



First Session - Thirty-Seventh Legislature

of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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Speaker*



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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Seventh Legislature**

| Member                  | Constituency       | Political Affiliation |
|-------------------------|--------------------|-----------------------|
| AGLUGUB, Cris           | The Maples         | N.D.P.                |
| ALLAN, Nancy            | St. Vital          | N.D.P.                |
| ASHTON, Steve, Hon.     | Thompson           | N.D.P.                |
| ASPER, Linda            | Riel               | N.D.P.                |
| BARRETT, Becky, Hon.    | Inkster            | N.D.P.                |
| CALDWELL, Drew, Hon.    | Brandon East       | N.D.P.                |
| CERILLI, Marianne       | Radisson           | N.D.P.                |
| CHOMIAK, Dave, Hon.     | Kildonan           | N.D.P.                |
| CUMMINGS, Glen          | Ste. Rose          | P.C.                  |
| DACQUAY, Louise         | Seine River        | P.C.                  |
| DERKACH, Leonard        | Russell            | P.C.                  |
| DEWAR, Gregory          | Selkirk            | N.D.P.                |
| DOER, Gary, Hon.        | Concordia          | N.D.P.                |
| DRIEDGER, Myrna         | Charleswood        | P.C.                  |
| DYCK, Peter             | Pembina            | P.C.                  |
| ENNS, Harry             | Lakeside           | P.C.                  |
| FAURSCHOU, David        | Portage la Prairie | P.C.                  |
| FILMON, Gary            | Tuxedo             | P.C.                  |
| FRIESEN, Jean, Hon.     | Wolseley           | N.D.P.                |
| GERRARD, Jon, Hon.      | River Heights      | Lib.                  |
| GILLESHAMMER, Harold    | Minnedosa          | P.C.                  |
| HELWER, Edward          | Gimli              | P.C.                  |
| HICKES, George          | Point Douglas      | N.D.P.                |
| JENNISSEN, Gerard       | Flin Flon          | N.D.P.                |
| KORZENIOWSKI, Bonnie    | St. James          | N.D.P.                |
| LATHLIN, Oscar, Hon.    | The Pas            | N.D.P.                |
| LAURENDEAU, Marcel      | St. Norbert        | P.C.                  |
| LEMIEUX, Ron, Hon.      | La Verendrye       | N.D.P.                |
| LOEWEN, John            | Fort Whyte         | P.C.                  |
| MACKINTOSH, Gord, Hon.  | St. Johns          | N.D.P.                |
| MAGUIRE, Larry          | Arthur-Virden      | P.C.                  |
| MALOWAY, Jim            | Elmwood            | N.D.P.                |
| MARTINDALE, Doug        | Burrows            | N.D.P.                |
| McGIFFORD, Diane, Hon.  | Lord Roberts       | N.D.P.                |
| MIHYCHUK, MaryAnn, Hon. | Minto              | N.D.P.                |
| MITCHELSON, Bonnie      | River East         | P.C.                  |
| NEVAKSHONOFF, Tom       | Interlake          | N.D.P.                |
| PENNER, Jack            | Emerson            | P.C.                  |
| PENNER, Jim             | Steinbach          | P.C.                  |
| PITURA, Frank           | Morris             | P.C.                  |
| PRAZNIK, Darren         | Lac du Bonnet      | P.C.                  |
| REID, Daryl             | Transcona          | N.D.P.                |
| REIMER, Jack            | Southdale          | P.C.                  |
| ROBINSON, Eric, Hon.    | Rupertsland        | N.D.P.                |
| ROCAN, Denis            | Carman             | P.C.                  |
| RONDEAU, Jim            | Assiniboia         | N.D.P.                |
| SALE, Tim, Hon.         | Fort Rouge         | N.D.P.                |
| SANTOS, Conrad          | Wellington         | N.D.P.                |
| SHELLENBERG, Harry      | Rossmere           | N.D.P.                |
| SCHULER, Ron            | Springfield        | P.C.                  |
| SELINGER, Greg, Hon.    | St. Boniface       | N.D.P.                |
| SMITH, Joy              | Fort Garry         | P.C.                  |
| SMITH, Scott            | Brandon West       | N.D.P.                |
| STEFANSON, Eric         | Kirkfield Park     | P.C.                  |
| STRUTHERS, Stan         | Dauphin-Roblin     | N.D.P.                |
| TWEED, Mervin           | Turtle Mountain    | P.C.                  |
| WOWCHUK, Rosann, Hon.   | Swan River         | N.D.P.                |

## LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, August 14, 2000

The House met at 1:30 p.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### PRESENTING PETITIONS

#### Bill 12—The Public Schools Amendment Act

**Mr. Peter Dyck (Pembina):** Mr. Speaker, I beg to present the petition of Mary Martens, Bill Martens, Roxanne Clark and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

**Mr. Jim Penner (Steinbach):** I beg to present the petition of Esther Giesbrecht, Irma Bergen, Ida Doerksen and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

**Mr. Edward Helwer (Gimli):** Mr. Speaker, I beg to present the petition of Peter Plett, Melvin Penner, Raymond Reimer and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

**Mr. Denis Rocan (Carman):** Mr. Speaker, I beg to present the petition of Ernie Kroeker, Helen Kroeker, Brenda Kroeker and others praying that the Legislative Assembly of Manitoba request the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

**Mr. Ron Schuler (Springfield):** Mr. Speaker, I beg to present the petition of Melody Jones, Iva Skibitzky, Wendy Levasseur and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and

Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

**Mr. Harry Enns (Lakeside):** Mr. Speaker, I beg to present the petition of Cynthia Horst, Dawn Muir, Debbie Wimmer and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

**Mr. Frank Pitura (Morris):** Mr. Speaker, I beg to present the petition of Ray Waldner, Doug Eiose, Pat Friesen and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

**Mr. David Faurschou (Portage la Prairie):** Mr. Speaker, I beg to present the petition of Edna Wiebe, Lavina Wiebe, Kathleen Grift and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

**Mr. Jack Penner (Emerson):** Mr. Speaker, I beg to present the petition of Maas van Velthuisen, Cora van Velthuisen, W. van Velthuisen and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

### READING AND RECEIVING PETITIONS

#### Bill 12—The Public Schools Amendment Act

**Mr. Speaker:** The Honourable Member for Fort Garry (Mrs. Smith). I have reviewed the petition. It complies with the rules and practices of the House. Is it the will of the House to have the petition read? *[Agreed]*

Will the Clerk please read.

**Madam Clerk (Patricia Chaychuk):** To the Legislature of the Province of Manitoba.

The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

THAT the home-school organizations have not been consulted regarding the best method of facilitating the freedom and effectiveness of home-school families; and

THAT new policies and regulations have already come into existence with the apparent anticipation of Bill 12 being passed, which home educators find to be intrusive and intimidating in nature and which potentially reduces the freedoms of home-school parents; and

THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

\* (13:35)

**Mr. Speaker:** The Honourable Member for Steinbach (Mr. Jim Penner). I have reviewed the petition. It complies with the rules and practices of the House. Is it the will of the House to have the petition read? *[Agreed]*

Will the Clerk please read.

**Madam Clerk:** To the Legislature of the Province of Manitoba.

The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

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THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

**Mr. Speaker:** The Honourable Member for Portage la Prairie (Mr. Fauschou). I have reviewed the petition. It complies with the rules and practices of the House. Is it the will of the House to have the petition read? *[Agreed]*

Will the Clerk please read.

**Madam Clerk:** To the Legislature of the Province of Manitoba.

The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

THAT the home-school organizations have not been consulted regarding the best method of facilitating the freedom and effectiveness of home-school families; and

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THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

**Mr. Speaker:** The Honourable Member for Morris (Mr. Pitura). I have reviewed the petition. It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense.

*The petition of the undersigned citizens of the province of Manitoba humbly sheweth:*

*THAT home education is a viable alternative to public education; and*

*THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and*

*THAT the convictions of parents/guardians are not recognized and openly supported; and*

*THAT the home-school organizations have not been consulted regarding the best method of facilitating the freedom and effectiveness of home-school families; and*

*THAT new policies and regulations have already come into existence with the apparent anticipation of Bill 12 being passed, which home educators find to be intrusive and intimidating in nature and which potentially reduces the freedoms of home-school parents; and*

*THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.*

*WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.*

**Mr. Speaker:** The Honourable Member for Gimli (Mr. Helwer). I have reviewed the petition. It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

**Some Honourable Members:** Dispense.

**An Honourable Member:** Read.

**Mr. Speaker:** Will the Clerk please read.

**Madam Clerk:** To the Legislature of the Province of Manitoba.

The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

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THAT new policies and regulations have already come into existence with the apparent anticipation of Bill 12 being passed, which home

educators find to be intrusive and intimidating in nature and which potentially reduces the freedoms of home-school parents; and

THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

\* (13:40)

**Mr. Speaker:** The Honourable Member for Pembina (Mr. Dyck). I have reviewed the petition, and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

**An Honourable Member:** Dispense.

*The petition of the undersigned citizens of the province of Manitoba humbly sheweth:*

*THAT home education is a viable alternative to public education; and*

*THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and*

*THAT the convictions of parents/guardians are not recognized and openly supported; and*

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*THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.*

*WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.*

**Mr. Speaker:** The Honourable Member for Lakeside (Mr. Enns). I have reviewed the petition, and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

**An Honourable Member:** Dispense.

*The petition of the undersigned citizens of the province of Manitoba humbly sheweth:*

*THAT home education is a viable alternative to public education; and*

*THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and*

*THAT the convictions of parents/guardians are not recognized and openly supported; and*

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*THAT new policies and regulations have already come into existence with the apparent anticipation of Bill 12 being passed, which home educators find to be intrusive and intimidating in nature and which potentially reduces the freedoms of home-school parents; and*

*THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.*

*WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act*

**Mr. Speaker:** The Honourable Member for Springfield (Mr. Schuler). I have reviewed the petition. It complies with the rules and practices

of the House. Is it the will of the House to have the petition read?

