



Fourth Session - Thirty-Fifth Legislature  
of the  
**Legislative Assembly of Manitoba**

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**STANDING COMMITTEE**

on

**ECONOMIC DEVELOPMENT**

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42 Elizabeth II

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*Chairperson  
Mr. Jack Reimer  
Constituency of Niakwa*



**VOL. XLII No. 18 - 4 p.m., WEDNESDAY, JUNE 30, 1993**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Fifth Legislature**

**Members, Constituencies and Political Affiliation**

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHOMIAK, Dave	Kildonan	NDP
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	NDP
DOER, Gary	Concordia	NDP
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	Liberal
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Clif	Interlake	NDP
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	NDP
GAUDRY, Neil	St. Boniface	Liberal
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
GRAY, Avis	Crescentwood	Liberal
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MALOWAY, Jim	Elmwood	NDP
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
ORCHARD, Donald, Hon.	Pembina	PC
PALLISTER, Brian	Portage la Prairie	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	NDP
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	NDP
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary, Hon.	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	NDP
WOWCHUK, Rosann	Swan River	NDP
<i>Vacant</i>	Rossmere	
<i>Vacant</i>	Rupertsland	
<i>Vacant</i>	The Maples	

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON ECONOMIC DEVELOPMENT**  
**Wednesday, June 30, 1993**

**TIME — 4 p.m.**

**LOCATION — Winnipeg, Manitoba**

**CHAIRPERSON — Mr. Jack Reimer (Niakwa)**

**ATTENDANCE - 11 — QUORUM - 6**

*Members of the Committee present:*

Hon. Messrs. Ducharme, Enns, Manness

Mr. Alcock, Ms. Friesen, Messrs. Helwer, Laurendeau, Martindale, Reimer, Rose, Ms. Wasylycia-Leis

**WITNESSES:**

Laurie Todd, Private Citizen

Kerniel Aasland, Private Citizen

William Seymour, Private Citizen

Bernie Lopko, Private Citizen

Ostap Hawaleshka, Private Citizen

**WRITTEN PRESENTATION:**

Diane O'Neil and Sahra O'Neil, Private Citizens

**MATTERS UNDER DISCUSSION:**

Bill 22—The Public Sector Reduced Work Week and Compensation Management Act

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**Mr. Chairperson:** Will the committee on Economic Development please come to order. This committee will continue to proceed with public presentations on Bill 22, The Public Sector Reduced Work Week and Compensation Management Act.

I have a list of presenters wishing to appear before this committee. For the committee's benefit, copies of the presenters' list have been distributed. Also, for the public's benefit, a board outside this committee room has been set up with a list of presenters that have preregistered. I will not read the list, since members of the committee have copies. Should anyone present wish to appear before this committee who has not already preregistered, please advise the Chamber staff at

the back of the room and your name will be added to the list.

At this time, I would ask if there is anyone in the audience who has a written text to accompany their presentation. If so, I would ask you forward your copies to the Page at this time.

As moved by a motion at a June 17, 1993, committee meeting, this committee agreed to hear from out-of-town presenters first, wherever possible. At this time, I would ask all those who are present and from out of town to please raise their hand and the Clerk will circle their name. As there is no one from out of town, we will continue on with the list.

I will now call upon Mr. Laurie Todd. Do you have a written presentation, Mr. Todd?

**Mr. Laurie Todd (Private Citizen):** No, I do not have a written presentation because I did not think it was appropriate to have people hide behind a piece of paper—

**Mr. Chairperson:** Okay, then you may proceed with your presentation, Mr. Todd.

**Mr. Todd:** As a member of a trade union, I have worked probably 90 percent of my life in trade unions, both in the public sector and the private sector. With the implementation of Bill 22, I have grave concerns with regard to the agenda that is on the table and some other far-reaching effects that I do not think have been addressed yet.

Certainly there have been other speakers presenting towards the committee that have certainly expounded on some of the more immediate concerns with regard to the public education system and other social services that have come under the jurisdiction of the provincial government, but, as I say, I have concerns with regard to the overall aspect of what this bill is leading to.

I do not know how many members sitting at the committee hearings here today have actually worked under a collective agreement and understand what the ramifications of them are. Certainly, as an individual who has worked under

collective agreements, I have legal responsibilities as to what I can and cannot do on a job site. Similarly, the employer who is a signatory to the collective agreement has similar responsibilities in that respect.

I think the role that the government plays in collective bargaining is certainly unique with regard to any of the participants, particularly in the private sector. The unique difference is that the employer, in this case, the provincial government, has the authority—or certainly I should not say it has the authority, but it has the ability to change the rules of the game halfway through, particularly when the collective agreement does not support the political agenda of the government. That, to me, is just fundamentally wrong. I would also suggest it is immoral.

\* (1610)

I feel that it is important that these views are expressed to the committee that the implementation of Bill 22, with regard to the fiscal policy notwithstanding, is an immoral act on the part of the government to override freely negotiated collective bargaining provisions.

With regard to other aspects that this bill represents, I was in a bargaining unit, or I was under a collective agreement in another jurisdiction, when a similar situation arose in the mid-'80s in B.C., where my union had negotiated a nonaffiliation clause, which means that I did not have to work on the site with nonunion. That was a freely negotiated clause of our agreement that the employers signed and recognized our right to do that.

Yet, because of our clause, the government of the day found that it was inappropriate or unacceptable or for whatever reason not in line with their tasks or their goals with regard to Expo '86, and they passed legislation that struck that clause down that we had freely negotiated. It was the start of a concerted political attack on these trade unions in that province.

So today in the industry that I was working in, we now see that the trade unions have been backed into a corner. We now find that the prevailing wage rates in the industry in B.C., I would suggest, are anywhere from 50 to 60 percent of the rate that is in the existing collective agreements at this day.

I am concerned that this Bill 22 is just the thin edge of the wedge. I fear that the first attack is on,

obviously, the easiest party, the Manitoba government employees and other public service people. I fear that the next line is going to be the private sector.

I think that, when we start considering that we have a North American Free Trade Agreement in line, I can see that this is an opportunity to start softening up the public and start softening up the workforce in such a way that we can destroy the basic wages, benefits that have been freely negotiated, and that we are going to be trying to turn the entire workforce back to the minimum wage laws and nothing better. Personally, I find that totally reprehensible. As I say, I fear that this is the direction that we are going.

I think it is really interesting to note also that the—I was talking with fellow members of the union that I belong to right now. One of the individuals I was talking to in a group just last week when we were discussing the implications of Bill 22 came from Germany. He is just about retirement age, and he was explaining that from his experiences, certainly as a young individual and also through his father, he was very active in the trade union movement in Germany at that time, that he felt the situation Bill 22 represented—to quote him, he said: This government is acting just like a bunch of fascists.

I personally sort of found that the term that he used in this particular situation a little strong; I would say maybe "fascist-like." I think if you looked at the history, you would not actually say your full fascist yet, but certainly under this bill, I see that this is where we are heading for.

Another aspect that I think that the bill represents is what I would call this whole aspect of wholesale terror that is being implemented on our society by this government and by policies such as this.

Now when I use that term, I am referring to a term coined by an author named Edward Herman. He was using it in a different context with regard to other countries and situations where the government was acting in such a manner and implementing legislation, et cetera, that was making the working conditions for the greater majority of the people unacceptable, destroying trade unions, et cetera, et cetera.

I would suggest that what Bill 22 represents is a very, very subtle form of this wholesale terror where a government is acting in such a manner that we

are seeing the institutions that our society is based upon being destroyed.

One of the fundamentals that I have always been taught, through my education, has been that we live in a democratic society. I feel that this arbitrary move that is being done through Bill 22 to destroy the collective bargaining system and undermine it is a very, very serious attack on some very, very basic, fundamental, democratic rights that we have.

I think it is very reprehensible to see a government acting in such a way that the freely negotiated collective bargaining arrangements that have been developed and negotiated through the democratic process are swept aside in such a manner because it is not expedient to the government's agenda.

As I say, I feel that this bill represents a very, very immoral act on behalf of the government. I feel, as I said earlier, it is a form of wholesale terror on our society in the sense that you are creating an atmosphere in our society whereby people are not sure of the arrangements in their collective agreements, whether they are even going to be valid anymore—because of the whim of a government, they decide to change it.

I would certainly suggest that not only through other legislation that this government has passed with regard to social assistance, et cetera, et cetera—the list goes on—that this is really the agenda, what we are seeing here. And as I say, I find it extremely reprehensible that the government, to try and deal with financial issues, is basically holding the working population of this province to ransom so that it can actually try to put its own agenda through.

