually with every piece of legislation that is being presented it represents a high level of integrity, a high level of honesty and a high level of respect for the electorate who have put them in a position to make these decisions. That is really why this Bill is here.

There are too few of you here in the Chamber who will recall some of Mr. Green's speeches on this subject matter, but Mr. Green essentially took the position that labour legislation ought to be abolished, period. In a free society—we have a free society—it is the right of every workingman, of every workingwoman to withdraw his or her services from anybody at any time. There are some in this Chamber, and perhaps even some members of the Fourth Estate who will recall some of those speeches. I can recall the sometimes vicious arguments that Mr. Green had with his own Party at convention, dealing on the matter of labour legislation.—(Interjection)— Yes, yes. Mr. Green was a man of his conviction. Mr. Green used to rail against the intervention of the courts by means of injunctions to tell picketers when and how they could picket or who was locked out or who was not locked out. Mr. Green, when put in responsibility, changed, amended legislation that prevented the courts from doing that or at least considerably altered that kind of legislation.

* (1740)

Mr. Deputy Speaker, I have always counted it as a privilege of having had the opportunity of debating with Mr. Green and, on most instances, being on the opposite side of issues with Mr. Green. But very often, people who have strong opinions about anything sooner or later find themselves on a collision course where they share the same opinions and, in this particular instance, I find myself sharing the opinions that Mr. Green often espoused in this Chamber and would, I am sure, today if he were among us, because what my friends, the New Democrats, persistently want to impose on the people of Manitoba is their tinkering in the ordinary lives of our citizens. You see, this is a problem with the socialists. They are not prepared, as Conservatives are, to acknowledge that mankind, human nature, is what it is. We have no particular divine right to decide how they ought to be.

We, from time to time, draw up regulations, pass Bills that make life a little more civil, that make our conduct a little more fair in the manner and way in which we interact with each other. But a Conservative wants to do that as unobtrusively and as little as possible. Most Liberals want to do the same, although perhaps a bit more. The New Democrats, on the other hand, they have never been happy since the time Moses came down from wherever he was coming down from, about the state of mankind, and they have constantly wanted to tinker. A former Premier of mine who I had a great respect for always called that social engineering, social tinkering. That is what has happened to our labour legislation over a period not just of a few years ago but over a period of 15 years that the New Democrats regrettably were in office out of the last 20 in this province.

Mr. Deputy Speaker, I believe it is incumbent upon a group, it is incumbent upon this Minister of Labour (Mr. Connery), it is incumbent upon this Government not, as has been suggested, to bow to the wishes of the Chamber of Commerce or to big business. I ask Honourable Members opposite and the Member for Churchill (Mr. Cowan) particularly, who is pretty adept at doing his research for any presentations that he makes in this Chamber, I ask him to do the research and do the reading and to put on the record precisely what the Conservative Opposition then said about this kind of legislation when they were sitting in those seats, and what we promised we would do if given the opportunity to sit on this side of the House.

So there is no question of pitting or trying to pit one political Party with one group of citizens of this province, the business community versus labour.

An Honourable Member: That is the way it breaks down.

Mr. Enns: Yes, Mr. Deputy Speaker, it is the way it breaks down because you chose, in a way that really has had serious consequences for this province, to always and automatically use the good offices of the Ministry of Labour in a prejudicial and a biased way. We saw Ministers of Labour intervening directly in labour-managements disputes by tearing up credit cards for a particular company involved in a labour dispute, by publicly calling on boycotting of a particular firm's goods, by marching in picket lines. Mr. Deputy Speaker, that is supposed to be the balanced, fair presentation. That is supposed to earn the Ministry of Labour the respect, the integrity that we look to in terms of that high office, that department that is the final arbitrator of labour-management disputes in this province—hardly.

It is then not surprising that those persons who from time to time occupied those offices and the offices of Executive Council, would inevitably colour, bias and prejudice the legislation under review or being presented, in this case, labour legislation.

It is very questionable, Mr. Deputy Speaker, whether if in today's age, with the kind of other legislation that we have on the books and the kind of legislation that no Government is seriously suggesting repealing or

withdrawing or seriously altering, about the need of this heavy-handed, intrusive kind of labour legislation that we are still operating under, even with the repeal of this particular section.

In the various departments of Government, we have legislation that sets out minimum standards of pay. We have legislation that sets out equity pay proposals moving forward into the private sector as well, certainly beginning at first with the public sector.

We have in the Ministry of Health very specific legislation having to do about the working conditions under which men and women work and labour in this province. We have access -(Interjection)- Well, the Member is correct. He suggests it is more properly housed are located in the Workplace Safety and Health Directorate of the Department of Labour, I assume. But even in addition to that, there are inspectors upon inspectors carrying out different provisions of different Acts, designed for one reason only, to provide humane working conditions for the work force of Manitoba.

So, Mr. Deputy Speaker, what we are really talking about now is a very basic freedom then. Nobody but nobody wants to deny, least of all the Conservative Party, least of all Mr. Sidney Green, that ultimate decision of who am I and under what conditions am I prepared to give somebody my labour, my time, my work, my effort. Who else, other than the party who I am expecting some recompense from, should decide as to whether my labour, my work, is what he is looking for in lieu of a recompense. But that is not good enough for the socialists. They want a third party to intervene and tell us both under what conditions I should work and how the employer ought to pay.