**An Honourable Member:** Dispense.

*The petition of the undersigned citizens of the province of Manitoba humbly sheweth:*

*THAT home education is a viable alternative to public education; and*

*THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and*

*THAT the convictions of parents/guardians are not recognized and openly supported; and*

*THAT the home-school organizations have not been consulted regarding the best method of facilitating the freedom and effectiveness of home-school families; and*

*THAT new policies and regulations have already come into existence with the apparent anticipation of Bill 12 being passed, which home educators find to be intrusive and intimidating in nature and which potentially reduces the freedoms of home-school parents; and*

*THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.*

*WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.*

**Mr. Speaker:** The Honourable Member for Carman (Mr. Rocan). I have reviewed the petition, and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

**An Honourable Member:** Dispense.

*The petition of the undersigned citizens of the province of Manitoba humbly sheweth:*

*THAT home education is a viable alternative to public education; and*

*THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and*

*THAT the convictions of parents/guardians are not recognized and openly supported; and*

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*THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.*

*WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.*

## MINISTERIAL STATEMENTS

### First Ministers' Conference Health Care Communiqué

**Hon. Gary Doer (Premier):** I have a statement for the House, Mr. Speaker.

I would like to table the communiqués and other documents which were released during last week's annual Premiers' Conference. The first and foremost of the communiqués covered the premiers' consensus commitment to our citizens on health. We believe that document will serve as a strong and clear statement of our joint position as we head into next month's First Ministers' meeting with the Prime Minister. The communiqué sets out our overall commitment to publicly funded and accessible medicare and to the principles of universality, comprehensiveness, portability and public administration.

Our health action plan outlines our joint vision for the future, the priorities for action on

renewal and innovation, our proposals for sustaining health care services through the full restoration of the CHST, and an appropriate escalator along with sections on clear accountability reporting to citizens and working together through improved co-operation.

Full restoration of the CHST will also be important for post-secondary institutions. The premiers released communiqués on progress on social policy renewal, early childhood development, infrastructure and transportation, airline restructuring, agriculture and agricultural trade, environmental issues and northern economic development.

We also issued a very important statement on fiscal imbalance along with a paper prepared as a follow-up to the Western Premiers' Conference in Brandon earlier this year. I want to thank all Manitobans and the people of Winnipeg for contributing to the overwhelming success of the 2000 APC and showcasing our province and our city. Thank you, Mr. Speaker.

**Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition):** Mr. Speaker, I want to thank the Premier (Mr. Doer) for his statement and want to indicate that I hope that all who visited Manitoba had an opportunity to see what we had to offer. I believe that the weather co-operated in a very significant way to making our visitors very welcome, and I know the hospitality and the warmth of Manitobans would be something that they would take home as a good memory of the trip.

I understand there were long discussions and deliberations around the issues of health care and certainly some concern that there might not be a consensus among premiers on what should move forward to the Prime Minister and the federal level. I know that when we were in government it was certainly an issue when the federal government reduced transfers for health and post-secondary education to the Canada Health and Social Transfer. We called very strongly on the federal government to restore that funding that was so very important, and we went through some very difficult times not only in Manitoba but right across the country as a result of those reductions.

Mr. Speaker, it is interesting to note that this government certainly seems to be more focussed on the federal government and the restoration of the funding today now that it is in government than it was when it was in opposition. We saw time and time again this government, who was then in opposition, certainly indicating that all Manitobans had to do was elect them and they would fix the issues in health care. They did not need federal help, they did not need any help; just elect us and we will do it. Well, we are certainly seeing that that—

\* (13:45)

**Mr. Speaker:** Order. I regret to interrupt the Honourable Member, but *Beauchesne's* Citation 351 indicates that the Speaker limits the Opposition's reply to a period not to exceed the time taken by the Minister. I note the Honourable Member's comments are now considerably longer than those of the Minister, and I would ask the Honourable Member to please conclude your comments.

**Mrs. Mitchelson:** Thank you very much, Mr. Speaker. I will conclude by saying there is much more I could say, but I thought that maybe when the Premier stood up to make a statement he might indicate that he was withdrawing Bill 44. Thank you.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I ask for leave to comment on the Minister's statement.

**Mr. Speaker:** Does the Honourable Member have leave? [*Agreed*]

**Mr. Gerrard:** Mr. Speaker, I welcome the statement of the Premier (Mr. Doer) and the positive outcome from the Premiers' Conference. I was disappointed that the Premier did not, with the other premiers, focus at least as much on the cost of health care and making sure that we are going to have sustainable health care as requests for more money to go on spending and spending.

I was disappointed that in the Premier's communiqué the environment did not get more than two words. Quite frankly, the environment is critical to health care. It is the basis or one of the bases for improving health care. Investments

in the environment can save on the burden of environmental illness, increase the well-being of our citizens and decrease the costs of health care, and should have deserved better than the Premier gave it.

With those comments, I do think that there were some positive things and certainly a very good Manitoba welcome for the premiers who came here. Thank you, Mr. Speaker.

### TABLING OF REPORTS

**Hon. Greg Selinger (Minister of Finance):** I would like to table the Preliminary Financial Report for the year ended March 31, 2000.

#### Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us today members of the Home Schoolers of Manitoba. This group is a guest of the Honourable Member for Fort Garry (Mrs. Smith).

On behalf of all honourable members, I welcome you here today.

### ORAL QUESTION PERIOD

#### Labour Relations Act Amendments—Economic Impact

**Mr. Ron Schuler (Springfield):** Mr. Speaker, in the past weeks, both the Premier (Mr. Doer) and the Minister of Labour (Ms. Barrett) have stated that the purpose of Bill 44 was supposed to improve the labour relations climate in Manitoba, yet newspaper ads and scathing editorials have shown Bill 44 has accomplished the exact opposite.

Mr. Speaker, I would like to ask the Minister of Industry and Trade (Ms. Mihychuk): Of what benefit is it to our economy to pit business and the labour movement against each other?

**Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines):** Mr. Speaker, the purpose of Bill 44 is to provide more balance to the labour relations climate in Manitoba, one

that will be successful both for workers and businesses to succeed here in our province.

#### Amendments—Withdrawal

**Mr. Ron Schuler (Springfield):** Mr. Speaker, will the same minister break her silence, stand up for Manitoba's entrepreneurial spirit and call on her colleagues to withdraw Bill 44 to determine if it can withstand serious critique?

**Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines):** Mr. Speaker, Bill 44 finally restores some of the equality that was taken away by the previous government. It is about time that the pendulum swung to the middle. Is business totally satisfied with Bill 44? Obviously not. We are moving into committee, we are willing to listen, and we will present a bill that is good for all Manitobans.

**Mr. Schuler:** Mr. Speaker, does the Minister of Industry and Trade believe that terms such as "lunatic fringe" help to do anything but create animosity? Will the Minister now ask her colleagues to simply kill the Bill?

\* (13:50)

**Ms. Mihychuk:** Heated exchanges, when it comes to something that is very important to both parties, are natural. It is unfortunate that sometimes parties will go and use terms that will heat and inflame the exchange. I think that could be said for both sides in this situation, Mr. Speaker. We are looking forward to moving the Bill into committee, hearing from the public and presenting a good bill for Manitobans.

#### Labour Relations Act Amendments—Impact on Labour Relations

**Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition):** Over the last few weeks, several weeks, since the introduction of Bill 44, we have seen this Premier (Mr. Doer) and this NDP Government pit labour against business in this province in a way that we have never seen this happen before, Mr. Speaker. The Premier said that Bill 44 was going to improve labour relations, but nothing could be further from the truth. The Premier has shown very

much a lack of leadership, a lack of common sense and a lack of good decision making.

I would like to quote from a letter that we received, among many letters that we received, about Bill 44, and I quote: "We accept the right of employees to unionize, but find the removal of the democratic right to a secret ballot totally unacceptable and will govern our future actions based on that view of the balance or imbalance in the law."

Mr. Speaker, my question is for the Premier. Will he now admit that Bill 44 was a mistake and commit to Manitobans today to withdraw it?

**Hon. Gary Doer (Premier):** Mr. Speaker, seven of the provisions in the Bill have had consensus. There are three areas that have not received a consensus between business and labour. We are listening to all Manitobans, all Manitobans, on ensuring that we can proceed into the future in a fair and balanced way. We have said in the House before that if any provisions of the law tilt the balance, we are willing to listen to positive alternatives.