I would certainly hope that this bill will be withdrawn and that a more equitable way of dealing with this issue is going to be found. As I say, I think it is immoral. I think it should be totally scrapped and done away with simply because, as I say, it is an attack on our fundamental, democratic rights. It is in violation of The Labour Relations Act and as I say, it is an abuse of power on behalf of the government with regard to freely negotiated working conditions.

**Mr. Chalrperson:** Thank you very much, Mr. Todd.

**Ms. Jean Friesen (Wolseley):** Mr. Todd, you have concentrated upon the collective bargaining aspects of this particular change of the

government's proposals, and I wondered if you had any comments upon the proposals of other people who appeared before us referring to the International Labour Organization. Do you have any information about that that would be helpful to us?

**Mr. Todd:** I certainly do not have any comment on presentations that were made previously. I have not been privy to a lot of them. I have a collective bargaining arrangement where I have to be at work at day, and I cannot take time whenever these hearings are scattered around to suit the government's agenda.

But certainly I am familiar that there are ILO standards with regard to the basic rights under collective bargaining, and I would certainly suggest that this bill violates some of the very, very basic tenets of the international labour law and the ILO standards.

**Ms. Friesen:** Could you give us a sense of how this bill, and the kinds of conditions that you have described resulting from it, will affect the next contract that you and your colleagues attempt to negotiate?

\* (1620)

**Mr. Todd:** Right at this point, I cannot say that this bill will directly affect my contract because I am in the private sector. I think the precedent has been set similarly as when I was working in the construction industry in Vancouver at the time that those changes were made to our collective agreement.

They were devastating. And what it was, it started the process of the wholesale destruction and attack on our collective agreement and all of the working conditions, the benefits, et cetera, that we had been able to negotiate over a hundred-year period. They were basically gone down the toilet in a matter of four years.

As I say, although we do have collective agreements in effect in B.C. with some of our contractors, certainly a large amount of the construction work being done in Vancouver right at this time is being done nonunion. That is a direct result of the policies put forward by the right-wing government in the '80s.

I am concerned that this is a start. The government has started first with the public sector which is the easy one, but I fear that this is going to be the start of opening up the floodgate, and we will

see serious changes and alterations to the private sector.

**Ms. Friesen:** So you see this as a continuation of the agenda of Social Credit in British Columbia, and also you see it as having long-term impacts, not just on the public sector, but on the private sector as well in Manitoba.

**Mr. Todd:** I would not suggest that this government maybe picked the direct in line from the Socred government, but I certainly would suggest that they are aware of what happened. I certainly do see that in the long term, yes, we are going to face some very, very serious changes to the collective bargaining arrangement in Manitoba. I think what we also have to realize is that that will seriously impact the social implications in our province.

Certainly if this government is so concerned about having increased revenues and yet on the other hand they are suggesting that collective bargaining arrangements can be opened up, I can foresee that actually is going to have the negative effect of driving down negotiated wages, i.e., less government income. So this is, to me, just totally inconsistent.

**Ms. Friesen:** Would you have any comments about the impact of this bill upon pensions, about the long-term impact of this upon pensions? This is not just a two-year bill. This is a bill which has a longer implication, I think, as you have mentioned, in terms of labour relations but also in terms of pensions and something which will immediately affect older workers.

**Mr. Todd:** Certainly from some of my contacts and friends that work within the provincial civil service, I know of one individual who was saying that a co-worker in his workplace was, I believe, in his second or last year before retiring and, with the changes that this bill is going to implement, is going to have a very, very profound impact on his pension simply because it is based upon the best five years of performance. Now, taking these 10 days out all of a sudden puts his level back to what it was three years ago, so that this individual is going to have a direct consequence of this bill in the fact that he is going to have a smaller pension than if this was not going through, and that is going to affect him for the rest of his retirement life.

**Ms. Friesen:** As a citizen of Manitoba, you are obviously also a user of public services, as we all

are. I wondered if you had given any consideration to the implications of this bill for the loss and decline of services that you particularly use.

**Mr. Todd:** Particularly in our industry, it is very, very hazardous. So we have seen through other legislation and government policy that certainly the impact or the amount of service being provided by the Workplace, Safety and Health division to ensure safe conditions on the worksites has gone down, and since '88, dramatically. That record is available in the annual reports.

What I fear is that because we will not have access to inspectors at all times and reduce services, the health and safety situation and conditions on job sites are going to deteriorate even further. As I say, just not our industry, it will be all industries where that particular agency has their mandate.

**Mr. Doug Martindale (Burrows):** Mr. Todd, you said that this bill softens people up for free trade. I assume you mean the North American Free Trade Agreement. I wonder if you could expand on the connection between this bill and the Free Trade Agreement, please.

**Mr. Todd:** I think we have to understand one of the major concerns with the free trade is the low wages, et cetera, that are being offered in Mexico. Certainly, if we are wanting in some sort of way to try and keep some sort of industry here, I see that this is a tack to drive down wages, et cetera, to save employers moving costs and relocation costs. So if we can hammer the workforce down into submission at low wages, it would be more beneficial to employers not to move there, just to stay here, and this is one way we can do it.

**Mr. Martindale:** Mr. Chairperson, so I take it, Mr. Todd, that you see this as setting a precedent for private industry who might want to follow the government example.

**Mr. Todd:** Absolutely.

**Mr. Martindale:** Did his comment get on the record?

**Mr. Todd:** I responded absolutely. Yes, I did say that.

**Mr. Martindale:** Mr. Todd, you said that this bill destroys collective bargaining and, of course, I agree. You said that collective bargaining is a basic democratic right, which I also agree with.

I wonder if you could explain how you see collective bargaining as a basic democratic right.

**Mr. Todd:** It is a basic right that people should be able to organize and to have communal action and to form associations for their own benefits. Certainly employers have done it for long times and other interest groups have done it. It is certainly a basic understanding in our society that this is the way that you do advance your rights. Certainly, as I say, if we do not have the situation in place to develop collective bargaining or we have an atmosphere being developed whereby the understandings and the principles of what the collective bargaining process rides on are going to be overridden at the whim of a government because it does not see the policy. As I say, we are just making a sham of the whole process.

**Mr. Martindale:** So you see this bill as an attack on democracy itself.

**Mr. Todd:** Absolutely, I said that in my opening remarks.

**Mr. Martindale:** You said that this bill should be withdrawn for more equitable legislation. I wonder if you could tell us what solution you feel would be more equitable.

**Mr. Todd:** Well, certainly I think some of the things that we would have to look at are to some of the subsidies that are being given to employers for business tax offsets. I think that, if there were concerns with reducing the cost of the civil service, there could be mechanisms put in place to encourage, possibly, early retirement.

It is sort of like the same situation that happened in 1990 when there was the first wholesale slaughter in the public service union here where the government had the choice of doing it one of two ways. They could have done it through early retirement and a hiring freeze, or they could have gone public and gone in with a big knife and got points for their constituencies that they represent.

The moral way to have done it would have gone through the hiring freeze and the early retirement. This government opted to make it look like they are tough, so they came with a big knife and they axed 700 people out of the civil service at that time.

**Mr. Chalrperson:** I thank you very much for your presentation, Mr. Todd.

I will now call on Michael Gidora. Kerniel Aasland. Did you have a written presentation, Mr. Aasland?

**Mr. Kerniel Aasland (Private Citizen):** I am sorry I do not.

**Mr. Chalrperson:** You may proceed with your presentation then.

**Mr. Aasland:** I suppose I should give you a bit of background on myself. I am a student. I currently earn less than \$6,000 a year, with which I pay off the mortgage on my house and pay out over \$3,000 a year in tuition, so I can get an education so that I can continue my own career, which has not really started yet, get some kind of job that I am interested in, and have the potential to have international impact.

I am a student at Menno Simons College and their particular program they teach is conflict resolution studies. They are closely affiliated with the University of Winnipeg, and because I am a student and that is the major portion of my life and my activities right now, I wish to address the impact of Bill 22 upon education.

To start with, a nice scholastic quote—Victor Hugo: If the soul is left in darkness, sins will be committed. The guilty one is not he who commits the sin, but he who causes the darkness.

Bear those words in mind. As I have mentioned, I am a student. Bill 22 arbitrarily removes teachers from the classrooms six days out of the year that I am going to be in class.

\* (1630)

Menno Simons College is an interesting institution. They have some neat international affiliations. Adam Curle [phonetic] is one of the United Nations' best international peace negotiators. Right now he is risking his life in Bosnia-Herzegovina attempting to broker a peace treaty. I am sure those of you who have watched the news lately can recognize that he has not been particularly successful, but he has front-line battlefield experience.