The long history of labour-management disputes and labour-management conditions in most instances supports the view of less intrusion, less legislation and allowing free men and women in an open and free society to make those decisions for themselves. So, Mr. Deputy Speaker, with those few comments, I just want to let Honourable Members know, particularly Members of the New Democrats, Members of the Liberal Party, that this legislation causes no discomfort on the part of any Members of the Government side, I know, and ought not to cause any discomfort on the part of the Liberal Party because, as I started my few remarks, this is a clear example of people running for public office, having stated their position on a particular matter before that particular election and then, when given the opportunity, when given the trust, when given the stewardship to carry out that promise, doing precisely that. Thank you.

Mr. John Angus (St. Norbert): I wonder if, by leave, the Member would permit a question?

Mr. Enns: Absolutely.

Mr. Angus: My question to the Member is, does he have any other reasons for supporting this legislation other than the fact that it was a campaign promise, which I find very commendable? But are there any other substantive reasons why you want to support this legislation?

* (1750)

Mr. Enns: I acknowledge his appreciation of the fact that the mere carrying out of a campaign promise in itself is of some significance. I would think that, in the main, the case should rest at that particular point.

But I would have to take the time particularly to research some of the very well-thought-out positions of a former colleague who I have already referred to. Regrettably, I find myself not surrounded with the staff that, for instance, a Minister has to do the necessary research work for me, not that I am particularly noted for doing a great deal of research, Mr. Deputy Speaker. But allow me to commend to the Honourable Member and I appreciate his question.

Hansard on different occasions when the former Minister of Natural Resources, among other things, and the former Member for Inkster, spoke on the same subject. In essence, it is my rejection of what I refer to as unnecessary intrusion on the part of Government. We simply do not require that kind of dictation to our labour force and/or to management.

Mr. Cowan: I wonder if the Member for Lakeside (Mr. Enns) would entertain another brief question.

I appreciate the fact that the Member is motivated out of a philosophical approach and a perspective and commitment to maintain an election commitment, no matter how right or wrong that commitment may be. But I would ask him, beyond that, does he have any empirical evidence or has his caucus or his colleagues made available to him any empirical evidence, statistically valid, that would show that either businesses have left the province because of this legislation or that those who have used the legislation, the 30 have applied for it, have been dissatisfied with the results of the legislation. That is the first question.

The second question I would ask him, given his remarks, is, what other types of labour legislation would he want to see repealed, given that he said he would like to see more of the existing legislation repealed?

Mr. Enns: Allow me not to cause my Government and my Minister of Labour (Mr. Connery) any difficulty at all. When I suggested that in my judgment we are overlegislated in the field of labour and management legislation, that is coming from a back bencher and a private Member of this House, and certainly not speaking for and on behalf of the Government. Secondly, on the question of, I believe it was, empirical statistics with respect to evidence as to the consequences or that lead me to this conclusion of supporting the Bill or empirical evidence that this Bill has had a detrimental affect in Manitoba, in the business climate of Manitoba, Mr. Deputy Speaker, I can recall when this Bill was first proposed. What did we call it? I think we called it the Bruno Zimmerman Bill or something?

An Honourable Member: The Bernie Christophe Bill.

Mr. Enns: The Bernie Christophe Bill, pardon me, I was wrong. The Bail-out Bernie Bill. I think that is how

this Bill was more commonly known, The Bail-out Bernie Bill. The particular leader of organized labour who, having just deposited the funds that he gets monthly to the New Democratic Party in a check-off, on one of those visits after leaving the necessary dollars to carry on for the New Democratic Party's political machine, requested this particular Bill because he was in a difficult labour dispute. They did pass The Bail-out Bernie Bill and, I believe—I could be wrong, but I think Bernie was among the first to use the legislation.

Mr. Deputy Speaker, I do not want to treat this subject lightly. I am saying, first of all, I cannot tell you what harm this has done to the business climate in Manitoba, no more so than I can tell you what harm the imposition of the payroll tax has done to Manitoba, but I can guess and I have a feeling. On these measures where it is hard to say what might have been, you can certainly appreciate that they did not add to the kind of business climate that certainly a province like Manitoba always requires in the competition that we are with our sister provinces, now indeed with our sister 51 states that we will require in terms of making our industry competitive.

Mr. Deputy Speaker, I am aware of this. When initial decisions are being made about plant expansion or plant location, all kinds of bits and pieces are fed into a computer these days and they involve local property

taxes, they involve the income taxes, they involve the corporation taxes, they involve the Workers' Compensation premiums, they involve the payroll tax, they involve particularly statutory obligations under labour legislation as to what kind of notices have to be sent out. All of this is added into the mix that finally makes a decision come down one way or another in some boardroom, whether it is in this city or in this province or in Toronto or in Montreal or Vancouver or elsewhere, as to whether or not a plant expansion, whether or not job creation will take place in this province.

Mr. Richard Kozak (Transcona): I move, seconded by the Honourable Member for Inkster (Mr. Lamoureux), that debate on this Bill now be adjourned.

MOTION presented and carried.

Hon. James McCrae (Government House Leader): Shall we call it six o'clock?

Mr. Deputy Speaker: Is it the will of the House to call it 6 p.m.? (Agreed)

The hour being 6 p.m., this House is now adjourned and stands adjourned until 1:30 p.m. tomorrow afternoon (Thursday).