We believe that we saw disputes on labour relations legislation in '92. We saw a huge amount of advertising in '96. We are hoping that, by being flexible, as opposed to the inflexibility of members opposite in '96, we can have a rebalancing in an appropriate way.

#### **Amendments—Secret Ballots**

**Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition):** But I do not consider the taking away of the democratic right of employees to a secret ballot rebalancing. I believe many would consider it draconian.

I will go on to quote from that letter. It says: "Current labour law is already unbalanced in that unions are permitted to use any means, including intimidation and disinformation to gain signatures, yet the company is at risk simply by communicating with its employees in a manner that an external party can deem to have crossed some imaginary line."

Mr. Speaker, businesses are indicating there is already an imbalance towards the union side of our labour laws.

I ask the Premier again: Will he indicate why he believes they are putting more balance into labour law by taking away individuals' rights to a secret ballot on union certification?

**Hon. Gary Doer (Premier):** I am surprised the Member opposite would quote from a letter that basically said that their legislation was unbalanced. I found it curious. I imagine I have read the same letter from Mr. DeFehr. The allegation that was made in the letter was actually condemning the legislation the former members brought through in '96. Having said that—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

\* (13:55)

**Mr. Doer:** Thank you, Mr. Speaker. I believe that the existing Labour Relations Act, section 33, makes it illegal for actions that have been purported to take place or purports to take place in the letter.

#### **Amendments—Withdrawal**

**Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition):** So that the Premier does not leave wrong information on the record, I would like to table the letter from Palliser Furniture.

Given that the letter says, "As Premier, you have the opportunity to provide leadership in matter of policy and legislation on behalf of all citizens. If this legislation is really required and will benefit the Province and the majority of its citizens, then the introduction and passage in a hurry and during the summer is not evidence of leadership or conviction. I add my voice to others and request that you set this legislation aside to determine if it can withstand a serious analysis and critique."

My question for the Premier is: Do he and Rob Hilliard consider Palliser Furniture part of the "lunatic fringe" that they have referred to?

**Hon. Gary Doer (Premier):** I certainly know the DeFehr family. I met with Mr. DeFehr on a number of occasions both in opposition about labour laws, and he raised the issue of labour law when we were first elected. He raised the issue of a wood supply that he could not get from Manitoba. He raised the issue of expanding his operations, long before the labour laws were suggested, in Mexico and Asia, which has been confirmed by the media. He raised the issue of the Mennonite college and university.

In a number of these areas, we have worked very co-operatively with the DeFehr family. He is a very, very skilled businessperson and a very strong negotiator. As I say, I have a lot of respect for Mr. DeFehr. Sometimes we are able to agree with him on many of the positive suggestions. He had a suggestion about six months ago, again at the meeting, that we have some new ideas on immigration. We worked with Mr. DeFehr and Mr. Hawkins and Mr. Carr, with the Minister of Labour (Ms. Barrett) who is also responsible for immigration. We are now, as I understand it, having many meetings with the federal minister to deal with a more improved immigration policy, so there are areas where we are working in a very co-operative way. As I understand it, Mr. DeFehr is, has been in the past when we were in Opposition, and remains worried about his organization becoming unionized, but as I understand it, the three or four times that there have been attempts to have an organizing drive there, none of these attempts reached the 40% threshold.

**Mr. Speaker:** The Honourable Interim Leader of the Official Opposition, on a new question.

**Mrs. Mitchelson:** Mr. Speaker, the Premier talked around in circles and certainly did not address the issue that Mr. DeFehr wrote this letter about, and that was about Bill 44 and the impact that it is going to have on one of the largest employers in the province of Manitoba. Palliser Furniture employs over 3700 people. They have increased their workforce by over 1400 employees since 1996 and over 300 just in this past year under current labour legislation.

\* (14:00)

Palliser Furniture have indicated that Bill 44 is going to have a negative impact on their desire to stay and create jobs and opportunities here in Manitoba. My direct question for the Premier is: What is he going to do? Is he going to table or set aside Bill 44 today, listen to Palliser Furniture and many other businesses in the province of Manitoba, and review this legislation before it is introduced for any passage in this House, before they make any changes to labour laws? Will he review what businesses are saying, what impact it will have on jobs and job creation, and not move ahead?

**Mr. Doer:** Mr. Speaker, I would, as I said, point out again to members opposite that under the labour laws that have been in place for a number of years, the 40% threshold has never been achieved. Secondly, I recall Mr. DeFehr opposing free trade with the United States because it would have a devastating impact on his business. Mr. DeFehr is a very capable, skillful businessperson. He is a very strong negotiator. He is making his opinions known to the Government, to the people, which I respect. Having said that, all the predictions sometimes from people, all of us, do not necessarily flow. The predictions about the impact on free trade did not take into account the lower dollar. The lower dollar has resulted in that company expanding remarkably over the last 10 years.

I believe that the quality of our workforce, the education of our workforce, the immigration policies that we are working on, the total balance, will continue to allow all people to do well in Manitoba, and we mean all people, owners of companies and workers of companies.

**Mrs. Mitchelson:** In conversations with Art DeFehr, he indicates that it is extremely foolish for this government to move ahead, to pay back their union friends at the expense of creating jobs and improving the economic circumstances of our province.

Mr. Speaker, my direct question, again, for the Premier is: Will he withdraw Bill 44 and ensure that there are meaningful consultations in

Manitoba before there are any changes to our labour laws?

**Mr. Doer:** Mr. Speaker, members opposite, a couple of months ago, were making claims about the Budget, and since the Budget has been released, there have been comments after comments after comments from independent sources indicating that the balance of investment in Health, Education and Training, particularly in our economy, and the tax reductions that have been made in the Budget will help the Manitoba economy. One of the quotes was: After a sluggish '99, Manitoba will see stronger growth of wages and salaries in the medium time. This will combine with federal and provincial income tax cuts to increase disposable income by 5 percent and 4 percent in the year 2001.

That is the positive development that is coming through. With members opposite, the sky-is-falling scenario that they released in terms of the Budget has not been true. We believe, by rebalancing, the situation in Manitoba will have the advantages of increased investment and more disposable income for average families in Manitoba who will buy their products in this province.

**Mrs. Mitchelson:** It is interesting to note that the good news in Manitoba is a result of many years of balanced labour laws and balanced budgets in this province of Manitoba.

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Mrs. Mitchelson:** Thank you very much, Mr. Speaker. Those comments were written based on the labour laws that are in place presently in the province of Manitoba.

Mr. Speaker, again to the Premier: Because we see a hidebound ideology by this government that is very focussed on payback to their political supporters and not on what is in the best interests of the province of Manitoba, I again will quote from the letter from Palliser that says: "I am personally saddened in that this legislation will undoubtedly cause us to act in a manner that is designed to protect our business and to ensure alternatives – actions that may not be to the

benefit of the province, the community or potential Manitoba employees."

Mr. Speaker, again, I would ask the Premier to withdraw this bill, kill the Bill, and ensure that Manitobans are consulted before any changes to labour law are implemented by this government.

**Hon. Becky Barrett (Minister of Labour):** Mr. Speaker, I had the pleasure of meeting with Mr. DeFehr on Friday morning after the Premier and I received his letter of concern about Bill 44. We had a frank and open discussion about his concerns, and the major part of his concern, as I understand it from my discussions with him, was that the majority wishes of his employees about unionization be respected. I assured him, and the Premier today has assured Mr. DeFehr and Manitobans as a whole, that the majority wishes of any employees will be respected. Unless you get at least 40 percent of the workers signing a union card, there is not going to be a vote, and unless you get 65 percent, there will not be a certification. In between there will be a vote, and in the events—the union drives that have taken place at Palliser in the past have not even gotten to the 40% mark.

We assured Mr. DeFehr that we, in the legislation that is in place now and in Bill 44, will continue to ensure that the wishes of the workers are met in fairness.

#### **Labour Relations Act Amendments—Impact on Business**

**Mr. John Loewen (Fort Whyte):** I spoke to Mr. DeFehr on the weekend, and what he wanted is a democratic, secret ballot. That is what he is asking for. In his letter, Mr. Speaker, he stated: "I am personally saddened that this legislation will undoubtedly cause us to act in a manner that is designed to protect our business and to ensure alternatives – actions that may not be to the benefit of the Province . . . ."

With almost 4000 employees in our province, 367 more today than at the start of this year, I would like to ask the Minister of Industry and Trade (Ms. Mihychuk): Why is she failing to do her job and represent the interests of Manitoba's business community by opposing this bill?

**Hon. Becky Barrett (Minister of Labour):** The former, former, former Minister of Labour, the current Member for Lac du Bonnet (Mr. Praznik), on May 13, 1992, during the discussion of Labour Relations Act changes in 1992, said in Hansard, where a significant number of people sign cards, that is a sufficient enough representation of the will of the majority of that bargaining unit to certify.