He is the guest lecturer at Menno Simons College and the University of Winnipeg this fall. I am fortunate enough to be in a position to take a course from him. It is an evening course. The fact that teaching hours are going to be cut means that 25 percent of the lecture time I get from one of the best brains in peacekeeping in the world has been

pulled out from my hands. I am sorry, I only earn \$6,000 a year. I cannot go to Geneva, Switzerland, where he is going to teach next so that I can make up that 25 percent loss. That is beyond my capacity and my ability.

I am not responsible for making legislation. I have virtually no influence over it and recommendations from a public hearing have no real impact because the minister has the ability and the capacity to simply disregard them. This is the only opportunity I have to make my concerns known.

My career may not be completely on the line, but I have an opportunity here to study from the mind of one of the best people in the world, and 25 percent of that is being taken from me without my consultation, against my desire, against my wishes, after I have paid my tuition, after I have paid my taxes. If I sound pissed off, you had better believe it. Buckle your seat belts.

**Mr. Chairperson:** Order, please. Dignity and the decorum have restrictions on language, and I would appreciate if you follow those guidelines, please. Mr. Aasland, to continue.

**Mr. Aasland:** Thank you. I will try and contain my feelings on this particular issue in the future.

What I would like to address right now is what has happened to the education system recently. As I am sure most of you in this room have well known and have heard quite a lot over the last few days and weeks and months and perhaps years, access to universities and colleges and other post-secondary institutions has been made more difficult recently.

Tuition has been raised. Raised? Well, it has been doubled. When I started going to school in 1987, it cost me \$1,300 for a year's tuition. As I already mentioned, it now costs me \$3,000. Minimum wage has not gone up. I am not making another \$1,500 to make up that difference. Student funding has not gone up. In fact, the capital grants to universities have gone down forcing them to slash professors, programs or raise tuition which they have done.

Student loans have been cut. I have been fortunate enough to have been able to get by so far with only one, but a student loan of \$3,400 covers exactly one year's worth of courses. Since it costs me \$3,000 for a year's tuition, \$3,467 leaves me \$467 to last eight months. Figure out the

mathematics for yourself as to how much I have to live on per day, and I cannot earn money while I am there. Five courses, that is five hours a week. If you include the homework load, the essays I have to write, the research I have to do, the people I have to contact and the other lectures I am expected to attend, I am looking at a 50-hour workweek and lot of late-night candle burning. I do work part-time on the side because I have to.

Student bursaries have been cut completely. Now students have to get an additional loan, which means you either double the amount of money you borrow and put yourself in debt to a system in order to get an education and get ahead or you do not go. Now, to add insult to injury, as I have mentioned, professors are being removed from classrooms, buildings are being locked up, and my access to instruction is being negatively hampered. I am not happy.

Courses at post-secondary institutions in Manitoba have been set with national and international standards in mind. With this particular course I am taking, Conflict and Change, from this international mind, Adam Curle, 25 percent of the course material has been pulled and thrown away. That course, much as I enjoy taking it or will enjoy taking it, is useless to me now. I cannot take it anywhere else. It is not comparable. The set number of hours does not match up with any other university in North America, in the world. The degree I am going to get in conflict resolution studies is worth that much less.

Bill 22 also has another interesting twist. It shuts down universities completely. It shuts down post-secondary institutions completely. Post-secondary institutions are only partially funded by the government. They also are able to raise some revenue by renting out a lot of their facilities to conferences and other organizations that want to rent space to meet. They cannot meet if the building is shut down. St. John's College at the University of Manitoba is having to turn people away and lose more money than is being saved in the salaries of the people who cannot come to work for those few days.

The British North America Act, which I believe is still in effect, has an interesting clause buried in it about the Canadian citizens' right to competent government. Now, even if the BNA Act still is not in effect, I believe competent government is something that we all desire. Competent

government, by and large, includes and often means fiscal competence.

A hundred and thirty million dollars is supposed to be saved with these cuts. Where is the money going? Well, how about all that uncollected sales tax? How about the \$20 million that Wang computers gets to keep because they backed out of a contract?

Private schools continue to have their public funding given to them. They have had a 180 percent increase in the last eight years, and public schools have had their funding cut by 2 percent. What this speaks to me is that money is being taken out of education, out of health care, out of the public service sector so that Wang computers can keep its profit margin. That pisses me off.

I apologize for breaking decorum. I withdraw that comment.

**Mr. Chairperson:** Thank you very much.

**Mr. Aasland:** I find it frustrating to have profit margins enhanced—

**Floor Comment:** He is still working on his conflict-solving degree.

**Mr. Aasland:** I have tremendous conflict with this. As I had mentioned, this is the only option and the only opening I have to make my problems known. I am here to try and solve it, to try and make my expressions known, and what am I getting? Snide comments.

**Floor Comment:** From the people who lead the government.

**Mr. Aasland:** Exactly.

Bill 22 has an impact on all our lives and everyone. The impact on myself has the potential to impact the rest of my career. It is taking one of the best minds in the world out of my hands by the term of 25 percent.

When I opened, I mentioned Victor Hugo and spoke of the sins of darkness. Bill 22 may not cast Manitoba into the complete darkness of sin but it certainly lengthens the shadow of desperation in Manitoba and is a damning indictment of this government and its policies toward its people.

**Mr. Chairperson:** Thank you for your presentation, Mr. Aasland.

**Ms. Friesen:** Thank you, Mr. Aasland, and thank you for coming to present to us. I understand the anger and frustration that you feel with this bill and

you have given us a very good example of the way in which you have been immediately and directly shortchanged and something which is going to have a long-term impact on you and other students.

I wanted to ask you if your experience is more general. For example, you have given us an example of one course which is going to lose 25 percent of its lecture content. Could you give us some examples from other students and other courses of how they have been impacted by this bill?

**Mr. Aasland:** All courses and most students at most post-secondary institutions have been affected. There are only 13 weeks of classes per semester. Most courses that are offered run for half a semester. Losing two classes or three classes, as will probably be since the six will be divided between the two semesters, means essentially 10 percent of the course load is wiped out, not available. What that means as far as conversion to other institutions, what that means in terms of the amount of education that is received after it has been paid for, well, that is a 10 percent loss. If you want an exact measurement, I cannot give it. That is as close as it gets.

\* (1640)

**Ms. Friesen:** When I asked the minister this exact same question about the quality of education being affected by Bill 22, when I asked her that in the House, she said that she had been assured by the universities that the quality of education had not been affected. Now it is possible that she had not consulted students, so I wonder if there is a student perspective that should be clearly made to the Minister of Education (Mrs. Vodrey) on this.

**Mr. Aasland:** Quality is an interesting word. You cannot measure it in terms of dollars or professor-hours. Quality does take time to transmit. If you hack the time by 10 percent, by 50 percent, if you decrease the amount of interaction between students and professors, there is that much less of an opportunity for quality to be transmitted.

Will quality education be affected? Who knows? We will not know until it is all said and done. After I get my degree I will find out how worthwhile or worthless it is. Every indication I have run across and every person I have talked to seems to indicate that quality of education is going to be affected.

How can you pull resources out of something and claim that it is not going to be affected?

**Ms. Friesen:** I wonder if you could tell us about the loss of hours in other areas of the university as well. Do you have information on the loss of hours in laboratories and in libraries, for example, and the impact of that upon students' education?

**Mr. Aasland:** I do not have statistical information handy. All I can tell you is what I hope you already know through these hearings. University libraries are being shut down for certain days, which means research has to be extended for those who are using the facilities. Revenue generated from the library by being open on those days is going to be cut and affected. Other programs and stuff will be affected in a similar fashion, I imagine.

**Ms. Friesen:** You mentioned another very interesting point, and that is the generation of revenue by universities from the use of their facilities and how these opportunities are being lost as a result of this bill. You gave the example of St. John's College. I am aware, for example, that the summer when students are not there in the same numbers as they are during the winter is in fact one of the major opportunities for residences, which St. John's has, and classrooms to be available for rent and for revenue generation.

Do you have any sense of how much is being lost by St. John's, which is a small college, and by the other colleges, University College, St. Andrew's, St. Paul's, and Tache, which also generates a considerable amount of revenue for the university?

**Mr. Aasland:** Regrettably, I do not have exact dollar figures, but I do know they exist.

A close friend of mine works as a secretary at St. John's College and, regrettably, a conference regarding ministers across Canada coming to speak on unemployment, or something similar to that, had to be turned away and went and found facilities elsewhere because the college is closed this Friday when they are meeting. That is significant revenue right there.

I imagine all the other facilities are being impacted in an identical fashion.

**Ms. Friesen:** I would imagine, knowing something about the way the university accounting system works, that in fact that revenue generation is applied directly to the costs of residence over the year, so that those students from outside of Winnipeg, rural Manitoba, who are residents in St.

John's College and other colleges, in fact are going to feel the impact on their residence fees over the longer term as a result of that loss of revenue.

**Mr. Aasland:** I believe that is correct.

**Hon. Clayton Manness (Minister of Finance):** One question, Mr. Aasland. I gather you do not think the government has done a very good job in its priority decisions it has had to make.

I have taken a significant amount of the payroll tax burden off of the religious colleges, Menno Simons being one of them. In doing that of course, that—and by the way, I was able to do that because of some of the savings I found and some of the expenditure decisions I made.

Did I make a mistake?

**Mr. Aasland:** Well, between 1986 and today, the corporate income tax rate has risen 3 percent. Between 1986 and today, the personal income tax rate has risen 60 percent. If you are looking for extra revenue, why do you not raise corporate taxes by the same amount?

**Mr. Manness:** No, no. Again, I relieved the tax that was applied to Menno Simons and all the other religious colleges—the payroll tax.

Did I make a mistake in doing that? Should I have kept that source of revenue?

**Mr. Aasland:** You are asking me if you should keep a source of revenue, and I have responded that you should expand your sources of revenue.

**Mr. Martindale:** Mr. Aasland, you said you felt you have no influence over legislation. I regret that you feel that way. I guess you do in that every four or five years, you get a vote, and so you can determine who the government is, and that is one way of influencing legislation.

I wonder if you feel that there is some way that the legislative process could be improved so that you, as a private citizen, would feel that your making your views known would have more impact on the government.

**Mr. Aasland:** I find that an interesting question, and one I could talk about for several hours. Unfortunately, I do not have several hours.

We currently have in Canada the technology and the ability to put some form of computer in every single home, at the fingertips of every single person. The technology exists. Every single decision made by government does not have to be made by elected representatives. It can be made

by the people in a referendum, every single day, every single issue. The technology and the infrastructure does exist. It has not been put in place, and it probably never will be put in place.

The government, as it is currently structured, is a hierarchical and bureaucratic organization. The decision-making process that I believe in does not go by majority rule but by consensus. What that would mean is before a decision is made, everyone would be included, all one million Manitobans right from the beginning instead of having a public hearing after the second or third reading. What that would mean, of course, is perhaps a lot more bureaucracy and a lot more time. But I can guarantee you with statistics and information, if you wish, that a decision reached by consensus is more binding and more lasting than any decision reached by majority rule.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Aasland. Thank you very much.

I would now like to call upon Mr. William Seymour. Did you have a written presentation, Mr. Seymour?

**Mr. William Seymour (Private Citizen):** No, Sir, I did not.

**Mr. Chairperson:** Well, that is okay then. You may begin with your presentation.

**Mr. Seymour:** Thank you very much.

**Mr. Chairperson:** Mr. Seymour, you may begin.

**Mr. Seymour:** Good afternoon. Mr. Chairperson, members of the standing committee. My name is William Seymour and I am an active full-time political science student at the University of Winnipeg.

Employees at the University of Winnipeg are just some of the 100,000 Manitoba public service workers who will be given time off without pay for 10 days under the guidelines of Bill 22. Apparently, these same employees could have been laid off for a maximum of 15 days by Bill 22, if not this year then perhaps maybe next year, maybe the year after that. The problem that I have with Bill 22 is that no one really knows just how far this piece of legislation is going to go. How many days will Manitoba's public service workers be out of work without pay next year or the year after that or the year after that?

Today, I wish to speak to you about the effects of Bill 22 on the people of Manitoba who rely on the

services that are provided by the much maligned public sector. I would like to centre my discussion around health care and education, two services which I feel are so vitally important that no Manitoban whatsoever can live without. I would also like to point out this government's unfortunate decision not to clearly spell out the precise nature of Bill 22. Will workers be laid off for 20 days in 1995, perhaps 25 days in 1996? Who really knows?

\* (1650)

Perhaps you can answer this question for us today. Just exactly how many days do you expect the public sector employees of Manitoba to share the pain? How long do Manitobans have to be without health care, proper educational facilities and a whole host of necessary services before this evil deficit that we keep getting bombarded with is finally eliminated once and for all?

First, I would like to begin with hospitals and other important health care facilities here in Manitoba. As I am sure you are all well aware, hospitals are places where the sick and the injured in our society go for healing and treatment. However, under the oppressive weight of Bill 22, there will be 10 days this year where it is not a very good idea to become critically injured in a motor vehicle accident or to have one's appendix suddenly burst without warning. The reason it is not a very good idea is that for those 10 days hospitals will be operating as close to a skeleton crew as I or anyone else in this province wish it to get. You had better pray to God that those 10 days when Bill 22 takes effect are not the 10 busiest days of the year for our hospitals.

Bill 22 not only cuts staff for 10 days this year, perhaps 15 days next year, et cetera, but it also adds salt to the wounds caused by your previous cuts to our health care system. You are already hacking and slashing hospital beds, medical staff and a variety of other medical services that are vitally important to our health care system. Now you are spreading this cancer by adding Bill 22 to the problem.

On those 10 days of unemployment being imposed by Bill 22, that skeleton crew of nurses, doctors and laboratory technicians will be forced to increase their already massive workloads. Nurses who are already overworked and underappreciated, the backbone of our health care system, will

become even more overworked and under-appreciated by the 10 days of unemployment which are being imposed by Bill 22.

Inevitably, the real victims of Bill 22 are the patients who will suffer when they are forced to wait for treatment and healing because there are not enough nurses, doctors and laboratory technicians to go around on those 10 days when Bill 22 takes full effect.

As I stated at the beginning, I am a full-time student at the University of Winnipeg. I am not a health care professional. However, it does not take a brain surgeon to figure out that, under Bill 22 and your other clawbacks, the less staff available to our hospitals on those 10 days, the less service that is delivered, and inevitably the more patients will have to wait for the necessary treatments and healing.

All that is required to understand the effects of these budgetary cutbacks is pure, simple common sense. Diseases, illnesses and potentially fatal injuries do not discriminate as to which 10 days of the year they should avoid striking. They do not care if there are not enough hospital staff available to treat the sick and the injured.

I would now like to turn your attention to the public education system. You continually declare how vital education is in our highly competitive, information-driven society. You encourage young people to stay in school in speech after speech, and then you close off those opportunities. We sit and we wonder why are kids dropping out of school, getting jobs at McDonald's for \$5 per hour and running face first into a brick wall of a variety of social problems.

Education is supposed to be the key to opening these doors of opportunity that promise fulfilling, well-paying jobs upon graduation. Well, under Bill 22, those doors are locked and the keys are taken away.

Under the paring knife, you are telling teachers to give up the quality time they spend developing parent-teacher-student relationships that are just as vital as actual classroom instruction time. This time is required to let parents know just how well their child is doing in school and where to find the help if it is needed. Teachers, by the way, are just as overworked and underappreciated as nurses are, especially when you consider the reports of more and more students showing up at school with weapons in their lunchboxes.

Under Bill 22, and all of your other serious clawbacks aimed at trimming the fat, teachers will become faced with a list of new problems that they do not have the time, the energy, unfortunately, the proper training to deal with. Once upon a time, teachers were asked to teach the three Rs, reading, writing, arithmetic, and now you expect them to be child psychologists, peacekeepers, nurses and police officers besides being educators, which is what they are trained to do.

With Bill 22, you are asking Manitoba's public school teachers to juggle which hat they are going to wear on a moment-to-moment, crisis-to-crisis basis, and with less time, energy, training and resources to work with. Add Bill 22 to your other slice-and-dice measures against public education, and we are all in for some serious trouble.

The electronic and print news media have presented numerous stories of violence, drug use and poverty among public school students. Unfortunately, there have also been reports of hate groups like the Ku Klux Klan and neonazi skinheads doing a little bit of recruiting of young, impressionable minds into their ranks. Several teachers have come to these Bill 22 hearings to explain to you the deteriorating conditions in your public school system far better than I can. Perhaps, if you personally paid a visit to Manitoba public schools, talked to the students and staff and had some input—I mean, some real input from parents—then I hope you will begin to understand what the real picture in our public school system looks like.

Thirdly, I would like to focus your attention on post-secondary education, and this is where it starts to get very personal for me. As I stated at the beginning, University of Winnipeg staff, along with the staff from other post-secondary education facilities in Manitoba, will be out of work for 10 days without pay when Bill 22 takes effect. That is 10 days that could be spent preparing lecture plans, marking papers and exams so that students can get them back quickly, helping students with their concerns about their papers, generally just being there when we need them.

Taking a look specifically at libraries now, it is a shame that these research facilities will see their services slowly cut away. I am a political science major. Political science majors live in libraries. Libraries are absolutely vital for the research that we do for essays which make up the bulk of our

marks. Taking away libraries would be like clipping the wings of birds.