The management position was that there should be a secret ballot. We did not accept that. We accept the argument that was made by labour that where you have 70 percent-plus, 65-

\* (14:10)

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

#### Point of Order

**Mr. Darren Praznik (Lac du Bonnet):** If the current Minister of Labour is going to put on the record statements that I made, I would also ask her to put on the record the fact that I voted to give working people the democratic right with a secret ballot to choose their unions, and I stand by that.

**Mr. Speaker:** Order. The Honourable Government House Leader, on the same point of order.

**Hon. Gord Mackintosh (Government House Leader):** It was not a point of order, it was a point of embarrassment, significant embarrassment, of course, Mr. Speaker. It is well known to the Member that an interruption like that is terribly unparliamentary. There is no departure. The only thing that we note here, the embarrassment, is that they are flip-flopping on this one like bass in a boat.

**Mr. Speaker:** Order. The Honourable Official Opposition House Leader, on the same point of order.

**Mr. Marcel Laurendeau (Official Opposition House Leader):** On the same point of order, Mr. Speaker, *Beauchesne's* 417: "Answers to questions should be as brief as possible, deal

with the matter raised and should not provoke debate."

Mr. Speaker, if this honourable minister is going to be bringing forward quotes, then she should bring forward the entire motion and also speak about what the Minister stands for.

**Mr. Speaker:** On the point of order raised by the Honourable Member for Lac du Bonnet, he does not have a point of order. It is a dispute over the facts.

\* \* \*

**Ms. Barrett:** Mr. Speaker, I will continue my direct quotes from Hansard of May 13, 1992, by the then-Minister of Labour, the Member for Lac du Bonnet, when he said: We did not accept the management position, because we accepted the argument that was made by labour that where you have 70 percent-plus, 65 percent-plus of people signing cards, that is truly representative of the majority.

**Mr. Loewen:** Mr. Speaker, I would like to welcome the Minister of Labour back to the year 2000 where business is becoming increasingly mobile.

I would ask the Minister of Industry and Trade: In the year 2000, when business is as mobile as it is, why is this minister risking the loss of thousands of quality jobs for Manitobans who may become, and I quote from the same letter, "the unfortunate victims of your supposedly well-intentioned policy"? Why is she on that side?

**Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines):** Mr. Speaker, Manitoba's economy is flourishing. It continues to do so.

The forecasts for Manitoba's economic growth are higher than projected; the number of situations where businesses are coming forward with expansion plans are increasing dramatically.

Manitoba's business community has strong confidence in Manitoba's government and the future here in our province.

**Mr. Loewen:** Mr. Speaker, I would ask the Minister of Industry and Trade whether she will finally stand up and represent business, denounce this bill that threatens investment growth and job creation in Manitoba? Will she denounce it?

**Ms. Mihychuk:** I stand here trying to present a bill that is both balanced, that is good for workers and good for business, ultimately will be better for all Manitobans. We will all profit from this type of bill.

### **Labour Relations Act Amendments—Binding Arbitration**

**Mr. Darren Praznik (Lac du Bonnet):** Mr. Speaker, since the Minister of Labour is so fond of quoting my remarks as Minister of Labour in 1991, my question then is to the First Minister (Mr. Doer).

I would like to ask the First Minister: If he is so fond of taking my advice, why will he not accept all of my advice in 1991 and do away with his proposal for binding arbitration and return to free collective bargaining in this province, which working people have spent decades fighting for? Why is he giving that up?

I would like the Premier to answer. Is he afraid?

**Hon. Becky Barrett (Minister of Labour):** Mr. Speaker, the issue of binding arbitration which the Member is referring to is actually a misnomer. The alternate dispute resolution mechanism that is in Bill 44, and that has been in discussion with members of the business community, members of the labour community and individual citizens for several months now, is designed to enhance the collective bargaining process. It reflects only those very, very few cases where an intractable impasse has taken place, and it will enable either side to access the alternate dispute resolution mechanism. This will, we believe, have a strengthening of the labour relations climate because it will help those intractable disputes to come to resolution through the intervention, through the mediation and conciliation of a third party. It has been very successful in first contract legislation. We expect it to be at least successful here.

**Mr. Praznik:** Mr. Speaker, I would like to ask my supplementary to the First Minister, if he has the courage to answer. I want to ask the First Minister (Mr. Doer): If he believes what his Labour Minister said today about that mechanism being balanced, why then did he allow it to have a one-sided veto for labour? What kind of balance is that, Mr. Premier? Please answer.

**Ms. Barrett:** Mr. Speaker, we have listened to the concerns raised about the alternate dispute resolution mechanism trigger, if you will, and are preparing to make amendments in that regard when it goes to committee.

**Mr. Praznik:** Mr. Speaker, I want to ask the Minister of Labour, then, since she is announcing amendments today: Is it her intention in those amendments to propose that the veto be taken away from one side, and this will be a compulsory arbitration if either side requests it? Is that the essence of the amendments that she is proposing today?

\* (14:20)

**Ms. Barrett:** Mr. Speaker, the answer to the first section of that question is yes, we will be removing the ability of employees to vote on whether the alternate dispute mechanism goes to the Labour Board or not so that it can be just as it is in first contract legislation, accessed by either management or the workers. Then the process goes to the Labour Board, but it is not necessarily, as it is in first contract legislation, binding. The Labour Board has the determination to say to both sides you carry on and negotiate, just as in the first contract legislation. It has always been thus in the amendment to Bill 44. It has never been designed, nor does it say in the legislation that it will be binding. The opportunity is there for conciliation to take place, for mediation to take place, and for the Labour Board to determine when and if the situation is to the point where it cannot be mediated any longer.

### **Post-Secondary Education Capital Funding**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, on May 12 in this House the Minister

of Education said, in response to my question about the tragic circumstances of our post-secondary education institutions with their leaking buildings and huge capital deficit, that he would "aggressively address the capital deficit that exists within the system . . . ." Day after day has gone by, week after week, month after month, and no action. The Minister is a tame tiger. He has no aggression. He has no plan.

Will the Minister now admit that he has failed completely to deliver on one of the central promises he has made solemnly in this House?

**Hon. Drew Caldwell (Minister of Education and Training):** Of course not, Mr. Speaker.

**Mr. Gerrard:** Mr. Speaker, my supplementary. I ask the Minister again to admit that he has totally failed to deliver on his promise of many months ago, that he has displayed an incredible lack of incompetence in failing to address the leaking buildings and the crumbling infrastructure, and at the very least give us a date when he is going to deliver the long-term plan.

**Mr. Caldwell:** Mr. Speaker, I thank the Member for River Heights for noting my lack of incompetence in this regard. We are, of course, working very aggressively with our partners in the post-secondary sector to address the disaster, frankly, that is the legacy left by the members opposite in terms of capital infrastructure at universities.

#### **Minister of Education and Training Resignation Request**

**Hon. Jon Gerrard (River Heights):** My second supplementary to the Minister. I ask the Minister to admit to students who are planning their courses and their attendance at post-secondary education institutions this fall that he has failed the students of this province, including the home-school students. Will he now admit his failure and tender his resignation?

**Hon. Drew Caldwell (Minister of Education and Training):** I thank the Member for his comments because it gives me an opportunity right now to discuss the fact that in Manitoba there has never been a better time to be a student

in post-secondary community colleges of this province. We have bursary programs in this province for the first time in the better part of a decade, tuition cuts across the board to help students attend post-secondary institutions, a very aggressive program in partnership with the federal government with the Millennium Scholarship programs and student aid programs. This year is the best time for young Manitobans to return or attend post-secondary education institutions in the province of Manitoba.

#### **Foster Parents Government Support**

**Mr. Doug Martindale (Burrows):** Mr. Speaker, there are many dedicated Manitoba parents who are fostering children on behalf of our society, an invaluable labour of love. Due to decisions of the previous government, they are carrying on this difficult task without a supportive organization. Can the Minister of Family Services tell Manitobans, and especially foster parents, why and how our government is going to increase training, support and advocacy for foster parents?

**Hon. Tim Sale (Minister of Family Services and Housing):** Mr. Speaker, about 3700 children at any one time are in the care of Manitoba's 2350 foster families. Unfortunately, due to the actions of the previous government, those foster families have been without any kind of mentoring, training, support, respite, any kind of advocacy, any kind of representation when it comes to difficulties that foster parents frequently encounter.

Since October, when this government was elected, we have been working with a group of foster families to understand what would be the best form of an association that would best meet their needs. We have taken our time to do it right, because they have come to us and said: We do not want a top-down Province-imposed system. We want grass roots, locally based associations to be able to form a provincial association which will in turn then provide support to foster families.

I was delighted today to announce a \$45,000 grant to start this process. In the Estimates for next year, there will be some additional

resources to allow them to really become the effective advocates for foster families.

**Labour Relations Act  
Amendments—Secret Ballots**

**Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition):** Mr. Speaker, my question again is for the First Minister, for the Premier (Mr. Doer). I would like to ask the Premier what he is afraid of. If he believes that a sign-up by 65 percent of employees is good enough to unionize a workplace, what is he afraid of in removing the ability for the democratic process and a secret ballot for those employees? Is he afraid that the 65 percent is not going to stand up when people are given the opportunity to vote by secret ballot?