Students have been continually referred to as the nation's future leaders, but can you tell me how the nation's future leaders can become the nation's future leaders when our educational facilities become closed off from us one door at a time?

Employers demand the types of skills that are provided by universities and technical colleges; however, as tuition and book prices increase, access to student loans and bursaries become more difficult. Access to what is left of our universities and our technical colleges becomes nearly impossible for those without the necessary funding. We are forced into lousy-paying, part-time jobs or full-time jobs at the same time as going to school.

\* (1700)

If we are forced to drop out of school, those lousy minimum-wage jobs are all that remain in the end, or worse, we can join the ever growing ranks of the unemployed. All of this sounds, once again, like simple common sense. It is not that hard to figure out.

The future of Manitoba students, Manitobans in general, continues to grow uncertain under Bill 22 and your other cuts. Bill 22 is only one small piece of regressive legislation, but it is part of a much larger collection of regressive legislation that only creates further suffering in the long run.

Under Bill 22 you are demanding that workers in Manitoba's much maligned public sector join the ranks of the unemployed for 10 days. The maximum that you could have imposed on these people is 15 days. Perhaps you are already considering 15 days for the next year, but we do not know that because our democratically elected representatives of the people do not seem to want to share this information with us. What are you afraid of?

In closing, Bill 22 affects far more than the 100,000 public sector employees who will be out of work for 10 days this year without pay. First, the staff who remain on the job will be left to handle the increased workload and will be forced to endure the increased stress that will no doubt affect the level of service that should be delivered.

Second, students at all levels of education will be affected. Where, might I be so bold as to ask, will we go to get the proper education that we need to

find the good jobs to support ourselves and our families?

And finally, how long will Manitobans be forced to wait for proper medical treatment, especially the variety of medical treatment that determines the difference between life and death? How long do we have to share the pain?

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Seymour.

**Mr. Seymour:** You are welcome.

**Ms. Judy Wasylycia-Lels (St. Johns):** A couple of questions. First of all, Mr. Seymour, thank you very much for the presentation. You started off by describing, I believe, Bill 22, as an attack or part of an attack on an already much maligned public service. There have been some who have, in fact, suggested that Bill 22 is part of an overall deliberate strategy to give the public service a bad name.

More and more we are hearing the public buying into this mythology that all public servants are lazy, overpaid, underworked individuals and that in fact this is part of an agenda that helps government reduce its responsibilities, pull out of public services, pull out of social programs and reduce public expenditures.

What is your sense of Bill 22 in terms of an overall attack on the public service and where we are headed?

**Mr. Seymour:** Yes, it is correct. As I stated in my presentation, among those public servants are nurses. I am going to focus strictly on nurses now who I said are the most overworked, as far as I am concerned, and underappreciated members of our society, the backbone, if you will, of the health care system here in Manitoba and across Canada, in fact, the world.

Now, are you suggesting these are lazy people? They work long hours, very little pay, doing God knows how many jobs. To suggest that these people are lazy underworked civil servants would be an insult to these people, an absolute insult.

**Ms. Wasylycia-Lels:** I would like to just focus for a minute on the health care field. You emphasized that very well in your presentation, and you talked a lot about the hospital part of the health care sector.

I just wanted to ask you a bit about the community care side since we are seeing right now, even before all the cutbacks started and measures like Bill 22, an incredible burden being

placed on community care workers, awful caseloads where they could not do anything more than really respond to crises.

We had, of course, since then bed closures and early discharges and more and more people relying on care in the community. Now we are facing the impact of the reduced workweek which means that already hard pressed, overworked home care workers are going to have to take on more in a shorter period of time. What kind of impact do you think that will have on individuals requiring care and on cost to the system as a whole?

**Mr. Seymour:** First of all, it is going to be a very, very long wait for treatments for health care. Some of those cases, they cannot wait very long. As I pointed a couple of cases, involved in a motor vehicle accident, something to do with heart condition, whatever, there is a whole slew of serious medical problems out there that need to be addressed. When the system is not there, tell me, Sir, what are they going to do? Can you tell me? How long do they have to wait? Where are they going to go?

**Ms. Wasylycia-Lels:** I think it is probably fair to say that it does not matter what the health condition, you do not choose when you are going to get sick.

I want to ask you, Mr. Seymour, what do you feel will be the impact of this kind of situation on the cost to our health care system if people are not able to access care in the home when they need it, are not able to get counselling from mental health workers when they need it? Does that mean they end up turning to more costly institutions? Does that mean they face accidents and illness in their home and only add to the cost of the system and defeat the whole purpose of any kind of cost saving out of this kind of legislation?

**Mr. Seymour:** Yes, I suspect we are going to be turning into much like an American system which is currently in the United States. The health care system down there, as I am sure you are well aware, is in a crisis. Health care costs in the United States are through the roof. People with very little money cannot afford to get the proper treatment. I suspect, I fear, and I hope this does not happen, but frankly I am a pessimist that it is going to be very much like the United States, where the underprivileged of our society, the people who do

not have the money to get health care, are not going to be able to afford it.

**Mr. Chairperson:** Thank you very much for your presentation this afternoon, Mr. Seymour.

I will now call on Bernie Lopko. Tony Steele—I am sorry, is this Mr. Lopko?

**Mr. Bernie Lopko (Private Citizen):** Yes, it is.

**Mr. Chairperson:** Okay. Do you have a written presentation?

**Mr. Lopko:** Yes, I do. I just have one copy.

**Mr. Chairperson:** Okay, you may proceed with your presentation, Mr. Lopko.

**Mr. Lopko:** Having a formally written presentation, I assume that this brief will be a little more calm and sedate than earlier presenters. That does not however mean that this legislation touches me—[interjection]

Excuse me, Mr. Chairperson, could we have some order please?

**Mr. Chairperson:** Yes, Mr. Lopko, you may proceed.

**Mr. Lopko:** Thank you. This does not mean that this legislation touches me any less deeply. My calmness, as I have expressed, is a fact that I have written this, and perhaps I am a little cynical and jaded about the prospects for change.

In presenting this brief to the hearings committee, I am speaking as a private citizen. However, for the past five years I have been a member of the country's largest public sector union, the Canadian Union of Public Employees, Local 1281. I am also an employee of the Canadian Union of Educational Workers. It is primarily on the impact of this bill on CUEW, Local 9, representing teaching assistants at the University of Manitoba, that I wish to speak.

Local 9 of CUEW at the university represents slightly over 1,100 people each and every year who are part-time employees. The membership consists of academic support staff who are responsible for fulfilling the numerous teaching functions which supplement and assist the duties which full-time faculty members perform.

\* (1710)

Our members are classified as lecture instructors, as teaching assistants, as grade markers and as lab demonstrators. Correspondingly, their typical duties involve things such as

lecturing, conducting tutorials and seminars with students in a small group basis, demonstrating labs, preparing instructional resources, consulting with students in office hours and correcting papers, grading exams and invigilating exam room settings.

I would like to present the hearings committee with a brief that deals with a number of aspects of Bill 22. These include the dangerously sweeping nature of Bill 22 and the absence of a sunset provision and, second, the so-called consultation process that is prescribed in Section 5 and the impact this has on free collective bargaining.

As well, I would like to talk about the implications of the proposed legislation being made retroactive and the processes actually involved in the passage of this bill. Finally, I would like to talk about some of the direct impacts and the major consequences of Bill 22 for the Local 9 members and for other public sector workers who perform their duties on a part-time basis.

The final question I will leave the hearings committee with is to question the motivation of the government in drafting this legislation in the manner that it has done so.

The first component I wish to address is the overriding and sweeping nature of this legislation. In my mind, this legislation effectively circumvents and negates every other piece of legislation in this province, perhaps even some federal legislation and acts. To me, it is abhorrent that this legislation is as extensive and as draconian as it is.

To remind members of the committee, I will quote Part 1, Section 3 of the bill. This part prevails over every other act and every regulation, collective agreement, employer contract or arrangement, arbitral award of any kind.

This legislation supersedes contractually agreed upon and otherwise binding terms of employment. It is a dangerous and it is an unwarranted intrusion into the free collective bargaining process.

As I will argue later, it provides employers with a secondary internal budget adjustment mechanism that effectively undermines good-faith collective bargaining and removes any semblance of parity in the power of the parties to reach a meaningful and binding collective agreement.

A union's ability to represent its constituency is compromised by having its negotiating power curtailed in this fashion. The union is forced to

negotiate with one hand behind its back and with a blindfold on.

Ultimately, this leads to greater instability in labour relations in the public sector and will have unforetold costs on the province and on our province's population. The lack of equilibrium that Bill 22 will cause will, in my view, inevitably lead to more instances of labour dispute and job action. Such is not in the interests of labour, nor is it in the interest of our province, our population or the government.

In my opinion, the only time when a government can condone such a sweeping measure as an overriding piece of legislation is in time of war measures or natural emergencies. The current fiscal problems that this province face are neither. To apply such extensive and overriding legislation on the basis of the fiscal or budgetary restraint you are seeking is unwarranted, it is unconscionable and it is morally indefensible.

In these terms, I believe it is worse than the FLQ crisis in Quebec. I suspect it will be remembered by the people of this province in those terms.

Going beyond the overriding provisions of Bill 22 are the absence of any form of safety check or counterbalance. There is no outside adjudication. There is no sunset provision. There is no meaningful legislative constraint on the terms under which public sector employers will invoke this bill. The government is enacting legislation which empowers employers to unilaterally impose pay cuts, but it does not provide any safety nets or any form of useful control to ensure that this legislation is not invoked arbitrarily or unfairly.

The ostensible reason for Bill 22's fiscal restraint: I see neither the deficit nor the accumulated debt as the principal problem facing this province; the government clearly does. Be that as it may, are pay cuts the most appropriate way to address the situation? I suspect not; the government clearly does.

I will leave the discussion there. I do not intend to argue the government's overall economic solution in this presentation, and I suspect you would not wish to do that either.

**Mr. Chairperson:** Thank you very much for your presentation.

**Mr. Lopko:** My point—I will leave that discussion. I will not leave my presentation.

**Mr. Chairperson:** Oh, I am sorry. You may continue then.

**Mr. Lopko:** My point is, if this really is emergency legislation, why is there no sunset provision? As a crisis measure, the government should have demonstrated its honest intentions by including a sunset provision in Bill 22. Such a clause would suggest to me at least that this is one-time only legislation and thus makes it harder to institutionalize and to repeat at a later date. If the legislation was self-terminating and due to expire in 1995 as, for example, final offer selection legislation was, I for one would be more comfortable with the idea that the ongoing enactment of Bill 22 could not simply be enshrined by merely changing the dates specified in Part 1, Section 4(2). Presently that is all that is required to reinvigorate this legislation.

I would like to turn now to the consultation provisions of Bill 22 and their impact on free collective bargaining. The so-called consultation provisions provided in Part 1, Section 5 are a sham. Ostensibly they provide for joint consultation between employers and workers, but this is effectively undermined by the inclusion of Section 5(5). That subsection means that there is no real onus on the employer to consider the union's opinion nor to come to a negotiated agreement on any of the terms of implementation of unpaid leave days. So why is this? Well, it is because the employer can simply determine how much it needs to save, how much it wants to save, notify its union of the days it is declaring and then sit back, put its hands in its pockets and wait for 30 days to pass before it has the power to unilaterally impose its decision.

Quite frankly, that means the consultation process is devoid of any substantive meaning. If the legislation was genuinely interested in preserving fairness and equity and ensuring reasonable implementation of the bill, it would provide for third party binding adjudication where the parties disagree on the terms of implementation.

As you may be aware, the University of Manitoba has already initiated six unpaid days of leave. It did so in April. The union that I work for, the Canadian Union of Educational Workers Local 9, chose not to participate in the so-called consultation process and we chose not to for several reasons. First, and probably most significantly, with the terms of the bill

being framed the way they are, any participation would be meaningless. Bargaining agents are disenfranchised; we are impotent. There is no meaningful benefit to participating.

Our experience in the past in dealing with the University of Manitoba administration vis-à-vis them being an employer is that if there is not an obligation or an effective sanction in requesting them to participate the administration will choose not to.

Secondly, the principle behind this is one that the union finds unacceptable. The union was opposed to the legislation and remains opposed to the legislation as it is currently drafted. We see it as a threat to collective bargaining, and we chose to register our objection by not participating.

We felt that if we had participated, it would legitimize and give credence to a process which, in our opinion, could not be sanctioned. Moreover, until the bill is enacted as law, there is neither the legal and particularly not the moral foundation on which to participate.

\* (1720)

Finally, we chose not to participate in the so-called consultation process, because we decided it was wrong to participate in discussions which would invariably result in diminished working conditions for our members before this bill became law. Our duty to represent our members spoke against our participation in the so-called consultation process.

The rights of employees to organize and to be meaningfully and effectively represented by the bargaining agent of their choice is both a cornerstone and a measure of our democratic society. It recognizes the imbalance inherent between individual employees with their employer. The rights of free association and the rights of organization and good faith collective bargaining, when enshrined by government legislation and statute, does ensure some modicum of equilibrium in the relative power of the two parties. But this legislation effectively undermines free collective bargaining, and thus it diminishes one of the mainstays of our free and democratic society.

So how, you may ask, does Bill 22 undermine collective bargaining?

Well, it is very simple. It distorts the bargaining process by giving employers the unilateral power to undermine any collective agreement it enters into.

As an example, a union can negotiate and subsequently ratify a contract in good faith.

Excuse me, Mr. Chair, I would like to point out that I am making a presentation and point out to some of the members of the committee that the positions they hold are positions they are appointed to by virtue of their appointment by the people of the province to these positions as MLAs. I find it a little offensive that this presentation would be apparently ignored by members choosing to do other work at this time. This may be a task in process to some people, but I really feel that I would like the respect of being listened to while I am presenting, rather than having members take on auxiliary tasks. I would just like that noted.

**Mr. Chairperson:** Thank you, Mr. Lopko. You may proceed.

**Mr. Lopko:** Thank you.

### Point of Order

**Hon. Clayton Manness (Government House Leader):** Mr. Chairperson, on a point of order. With due respect to the presenter, who is also seeking respect, the way that members conduct themselves, as long as the presenter can be heard, the manner in which they may not be looking at the individual does not indicate for one moment that they are not listening. I think it is unfair that any person come forward and lecture members of the committee. Sir, that is not your role.

**Mr. Lopko:** My role, I believe, is to be accorded the respect with which I accord this committee and to make a presentation—

**Mr. Manness:** Excuse me. Indeed, when members of this committee at times, as we have in the past and I am sure we will do in the future, break into debate at the same time you are speaking, that is disrespectful and that should be drawn to the attention.

Indeed, it is not for any presenter to indicate how it is that we should listen to your presentation. Now, I was looking at the bill—

**Mr. Lopko:** Mr. Manness, I was not referring to an action on your part.

**Mr. Manness:** —when the member was speaking. Now, I was not looking at the presenter. I was looking at the bill, and he may want to say that I was not paying attention. I was listening very carefully as I am sure most members of this committee were.

**Mr. Lopko:** Mr. Manness, I am afraid you misunderstand—

**Mr. Chairperson:** Mr. Lopko, you may proceed with your presentation.

**Mr. Lopko:** I will proceed with my presentation.

\* \* \*

**Mr. Lopko:** So how does Bill 22 undermine collective bargaining? It is very simple. It gives the employer the power to unilaterally undermine any collective agreement that has been entered into. A union can negotiate and subsequently ratify a contract in good faith with the compensation issues agreed to, be they wage increases, wage freezes or anything else. The next day, subsequent to ratification, they can be faced with up to 15 days of unpaid leave. Now for a full-time employee, those 15 unpaid days represent a 6 percent pay cut. For the part-time workers, as I will demonstrate later, it can be significantly more than 15 percent. In fact, 12 to 15 percent in loss of wages is not improbable.

The distortion this legislation produces in the collective bargaining process means there is little onus on the employers to bargain in good faith. It also undermines the trust of employees and their unions in the process. It is an unnecessary and unwarranted and an unjustifiable intrusion into the collective bargaining process. At best, this bill undermines peaceful, harmonious and purposeful labour relations. At worst, it makes a mockery of ordinary labour relations. It negates The Labour Relations Act, and it will lead to more unrest, to more disputes and to more job action which is disruptive and destructive to the people of Manitoba, to our workers and our members and to the province.

The question that I have for the government, if the bill is enacted, is very simply. When is a binding contract a binding contract? Last summer, my local CUEW Local 9, spent over six months negotiating with the University of Manitoba for a fair and reasonable settlement for our members. It included a one-year wage freeze and a 2 percent increase in the second year.

This legislation now means that our members have experienced a one-year wage freeze, and now instead of being awarded a 2 percent pay increase that they have long waited for, they will face a wage cut of nominally 0.5 percent. In all likelihood, it will be much larger because of the part-time status of our members.

I would like to turn to the retroactive provisions of Bill 22. The proposed section, which for your record is part 4, Section 14, whereby this legislation, Bill 22, can be retroactively applied is frightening to me. Allowing for its retroactive enforcement establishes a disturbing and a dangerous trend.