**Hon. Becky Barrett (Minister of Labour):** Mr. Speaker, we on this side of the House agree with the former Minister of Labour who, on May 13, 1992, in the House said: We accepted the argument that was made by labour that where you have 70 percent-plus, 65 percent-plus of people signing cards, that truly is representative of the majority.

Mr. Speaker, we have had some form of automatic certification in this province since 1947. For 50 years we have had some form of automatic certification in The Labour Relations Act in this province, in Manitoba. We are simply restoring that balance. There will be a vote if at least 40 percent of people sign up and under 65 percent. We are not getting rid of the secret ballot vote in those particular frameworks. That is the same framework that was in place from 1992 to 1996.

**Mrs. Mitchelson:** If that is the best this government has to offer is to go back to the past, there is serious concern. Workplaces like Palliser have legitimate concerns. When everyone is looking to move forward, the NDP Government today is still living in the past.

My question again for the Premier is: What is he afraid of? What are he and his government afraid of? If a 65% card sign-up cannot be supported and endorsed by a secret ballot, I think maybe this government should reconsider.

What is the Premier afraid of by not allowing individuals the democratic right to a secret ballot upon unionization of their workplace?

\* (14:30)

**Hon. Gary Doer (Premier):** Mr. Speaker, one has to hearken back to, I think it was Franklin Delano Roosevelt who said, the only thing we have to fear is the fear of fear itself. We do not have the fear of fear on our side. We have confidence. We have optimism. We have belief in working people and the owners.

I guess it is this week, the convention in Los Angeles, but we have a belief that a rising tide should lift all ships. That is what we are trying to do with balance in these labour laws proposed by my colleague.

**Labour Relations Act  
Amendments—Impact on Business**

**Mr. Jim Penner (Steinbach):** In a phone call this morning with the Canadian Council of Grocery Distributors representing about 17 000 Manitobans, they reminded us that over half of the overhead in retail grocery operations is devoted to payroll and benefits, a very important part of the grocery business.

I would like to ask the Minister: Is this bill going to encourage investors to sustain employment in Manitoba's retail food industry when they fear these changes greatly?

**Hon. Becky Barrett (Minister of Labour):** Mr. Speaker, I believe the group that was referenced in the question will be making a presentation before the public hearings, and we are looking quite forward to that beginning tonight. We expect that Bill 44, when it finally comes back from public hearings, when it comes back to the House as a whole, when it becomes the law of the province, will restore balance to the labour legislation in this province.

We expect that the outcome will be actually a better labour relations climate in the province of Manitoba. It will provide fairness and balance for both workers, who wish to join a union, for employers. It ensures that employers are still

protected, that union certification drives must be done off workplace premises, that there can be no intimidation on the part of either union members or management to workers so that workers will be able to freely decide individually if they wish to join a union.

**Mr. Speaker:** The time for Oral Questions has expired.

## MEMBERS' STATEMENTS

### Teen Stop Jeunesse

**Ms. Nancy Allan (St. Vital):** I would like to take this opportunity to congratulate Teen Stop Jeunesse, a drop-in centre for youth, in moving into their new home in St. Vital at 533 St. Anne's Road. Teen Stop Jeunesse has been providing service to youth in St. Vital for 20 years. Over 350 000 youth have passed through their doors at 215 Sterling Avenue. Patrick LeBlanc, the executive director, reports the expansion to a new home is in response to increased use of their facility. Their new centre will open this fall with expanded programming.

One of the most popular programs is the supper club, which will be expanded with a breakfast club sometime in November. The youth will make the meals, supper and breakfast, under the supervision of an adult. Through this program they learn the responsibility of cooking and cleaning up. One of the most successful programs during the school year is the homework program. Once the Teen Stop Jeunesse put in their computer labs with the Internet, their homework program tripled, complementing what the students do at school.

In 1999, the board of directors decided to give the youth more responsibility and the youth formed their own board of directors, enabling them to assume responsibility for organizing programs and activities. Teen Stop Jeunesse works in partnership with the St. Vital School Division and local day care centres as well as government and other agencies to provide services for youth.

Our government is proud to be contributing \$40,000 towards the centre's move in order to improve its services in the community. To quote

Patrick LeBlanc: There are no bad kids, just bad attitudes. Give them responsibility and they will turn their lives around. It is really impressive.

### Folklorama

**Mrs. Joy Smith (Fort Garry):** Mr. Speaker, I rise today to applaud all the organizations supporting Folklorama here in the province of Manitoba and here in Winnipeg.

This has been a phenomenal cross-cultural event where members from all walks of the cultural society here in Winnipeg have put on just absolutely fantastic shows, fantastic programs. The cultural mosaic that we have here in Manitoba is second to none across Canada.

I applaud the Ukrainian Folklorama event that I was at the other night. Don Pukach, one of the security members at Folklorama, went out of his way to ensure that all the guests were feeling a real part of the event, whether it be any event that is going on now in terms of the Chinese, the Japanese, the whole cross culture of every event that we have here in Folklorama.

I rise today to speak to the fact that Folklorama is unique across Canada, and Folklorama is unique here in Manitoba. We have visitors from all over the nation coming to participate. It is such a great honour to be a part. I know myself, members on this side of the House, and members on the opposite side of the House really appreciate the cultural mosaic that we have here in Manitoba. It is a real honour to see the dedication and commitment that all the cultures of society in our province have put into making Folklorama such a wonderful success. Thank you.

**Mr. Cris Aglugub (The Maples):** Mr. Speaker, Folklorama is now 31 years old. Thanks to the strong support of then-Premier Ed Schreyer and Mayor Stephen Juba, Folklorama was created in 1970, commemorating Manitoba's 100th anniversary.

In the early years of Folklorama, I performed with a dance troupe at the Philippine pavilion. Later I became the pavilion co-ordinator, ambassador and mayor of our pavilion. In 1980, I served on the committee

responsible for planning and putting together the event. This year, however, was a landmark for me. As the legislative assistant to the Minister responsible for Multiculturalism, I had the honour of representing the Premier (Mr. Doer) at the July 13 ceremony inaugurating the 156 ambassadors of the 39 pavilions in this year's Folklorama.

Now, in its second week of Folklorama, I have had the pleasure of visiting some of these pavilions, and as always I am struck by the enormous contribution of 20 000 dedicated volunteers to make visiting a pavilion a pleasurable one. As the Minister responsible for Multiculturalism said, when proclaiming August 6 to 19 as Folklorama Week, "Folklorama shows a commitment by the people of Manitoba who work together to make our community a better place in which to live. This event illustrates the best of what this province and its people have to offer."

Folklorama is the largest and longest-running event of its kind in the world. It has been recognized as the best cultural event by the Canadian event industry. The American Bus Association has named it as an internationally known super event.

Indeed, with the diversity of pavilion entertainment showcasing their own cultures in the form of dances, food and display, we can indeed see the world in two weeks without even leaving Winnipeg. I invite honourable members to hop on board and see the world in the remaining six days. Thank you, Mr. Speaker.

#### **Harvest Festival and Exhibition**

**Mr. Peter Dyck (Pembina):** I too would like to draw the attention of all honourable members to activities that I was involved with on the weekend.

The Harvest Festival and Exhibition, which took place in Winkler, started on Friday and concluded last night with a bang. They had fireworks, and certainly it was a very well-attended event. There was free family entertainment such as a parade, horse and cattle shows, a children's activity tent, the queen pageant, rodeo, antique and collectible flea

market, classic car show, antique tractor show, yard and garden tours, heritage tours, a Low German festival, a free barbecue supper, and of course concluded with fireworks. It was a tremendous success, and it was well attended by many people.

I want to thank Kathy Hildebrand and her volunteers for the work that they have done in organizing the event. They did an excellent job. Certainly we are appreciative of the work that they did.

Also, I had the opportunity to attend a Krahn reunion to bring greetings on behalf of the province. Again, it was well attended by people from all over actually North America. Many attended this, and they found out they were related to people that they had never met before. I think that is the beauty of reunions. You get together as family and are able to share some of the experiences that you have had.

Finally, Mr. Speaker, I was able to attend a 50th wedding anniversary yesterday. It was an uncle and aunt of mine, Vic and Ollie Penner. Vic was the editor for the Altona Red River Valley Echo for 30 years and did an excellent job there. His wife, my Aunt Ollie, really was the true Aunt Ollie, or as they called her, Tante Ollie, on Radio CFEM for many years, did the children's programming there. I wish them health and happiness and many more years together. It was a wonderful weekend and an opportunity to meet many people. Thank you very much.

#### **Foster Parents**

**Mr. Doug Martindale (Burrows):** I would like to thank foster parents in Manitoba. They do a difficult job. Many of them are fostering children with special needs, for example, many children with FAS or FAE and often children from other cultures, which presents its own problems.

When I was Family Services critic for six years, I had many meetings with foster parents. I remember visiting a foster parent in my constituency and being quite surprised because there was almost no furniture in her house and nothing on the walls. The reason was that the

children had a tendency towards destructive behaviour and so they had to change their household accordingly, but they still wanted to be foster parents. Like the vast majority, they are dedicated people providing loving and supporting homes.