Already the University of Manitoba, along with many other public sector employers, are unilaterally imposing unpaid leave days. Apparently the administrators there assume they can apply its provisions and are confident of its passage without any changes. What if they are proven wrong?

**Mr. Chairperson:** Mr. Lopko, you have approximately two minutes left.

**Mr. Lopko:** Thank you. The unmitigated power this places in the hands of bureaucrats is alarming. It is parallel to George Orwell's 1984 and allows policies to be implemented without even following a parliamentary or due process.

Moreover, the way this retroactive clause falls in the government's perception of legislation is appalling. It appears to be acting purely out of arrogance as if it were paying lip service alone to the interests and concerns of its citizens.

I would urge you to rebuke and to disprove this image by striking the retroactive clause in Bill 22. If this bill is passed in some form or another it should take effect as of the date of its passage and Royal Assent. The people of this province need to be assured that the government of Manitoba is responsive to its concerns.

Presently Bill 22, particularly the retroactive provisions, would seem to belie this. This is a fact that will not soon be forgotten by a great many people.

As you heard in presentations yesterday, there are a number of significant impacts on this legislation for CUEW members. I will point out a few of the more significant.

All our members are part time and contractually limited. They have a low earning potential and on average receive \$2,700 a year. The terms of the legislation disproportionately impact on their earning potential.

As the committee may be aware, the university is imposing six nonpaid leave days in the current fiscal year. The nature of our work is not a product

which lends itself to being rescheduled. Educators do not produce widgets, nor do they perform piecework. There is a holistic component to providing education.

Daily hours of work are rarely scheduled, are instead done in mutually convenient times between the employee and the student. The work will simply be shifted to another time, to an earlier or a later date.

For example, a member who is given 10 hours to mark 50 papers in a week, one of those days is deemed to be an unpaid leave day. Therefore, they dock 20 percent of their pay. Does this mean they leave 10 of the papers unmarked or does it simply mean they mark it on their own time?

All our members are students, and I very much doubt they would like to see other students suffer or be deprived of the education that they have paid for and deserve.

Bill 22, because of its disproportionate impact on low-income and part-time employees, is economically regressive.

**Mr. Chairperson:** Mr. Lopko, I am sorry, but your time has expired.

**Mr. Lopko:** Thank you.

**Mr. Chairperson:** Thank you very much for your presentation.

I will now call on Mr. Tony Steele. Chris Christensen. Alexander Basilevsky. Fletcher Baragar.

Ostap Hawaleshka. You will have to correct my pronunciation.

\*(1730)

**Mr. Ostap Hawaleshka (Private Citizen):** I am so used to these mispronunciations that I would be absolutely amazed if you pronounced it correctly.

**Mr. Chairperson:** Very good. You may proceed, Mr. Hawaleshka.

**Mr. Hawaleshka:** My presentation, Mr. Chairperson, will be possibly slightly different from what other people have mentioned today. Really, this is the first time I ever brought up the courage to come in front of a committee like this or even to raise my voice regarding a public matter.

I have been teaching in engineering at the University of Manitoba. This is my 24th year at the University of Manitoba. I have another 11 to go before I officially retire. However, I will not be here

much longer than another couple of years because, as I have written in my very first paragraph, the economic situation for engineering education in the field of mechanical and industrial engineering has reached a point where the actual delivery of the highly technical and continuously changing subject matter has become nearly impossible.

I find it is becoming unpleasant. It is becoming too difficult. I cannot justify the demands of the students. I cannot stand up to them and send them out into the world where right now, unfortunately, they would be unemployed. Even if there was a job, I am really beginning to worry whether we are able to train them in the way that they deserve.

By the way, I would like to mention that this will be probably the shortest presentation, okay, so do not get worried. Professors talk forever, but this particular time it will be short.

Bill 22, the way I see it, seems to be part of an overall trend in society, a bit of a reaction to what went on in the '60s and '70s, the clamping on of all kinds of constraints to remove some of the excesses which existed in the past. The trouble is that you apply pressure and the liquid comes out and you squeeze it tighter and finally the blood starts coming out, and after a while you are left with a solid mass that really you have to chip away. Once chipped away then you are left with less than you had to start with.

This is in fact what we are finding at the University of Manitoba. We find that over the years, although the support has in fact, in terms of dollars—I mean, if you look at it, it is a lot of money but really not very good in terms of what it should have been. The result is that the university is falling apart.

Anybody who would care to visit me in my office I would be very happy to show them. In fact, I would enjoy it, and I invite you to do so, to call me up. The number is 474-9535. You can call me at the university, leave a message. I will show you the places where the water comes down from the sixth floor right on top of the Xerox machine. I will also show you the window in my office that is so filthy I cannot even see out of it. I bought an extension squeegee so I could go outside just to lean over this window so I could clean so I could see something. Unfortunately, this was not possible, because this was against union rules, and so on and so on.

These are small points, and I really am voicing more like a list of things.

These funding decreases have amounted to the point where really they are impeding the work that we are supposed to deliver.

Quoting from my point form presentation that you have, dilapidated buildings at every turn—wherever you go in the university, you have a problem. There is near zero maintenance at any level. Hopeless conditions of many teaching classrooms, and please, I am speaking mainly from the Faculty of Engineering's perspective. For example, how would you like to sit in the back row where you are right now—assume this to be the back row, and the front row is over there—the blackboard, and the overhead projector with a 4- by 5-foot screen or, possibly if you are really well off, it is a 5-foot by 6-foot screen with an overhead projector that is not oriented correctly but projects this idiotic wedge image which nobody can read at that distance? Not only that, but it is inclined incorrectly so that only the people close to it can read. The windows are such that they cannot be protected from the sunlight, so you cannot see anyway. Those are the conditions that we have to work in. This is how we are supposed to transmit advanced technological information.

We are supposed to be the leading edge. I could not even deliver—I was ashamed last year; I could not teach something called simulation using computer simulation languages. I could not do this to my students because I had no computer to show it to them on. The university provides me not a single cent to buy equipment to teach students with. I went out and I bought the stuff with my money. Now I have a good computer in my office, but it is mine.

Some random examples of the above, I have just listed them here, and then I have some other points. Many classrooms cannot be used for computerized instruction or effective audiovisual presentations because of poor light control. Practically no money is available for modern teaching equipment. I mean, if we are supposed to be in a technological society, unfortunately, because I have some reservations about that myself, even though I am in engineering, we should have the capability of teaching in a modern fashion this very complex material which really is not suitable for old-style blackboard presentation as I

used to be faced with back in the '60s at McGill University.

There is no assistance whatsoever to new staff members regarding the establishment of their teaching environment and research environment. If you were Versatile Farm Equipment Corporation, and if you bought a half-a-million dollar milling machine, would you consider at least providing some oil and the appropriate electricity and maybe appropriate foundations to support that milling machine so that it could work correctly? Do you not think that a half-a-million-dollar professor, or maybe it is a cheapie, a quarter-million-dollar professor, because that is what it costs to produce one—do you not think he deserves something to deliver the work quality that he is expected to deliver? This stuff does not exist. Do you know how much money is available for upgrading professors and travel? Absolutely mind boggling. It might possibly get me to Brandon and return as long as I do not spend overnight.

There is no money for supplies. Believe it or not, in the Department of Mechanical Industrial Engineering last year, there was no money for paper clips, no money for pens, no money for pencils, no money for paper and no money for overhead transparencies. I bought them myself from Canon supplies. No money for desks or chairs, in fact, the chair I sit on, I purchased, in my office. There is no money for teaching research assistants. This was mentioned partly by my predecessor here. That is an extremely important component both for the training and for the funding of graduate students.

There are very few research scholarships at the University of Manitoba. There is very little funding for that. We now accept no student that does not come with his own money. What does this do? This significantly discriminates against our Canadian students, against our own graduates. Because what happens, a lot of foreign students come with international agency support, into ILO, CIDA, commonwealth scholarships and so on. All you have to do is walk into our universities and take a look who the graduate students are, whom exactly are we training. If we do not get the money to support this, somehow or other I think we are going down the garden path a little bit. I find it rather strange to talk like this, because I myself, I suppose, came from somewhere else to be trained in a certain way, so there is a give and take to this.

The six days that have been removed from us, I do not complain about the reduction of my salary. I am willing to take, in a certain way, a sacrifice if society demands it. I would like this to be spread equally though, not just taken by myself or a few in the same boat that I am. However, what bothers me is that the six days that have been removed from me, have been removed from my preparation time, have been removed from my study time, have been removed from my research time which first of all degrades the—hopefully it does not, but it will impact the quality of presentation of my lectures. Furthermore, it significantly impacts my capabilities as a researcher to do work which will bring in money.