\* (14:40)

I remember the time when the Conservative government withdrew funding from the Foster Parents' Association and how angry and disappointed members of that board and members of the organization were, because they felt that there was a real need for training and for support and advocacy, because often they are interacting with government departments and agencies, particularly Child and Family Services agencies, and they needed help occasionally in relating to those agencies.

In conclusion, I would like to congratulate our government for awarding \$45,000 for developmental costs to get a foster parent association up and running. I look forward to seeing a new board of directors and a new organization. I wish them well in the future. Thank you, Mr. Speaker.

### Committee Changes

**Mr. Peter Dyck (Pembina):** Mr. Speaker, I move, seconded by the Honourable Member for Morris (Mr. Pitura), that the composition of the Standing Committee on Industrial Relations be amended as follows: Fort Garry (Mrs. Smith) for Portage la Prairie (Mr. Faurschou); Fort Whyte (Mr. Loewen) for Morris (Mr. Pitura); and Lakeside (Mr. Enns) for Turtle Mountain (Mr. Tweed).

*Motion agreed to.*

### ORDERS OF THE DAY

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please call debate on second readings, Bill 38?

#### DEBATE ON SECOND READINGS

#### Bill 38—The Statute Law Amendment (Taxation) Act, 2000

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Finance (Mr. Selinger),

Bill 38, The Statute Law Amendment (Taxation) Act, 2000 (Loi de 2000 modifiant diverses dispositions législatives en matière de fiscalité), standing in the name of the Honourable Member for Fort Whyte.

**Mr. John Loewen (Fort Whyte):** We on this side of the House are anxiously awaiting the arrival of this bill at committee.

**Mr. Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 38, The Statute Law Amendment (Taxation) Act, 2000. Is it the pleasure of the House to adopt the motion?

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed and so ordered.

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, it is our intention to now call the Capital Supply procedure.

### Messages

**Hon. Greg Selinger (Minister of Finance):** Mr. Speaker, I have received a message from his Honour the Lieutenant-Governor.

**Mr. Speaker:** The Lieutenant-Governor transmits to the Legislative Assembly of Manitoba revised Estimates of sums required for the service of the Province for capital expenditures and recommends these revised Estimates to the Legislative Assembly.

**Mr. Selinger:** I move, seconded by the Minister of Justice (Mr. Mackintosh), that the said message, together with the Estimates accompanying the same, be referred to the Committee of Supply for consideration and report.

*Motion agreed to.*

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Selinger), that Mr. Speaker do now leave the Chair and the House

resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

*Motion agreed to.*

\* (14:50)

**COMMITTEE OF SUPPLY**

**Capital Supply**

**Mr. Chairperson (Conrad Santos):** The Committee of Supply will come to order, please. We have before us for our consideration the Resolution respecting Capital Supply.

RESOLVED that there be granted to Her Majesty a sum not exceeding \$1,030,000,000 for Capital Supply for the fiscal year ending March 31, 2001.

*Resolution agreed to.*

**Concurrence Motion**

**Hon. Gord Mackintosh (Government House Leader):** Mr. Chair, I move (seconded by the Minister of Finance) that the Committee of Supply concur in all Supply resolutions relating to the Estimates of Expenditure for the fiscal year ending March 31, 2001, which have been adopted at this session by the three sections of the Committee of Supply sitting separately and by the full committee.

*Motion presented.*

**Mr. Harry Enns (Lakeside):** In the Estimates of the Department of Agriculture there were always included some specific, modest as they may be, capital monies for several programs that often by themselves were not earth-shattering but were certainly important to the areas of agriculture that they touched on. I specifically ask her about the allocation for the monies, if any, for the completion of the improvements that were being staged and brought about to the 30-odd provincial veterinarian service centres that we have through the province for which the Minister has a responsibility. I appreciate that there is a Manitoba provincial veterinarians board that looks after the day-to-day, week-to-week, month-to-month functions of these

veterinarians, but it is in her department that these monies would be housed.

As I recall, a few years ago, a program of improvement was started; eight or ten were done at a time. Some of them were in bad need of improvement dating back to some of the original building structures, MacDonald Air Base as I recall that started off the program many years ago.

I am just asking the Minister: Are we dealing with capital supply? Or would this come under capital, whether or not there is a specific amount of dollars available for what I would think would be just about the completion of this program?

**Hon. Rosann Wowchuk (Minister of Agriculture and Food):** Mr. Chairman, the member raises an important issue and that is the vet services in rural Manitoba. I want to tell the Member there is additional funding in the capital projects to continue with the improvement on the vet services clinics. There is also additional money that has been put in for some new equipment that is needed within the—some of the equipment is quite outdated, so there is also additional funds put in place. But certainly recognizing the importance of the livestock industry, it is very important that we continue to provide those services and to have the kind of facilities that would be needed to attract veterinarians to come to rural Manitoba.

I think that is one of our larger challenges within the vet services branch is that there are many people who train to be veterinarians but many of them want to stay in urban centres and work on smaller animals. It is becoming more difficult to get people to work on larger animals. It is important that we upgrade those facilities, given the fact that our livestock industry is growing. As farmers move away from grain production and into more livestock production, it is important that these facilities be upgraded. So, yes, the capital money is in there to continue with the upgrading.

**Mr. Enns:** I know it may not be quite fair to the Minister, but I am wondering could she put a number on record? I know she does not have staff and her material in front of her, but is it in

the order of \$300,000, or \$400,000, just to give me some idea of how much money we are talking about?

**Ms. Wowchuk:** I will put the exact amount on the record as soon as I can have my notes before me, but I believe the amount did not change from the previous year, that we continued with the same amount of money for the upgrading of veterinarian clinics.

**Mr. Enns:** When I had the privilege of being Minister of Agriculture, this particular minister was my critic, and she berated me constantly on an issue that I took to heart because, while opposition critics are not always right, they do hit the mark once in awhile and touch on issues that are important, that need addressing, and that certainly demand the attention of the Department and of the Government of the day.

I think it would be not unfair to the current minister if I would point out to her that research, research and more research was a constant theme of the then-Member for Swan River when she challenged me as minister in the Department of Agriculture during those years. I must confess that I was never fully satisfied, particularly in the kind of phenomenal change that agriculture is going through, was going through a few years ago, continues to go through, that more dollars, more resources, should be allocated to the field of agricultural research and development.

Mr. Chairman, I did have some success. I was able to use some of the unallocated funds from some of the support programs that we had within agriculture. I think I used some of the unallocated surpluses of the now-defunct GRIP program. My memory fails me as to be exactly specific to where and how these funds were put together, but I do recall having a very nice occasion. It was at one of our more successful agricultural centres that I like to visit, the Manitoba vegetable peak marketing people on King Edward Street where Minister Lyle Vanclief came down and jointly we were able to announce a fairly significant program of, all things considered, upwards of \$19 million to \$20 million for agricultural research and development in the province of Manitoba.

\* (15:00)

We established a board to supervise these funds and to allocate these funds. I think it is not inappropriate if I would take a moment to acknowledge the late professor, Dr. Clay Gilson, who was the first chairman of this board. Dr. Gilson, I need not remind anybody involved in agriculture, has a substantial significant record of public service to agriculture, providing advice, counsel, and input for different governments of different political persuasions, both at the provincial and at the federal level. When a clear, cool head and counsellor was required, Dr. Gilson certainly filled the bill.

I was very privileged to have had the opportunity of working with Clay Gilson, and I was delighted to appoint him to chair this board of Agricultural Research and Development. I know that we were able, in the short remaining time that I had some responsibility for, to advance some very specific research problems.

One of the most notable ones, and one that was very near and dear to the heart of Dr. Gilson, was a \$3-million or \$4-million research program in co-operation with the St. Boniface Hospital. That is a nutraceutical program where we begin to link some of the products that we as farmers produce, some of the specialty vegetable products and the other products that we produce on the farms to make them, play a bigger role in health prevention and in providing organic medical aids within the medical community. Missing from that was having the science of medicine applied to it.

I was delighted that this research fund was able to co-operate with the Department of Health, and more specifically, the research centre in St. Boniface Hospital to work to bring health and agriculture together in Manitoba.

I am reminding the Honourable Minister, who used to berate me endlessly. She always reminded me of the fact that research and development dollars were key to the future of agriculture, and what was I doing about it? I want to ask her now: What is she doing about it now that she is firmly riding tall in the saddle, if I may say, Mr. Chairman—I am an old horseman, you know—where she is in control of the funds? What has she done with the Agricultural

Research and Development fund? What is its status?

Has she been able to find some additional funds that perhaps I was not able to find, or was she able to convince some of her colleagues like the Minister of Family Services (Mr. Sale) to give up some of the millions that he spends to slide over into agricultural research, or maybe the Minister of Finance (Mr. Selinger), more importantly, to help her with some of the dollars required for agricultural research.

I take this occasion to ask the Minister of Agriculture where the Agricultural Research and Development fund stands at this moment, and preferably, if she could, indicate that it is in fact receiving continuing funding from her department and from this government?

**Ms. Wowchuk:** I thank my friend for that question because indeed research and development are a very important part of agriculture and the changing industry. It is one that I many times asked about, about how we were going to get more money into the research fund, and it is one that I am still very committed to. I have to say that the amount that we did put, a million dollars, into the fund this year is less than was put in the previous year. However, there is a fairly large carryover there of several million dollars that are still available in the fund for projects.

The Member talks about where he was able to get money. It is true that in the safety net envelope there was always some rollover money. That is the money that was used to go into the research fund. This year, with the new formula that is in place, those kinds of rollover dollars will not be there because of the changing in the funding formula for safety nets.

Also, the million dollars that was put in this year is totally provincial dollars. There are no federal dollars that are going into that research fund. That is going to be a challenge for us, but with the money that we have in place that is carried over from previous years, and I hesitate to say the amount because I may not put an accurate number on the record, but it is in the vicinity of \$10 million that is still in the fund that can be used for projects.

We believe we can fund many more projects. There are some very good projects such as the one that the Member mentions at the St. Boniface General Hospital, the National Centre for Agri-Food Research in Medicine. There are real opportunities for us with using foods for medicines and much opportunity for research in that area.

We are looking at other options of where we might be able to find some additional funds. There are a few areas that we are considering. I hope that when it comes time for next year's budget we will have some additional money to the money that we have been able to put in this year coming from a few other sources.

The Member talks about the surpluses for GRIP that were able to be used. There are some other areas similar to that that we are looking at at this time, but of course that has to be negotiated with the federal government because federal dollars are always involved with that as well. I am hoping that we can be successful to build a larger pool of money and to have the research industry grow in this province.

**Mr. Enns:** Well, Mr. Chairman, because I am in a benevolent mood and I know that my wife told me to be good and behave myself in the House today, I am going to be kind to this Minister. But just let us understand for the record what she just put on the record. After years of criticizing me and the former government for not putting enough research money into agriculture, she has just acknowledged that in her first year she is putting less money into agriculture on this item. Yes.

Secondly, after impressing on Manitobans shortly after that black day for Manitoba which lives in my memory, September 21, when the people of Manitoba elected this New Democratic Party Government, I remember the headline story saying, oh, but we are going to have so much more fun getting on with the Liberals in Ottawa because we are friends and we know each other and it is going to be much easier to co-operate and work together with each other.

She also put on the record just a few moments ago that the million dollars that she is putting into agriculture research is all provincial

dollars, no federal dollars at all. The \$18 million that I had in the budget was 50 percent Ottawa, 50 percent Manitoba. Now, let the record speak for itself as to who is doing what on behalf of agriculture research and development in the province.

But, as I said when I started up, I am not going to berate the Honourable Minister. It is a Monday afternoon. We are just starting another week of legislative sessions. I will be kind to her and gently remind her that I will be looking for that increase in agriculture research and development funding that she just committed herself to next year. I will wish her a good summer.

\* (15:10)

Hopefully she will be able to see the harvest and visit many farms as the farmers are harvesting this year's crop, including those areas regrettably where storms and bad weather have damaged crops. I am hoping that her Crop Insurance people are up to speed and are going to be working. They will have a somewhat busier job this year. We have had regrettably some areas of the province badly hurt with bad weather, but that is what the safety net programs are there for.

So, Mr. Chairman, I leave it at that. I thank the Honourable Minister for her responses, but I tell her, I shall be very watchful on this particular item when her Estimates next appear before this Chamber.

**Ms. Wowchuk:** Mr. Chairman, I want to thank the Member for those comments and thank him for his advice, but certainly I support this area. The Member must remember that there is a substantial rollover in the ARDI fund that his government did not allocate out for research projects. I say to him that it is an area that I strongly support and hope that we will be able to increase it and that we will be able to get the federal government to co-operate.

The Member talks about the money he got from the federal government. I just remind him that he has many years of expertise in this area. It took him a long time to get that money. We have only been in government for less than a

year. I thank him for his kind words. I hope that he will be patient with us to also negotiate some of those things with the federal government.

**Mr. Darren Praznik (Lac du Bonnet):** Mr. Chair, I will be joined by my colleague the Member for Springfield (Mr. Schuler). I have some questions for the Minister of Labour (Ms. Barrett) and the Minister of Industry and Trade (Ms. Mihychuk).

Now, Mr. Chair, I want to ask the Minister of Labour, who today in the House announced, and in the question that I put to her gave some description to the amendments that she intends to propose to the Committee, I would like to ask her if she could please provide greater detail, now that we are not under the constraint of the timing of Question Period to discuss and give us the detail of those amendments that she announced during Question Period.

**Hon. Becky Barrett (Minister of Labour):** The one specific amendment, and there was only one that I announced specifically in the House today, deals in the alternate dispute resolution section, which is section 87. It is amendments to section 87 of the The Labour Relations Act. The specific amendment that we will be making will be to eliminate the employee vote as a trigger of the alternate dispute resolution mechanism process.

**Mr. Praznik:** So am I to take it that is the only amendment that will be made in total or the only amendment to this section of the Bill?

**Ms. Barrett:** As I said in the House today, the only amendment that I announced was the amendment that I just referenced. There may be other amendments to this section or other sections of the Bill. There are two other sections that have raised some discussion in the community. There may be actually in the 70—I believe it is now 70 individuals who are making presentation to the public hearings that begin tonight—there may be other suggestions, other areas of concern, other possible amendments that we will look at. As the Member knows, the process is to hear the public at the Committee and then to go clause by clause, at which time both the Opposition and the Government are free to make amendments. Again, to reiterate, the only specific amendment that has been

announced is the elimination of the employee vote to trigger the alternate dispute resolution mechanism.

**Mr. Praznik:** Mr. Chair, I take it then that if the Committee should adopt that amendment and no other amendment be made to this provision then that provision will work by either the employees through their union or the employer after the expiry of 60 days making application, which will result in a mandatory binding arbitration process imposed by both.

**Ms. Barrett:** I am glad the Member asked me the question because the intimation has been, in Question Period and in comments by Opposition members in the media, that it is a binding arbitration process. If the members would read the first contract sections of The Labour Relations Act they will find that the vast majority of the process that is undertaken in first contract that we are reflecting in amendments to section 87 of The Labour Relations Act is at the very, very, end.

I would like to give the Member some statistics. Since 1984 when the first contract provisions were put in place in The Labour Relations Act, there have been, I believe, 831 first contracts signed in the province of Manitoba. I am going from memory here so my numbers may be out by a slight bit. I believe just under 20 percent of those contract negotiations, at some point during the negotiation process, went to the labour board. Either side went to the labour board and said: We are having trouble reaching a first contract; we have two or three issues that we are at an impasse on. The labour board says, well, yes, you may be having problems but we think you can still do it; so you go back and you talk to each other for another 30 days or another 60 days, I am not sure which it is in the first contract section, and then come back and see us. Or the labour board can say, well, yes, you are having trouble but let us work together with you; let us give you some mediation or conciliation and we will work together with you.

The end result, Mr. Chair, was that the only binding part of the first contract legislation in its 16 years of being part of the labour legislation has been in less than 1 percent of the cases did

the two sides fail to reach a negotiated first contract, and only in those very small number of instances was the labour board forced at the very end to impose, and even in those cases, Mr. Chair, they imposed only in the areas where there was not an ability to reach an agreement. So what we are saying is the alternate dispute resolution mechanism, which reflects the first contract, also provides for the labour board to say at the beginning, no, you guys have not negotiated long enough; you have not negotiated hard enough; you go back there and you try it again. Then they go back there and they try it again and they come back again and they cannot reach a consensus. Then the labour board says go back and do it again.

There is nothing to prohibit the labour board in this amendment in Bill 44 from sending both sides back to negotiate time after time. While the labour board is doing that, saying you have not done it, you guys go back and do it, the strike or lockout continues.

At some point, the labour board will make a determination, perhaps, technically, theoretically, that both sides have tried to bargain. They have done everything they could. They have used mediation; they have used conciliation. It just is not working in whatever areas of the collective agreement they have reached an impasse on. Then the labour board says to the two sides, okay, we agree, you are at an impasse, or one side or the other is not bargaining, is doing unfair labour practice, is not bargaining in good faith. The labour board then says to the two sides you have a choice here; you can agree to go to binding arbitration, or if you cannot agree to go to binding arbitration, or you agree you do not want to go to binding arbitration, then you take the part that we have been talking about which is go the labour board route that says, okay, here you go. But the labour board even then can say go back.

\* (15:20)

The labour board has the authority, as they do in the first contract legislation, which has not been challenged, was not challenged throughout the whole, entire term of the former government. Just like that legislation, the labour board has exactly the same authority, exactly the same

ability and exactly the same goal. That goal, Member for Lac du Bonnet (Mr. Praznik), Member for Springfield (Mr. Schuler), Member for Fort Whyte (Mr. Loewen), Member for Lakeside (Mr. Enns) and all of the other members of the opposition benches, that goal remains the same. That goal is to achieve a collective agreement through free collective bargaining.

No one, including the labour board, wants to impose. The last, last thing they want is to impose a settlement. They have been very successful in avoiding that imposition, in first contract legislation. We expect them to be equally successful in the implementation of the alternative selection section of Bill 44.