\* (1740)

You may know, or may not know, that in fact the academic staff at the University of Manitoba brings in practically the same amount of money from outside the province that is funded by the Province of Manitoba. If I cannot do the work, I will get no money. I will not be able to buy the chair I am sitting on. I will not be able to buy the equipment that the university does not buy for us.

On a slightly more personal level, which I had not thought of before I came here, I am depressed by the fact that even—what was it, yesterday or the day before?—there was an announcement made of a reduction in home care funding, which is all part of the same phenomenon. I understand that there is only so much in a pocket, and how to distribute it is a problem.

You know, I have been doing everything that I can to keep my 89-year-old father in his own home on Bannerman Avenue in north Winnipeg—89 years old. The man walks like an old-style European with a little cane, carefully. I bought him that little thing at the bottom which keeps him from sliding on ice. We care about the elderly of our society. That is my upbringing, a more European upbringing.

However, if the home care, which I see being required in the very near future, because you know, 90 is coming up, 91, 92, how much can you expect? I would like to keep him away from the institutionalized care as long as I possibly can do it. Is that not a much smarter way to assist me to keep him there rather than paying enormous amounts of money to some institution? I just do not understand this. Just plain simple logic would say,

hey, if this thing costs 20 bucks and this thing costs a hundred, let us get this 20 one. What I am saying is I think Bill 22 seems to be part of an overall degenerative societal trend and that bothers me.

I could go on and on about courses which have not been put on because we cannot afford to, about courses which have been cancelled because we cannot afford to, about laboratories which have been collapsed into something meaningless because we cannot afford to do what we can. It is forever. Basically, it is simply a statement from my point of view as to the real impact of what is going on right now. That is the end of my presentation.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Hawaleshka.

**Mr. Manness:** Sir, do you believe everything you read? I have to ask you that in the sense of bringing up the issue on home care. We have increased spending on that from \$32 million to \$64 million in five budgets. I do not know what interpretation Manitobans have taken out of the front-page article, but, yes, we will be asking those that have the ability to pay to make some greater contribution to some of the services that are provided.

People say, well, why are you bringing in Bill 22; what are you going to do with the savings; what are you going to do with the savings you find here and anywhere else. I can tell you that almost all of those savings are being directed in some fashion into the maintenance of the health care system that we have.

I know Ms. Wasylycia-Leis is not going to agree with me, but \$32 million to \$64 million in the space of five budgets, sir, because we believe exactly what you say. I have a 94-year-old great-aunt and a 98-year-old great-aunt who are also trying to do—

**Mr. Hawaleshka:** You are up on me on that one.

**Mr. Manness:** These are great-aunts that are trying to maintain their lifestyle within their own places.

I want to ask you more specifically a question on university. Ms. Friesen is here. She has looked at the numbers. I cannot remember, although I put them together. We turned over to the Universities Grants Commission 200-and-some million dollars. It is divided amongst three universities who ultimately decide, in their list of priorities, how it is that the department or indeed the Faculty of

Engineering is going to be treated vis-à-vis all the others.

We have very little if any, and I would state, no impact or influence on how the university administration decides how it is they are going to parcel out that finite resource. I can tell you there was a government before us that sold all the university buildings off. I had to go get them back. It cost me \$20 million in capital gains tax to bring them back just so we can say we own them again. I guess my question is: Was that a right move?

**Mr. Hawaleshka:** Well, of course it was the right move to invite them back. However, first of all, I do not believe everything I read, to start off with, to answer you first thing here. On the other hand, based on the past of what I see, if I smell smoke and if I see smoke and when something is going on, I am worried about a fire. I am here, really, mainly because I am worried.

I appreciate your position thoroughly, I think, and I feel sorry for you in having to make these decisions. All I really want to point out is that there may come a point—I do not know—where sometimes some difficult things have to be chosen, and you may select whatever you may wish, because you people are in charge. My job is to point out things that worry me, and that is what I have done really.

As far as the university is concerned and the distribution of the funds that the government allocates, I could speak on that as well. But that is not the place at the moment, there is another forum for that.

**Mr. Manness:** Sir, I too worry, and that is exactly the reason why Bill 22 has come forward, because some people here—I guess when people ask me what is it that I have learned, the most overriding aspect of what I have learned over the course of several sittings, I would say, well, I guess what I have learned the most is that the majority of presenters who have come here, and I do not know whether they reflect the majority view of Manitoba society or not, are less willing to share, take a little bit less so as to maintain employment levels.

Sir, you have said exactly the opposite. You said you are prepared to take a little bit less, if you could see indeed where it was going to lead. That was the essence of Bill 22, because without it, I would have been forced to throw out, not now 500 positions because the vacant positions are just

about gone in government, but indeed 500-600 people. We chose not to do that.

What we chose instead was to ask everybody to take a little bit less, so that we could safeguard those positions. I ask you, is that not a fair approach to the whole problem that we find ourselves fiscally?

**Mr. Hawaleshka:** If you ask a question like this, one can say that society might want to accept a sacrifice for the good of the whole. On the other hand, there may have to be a change in the redirecting of priorities. One cannot carry on certain things forever in the same fashion. Things are changing very rapidly, and certain things that may be done by government maybe should be dropped altogether.

What worries me is that every time I hear a government minister, or for that matter anybody in any kind of a governmental structure, standing up saying, man, we really have to worry about our youth; we really have to keep them off the streets; we have to educate them for the future; we have to retrain them. We have to get them into the 21st Century and make sure that we are prepared for that international competitiveness and make sure that we have to beat the Mexicans, hopefully not because of lower salaries, but at least because we are able to do things better.

In order to do things better, we have to know something. We have to train them. As far as, and I believe that right now, the way the financing is being done, it inhibits our abilities to train and educate people for the very things that we would like them to do.

**Mr. Chairperson:** Thank you very, very much for your presentation, Mr. Hawaleshka. Your time is expired.

I will now call one more, Mr. Michael Gidora.

Since all presenters have been heard, and no other members of the public have registered to speak before Bill 22, this committee will adjourn this evening and resume on Monday, July 5, to begin clause-by-clause consideration of Bill 22.

\* (1750)

The time being 5:50 p.m., committee rise.

**COMMITTEE ROSE AT: 5:50 p.m.**

### WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

To the hearings committee on Bill 22—good evening.

My name is Diane O'Neil and I am here tonight as a member of the Canadian Union of Education Workers, Local 9, University of Manitoba. As a working student and single parent, I fall into a number of categories of people negatively affected by this particular piece of legislation.

I will address my greatest concern with Bill 22, that is, the way in which our thinking about society and social support will be radically altered. This bill creates a new category of working people, a category of people working full time yet compelled to stay home without pay, the Bill 22 people. Contrast this with the existing categories of working and nonworking people receiving social support payments such as UIC, welfare or welfare supplements, pensions and other income supplements, the social supported people.

Bill 22 then acts to highlight the contrast between those working people now staying home without work and without pay versus nonworking people staying home without work and with pay, social support pay. Bill 22 creates this "working people" category through legislation, highlights it, then attacks it by depriving its members of work and pay. It is the nature of the work that is particularly troubling.

Our Bill 22 people are mainly concerned with the delivery of service to members within society. This legislation imposes a reduction in the delivery of service to clientele consisting of children, students, families, the sick, the elderly and the dependent. Thus, our deliverers of services—our teachers, social workers, doctors, nurses and civil servants—are compelled to turn their backs on the needs and suffering of society.

Bill 22 becomes then an assault on the mind and body of society. It reaches in and squeezes with an invisible hand. The professional, educated middle class is forced to retaliate by consolidating its resources and energy, making these presentations here tonight, for example, and the weakest in society are left vulnerable and undefended.

By assailing our middle class, the very foundation of social support they represent is undermined. Bill 22 is a direct hit into the line of

defense between the right of social support versus privilege. By attacking the defenders of this right, recipients become the casualties and the support structure is dangerously weakened. Strategically this is a brilliant tactic. Attacking the social supporters becomes the means by which social support/social programming is eroded. The socially supported are casualties by default.

Think about the possibilities. As highly trained, well-educated professional people become restricted in their profession and their pay cheque, as we are continually bombarded with the message "we cannot support the luxury of social programs," as neighbours begin to see their own tax dollar

supporting their neighbours' UIC or welfare or disability pension, as increasing numbers of people come to accept cutbacks to education, health and social welfare as inevitable and as more and more people become the vulnerable and undefended, anger and bitter frustration will increasingly be directed at the weak rather than at the people who have introduced this particularly nasty piece of legislation.

Morally and ethically, this is reprehensible. So my biggest problem with Bill 22 is the way it messes with our minds as well as our lives.

Diane O'Neil and Sahra O'Neil, Private Citizens