**Mr. Praznik:** The Minister of Labour, I would just remind her that I spent four and a half years of my life, my first four and a half years in cabinet, as the Minister of Labour, in which we dealt very extensively with Manitoba labour laws. I had a lot of opportunity to meet many people who had been involved in labour relations on both sides. I worked with some excellent staff in the Department, people like Tom Farrell, Tom Bleasdale, Mr. Bleasdale, of course, having left. I came to appreciate in those years the importance of the words that I think she uses very freely, free collective bargaining, and that has to be the goal of this Legislature, free collective bargaining. Imposed settlements, no matter how many steps to get to them, are infringements upon free collective bargaining, and I do not think that this Minister of Labour fully appreciates or understands that.

Now, Mr. Chairperson, the Minister of Labour has referenced first-contract legislation. I remember when we won the election in 1990 and I was the new Minister of Labour, we looked at all of our existing laws. There were amendments made to first-contract legislation that provided for those time periods. I will say, Mr. Chair, there was a reason why I recommended to my cabinet colleagues that we retain it in some areas. We did not want to, first of all, do a radical overhaul of labour legislation. That was not our policy or style as a government. We wanted to ensure we struck the right balance, the right balance being one that

supports the principle of free collective bargaining with as few interferences as possible.

Now, I want to say to the Minister of Labour that, with respect with first contract, the reason why we even kept it—and we did make amendments. She is wrong when she said it was not challenged or discussed or changed by the Filmon administration. We made changes to first contract because what we inherited from the Pawley, a very much one-sided balance, administration was a process in which two unions used it all the time, United Food and Commercial Workers and the one—I cannot remember the name—industrial mechanical engineers. Their name escapes me. Mr. George Smith was their business agent. But they were the two users of that provision.

They would apply for first contract right off the bat under the Act, and they would walk in to the first negotiations, the first, and say: We have already applied for first contract. Which is not what it was intended to be. It was not to be a tool for negotiation. It was a tool for settlement. So we did amend it. The Minister of Labour (Ms. Barrett) is incorrect when she said that we did not deal with first contract, we maintained it as it was. We did amend it. We put into place a host of provisions and time frames and discretions by the Labour Board because we felt it was being misused by some of the very same people who we think secretly advised this Minister of Labour and have directed this process today.

But the reason we kept it at all was for one reason, and this comes back to the vote issue. We kept it in place for one reason, because we recognized that when a business had been unionized for the first time, and I underline, Mr. Chair first time, that there was an issue around accepting labour relations, and particularly if it was a smaller shop that had no experience dealing with business managers of large unions who were professional business managers. They came in from Toronto or Winnipeg or wherever to deal with this. There was a difficulty in even getting into a negotiating process. So we recognized that having that tool available, particularly with all of the time frames we recommended and wrote into that act when we were in power, that it would be a useful tool to

getting a first contract. But we recognized very firmly that that was an intrusion on free collective bargaining, and it was as far as we were prepared to go.

But the Minister's proposal now is not just for first contracts, is not to deal with a situation where you are beginning a relationship in which particularly one party may be very inexperienced and uneasy in dealing with, but she has now taken it and imposed it on every single collective bargaining process in this province, whether it is experienced negotiators or not. She is—*[interjection]* And she sits from her seat and says no. Well, I wonder what planet she walks on, because that is what her bill does. She is bringing in a process of compulsory binding arbitration for every single settlement in this province, not just for first contract.

Mr. Chair, I want to point out to the Minister as well, because she was very fond of quoting my statements in 1990-91 in this House, and I have to tell you, what I came to appreciate, the long—*[interjection]* I stand by those words, when I made them. What I found as Labour minister and what she might find after two or three years in the job, if she remains in that position—not after this debacle, I am sure. But I tell her, what I found, after three or four years as minister of Labour, that I had employers come to see me and my staff who had just been unionized. They would say, well, there was union intimidation of employees, and I am not accepting this union. It is fraudulent and it is illegal, et cetera, et cetera.

You know what I came to appreciate, and I think if this Minister of Labour would have been a little more far searching, she would have realized that the compulsory vote on certification does away with that issue, because when those employers came in, if there had been a secret ballot, what was their argument? They did not like the result? Well, fine. People have a right to organize and unionize, and that has been given effect by a secret ballot vote.

What the Minister of Labour is demonstrating is a huge naiveté that intimidation does go on. Unions intimidate. Fellow employees can intimidate. Employers can intimidate. The only guarantee that the true will of those employees to have either that union or, in a case where there

may be two vying unions, which union they wish, the only guarantee is a secret ballot vote. The Minister of Labour has given that up. She has given it up.

That is the point that Mr. DeFehr makes in his letter. Mr. DeFehr, who employs 3700 people in our province, who has had one of the largest expansions, who employs many new immigrant families with their first job in this province, what point does he make in his letter? He makes it very clear. If his employees chose a union, he would deal with that. He wants to just make sure that is their will. There is only one way to do that and that is a secret ballot vote.

\* (15:30)

You know, the fact in his workplace, he points out the number of unions who have attempted to organize there. But it is interesting who they are. They are all very large unions, some of them sending people out from Toronto. Why? Because Mr. DeFehr summed it up very well. The number of employees he has represents \$1.5 million to \$2 million a year in dues. It is not about representing those workers. It is not about those workers forming an organization to bargain collectively with Mr. DeFehr. No. It is about the business of unions seeing \$1.5 million to \$2 million of revenue a year in dues and sending the big guys from Toronto in and dealing with many employees whose command of the English language may not be great, who are coming from countries that have totalitarian regimes. Many of these immigrants have escaped countries where their freedoms have been severely curtailed, who could be easily intimidated. So the Minister's friends come out from Toronto and they intimidate. *[interjection]* The only guarantee though is a secret ballot. That is what it is about.

What the Minister of Labour has failed to understand is that as long as you have a secret ballot vote there is no doubt. Now one argument that organized labour has raised about secret ballot votes that I appreciate, if that secret ballot vote is held at the workplace or is held a long period of time after the application for certification is made, it does potentially increase the chances for a reaction. The answer is simple. Do not take away the right to vote, but ensure that the vote is held speedily, after the

application is made, and make sure that if it has to be, it is held off the workplace.

I can remember Mr. Korpesho, the chair of the Labour Board, talking about conducting votes out of the trunk of a car off the premises because there was no chance of intimidation. Now, if you have the secret ballot vote, if the Minister has that vote, and if, as the Minister of Labour, she ensures it is conducted promptly and in a place where people cannot be intimidated, it sends a clear message to all the world that those employees wanted to be part of that union, wanted to be.

I say to her again my experience as Minister of Labour was that, when you had a secret ballot vote, the employer had no excuse, they had to deal with the union. They then turned around and said, well, wait a minute. What have I done here? What is the relationship? My employees really did want a union. This is the point that has somewhat been missed in this debate, the 65 percent taking away those automatic votes. The Minister of Labour is right. Very few of the votes have probably changed the result in the end, but they have changed the atmosphere. They have changed the willingness of an employer to recognize that union, because signing a card is open to intimidation by fellow employees, by union officials, by overexuberant managers in a plant. The Minister's answer to that is take away the secret ballot vote.

Mr. DeFehr sums it up very well in the letter. He said he would remind members that the New Democratic Party about the middle word in their name, "democratic." If my colleague the Member for Springfield (Mr. Schuler), the Labour critic, had brought a private member's bill into this House that would have said that, you know, to get elected to the Legislature, all you have to do is go into the constituency. There are 10 000 voters, you get 6500 to sign a card, and you are the MLA. You would be the MLA. Well, you know, we would laugh. We would say it is silly, because people sign cards, they sign petitions, that the only true—  
*[interjection]*

Well, the Minister of Agriculture and the Minister of Labour are chirping away there, because they know I have hit a spot.

*[interjection]* Thank you, Mr. Chair. Call your New Democratic colleagues to order.

We would say that, if we had brought such a private member's bill, members opposite would have said it is ludicrous, elect our MLAs by signing a card. It took me as Minister of Labour a few years—because the Minister is right. I made those comments in '91. I was trying to maintain as much of a reasonable status quo as I thought should be, and I wanted to make changes that had a balance based on supporting free collective bargaining. I wanted to have reasons and changes brought about that I could understand, could explain and had a cause. From 1991 until 1995, when I left that portfolio, I came to the view that secret ballot votes were the only way to go, and not because they changed the result, but because I was tired of employers coming to see the Minister of Labour because they said there was intimidation, people did not really mean to sign cards, et cetera.

The member gives that real smart comment: Send them to the Labour Board. You know what? The problem is again, and the Minister just does not get it, there is one of legitimacy. Secret ballot votes are legitimate because we know that that individual went into a polling station, had the choice before them and, without any fear that they were being looked at or watched or anyone could find out, made their true choice. What she refuses, through her own stubbornness, to understand is that signing a card, like signing the petition, you are doing it in public. It may be your will; it may not be your will, but one thing is for certain. It is challengeable in the minds of everyone who has to deal with you. It is not a legitimate way of making a decision.

I am not surprised that the majority of those votes over 65 percent signed up carried. I am not surprised, but I will tell you the difference. In talking to my colleagues who succeeded me as Minister of Labour after those amendments that, I would remind her, I stood and voted for in this House, because I supported, I argued for them in our caucus, yes, I did come to recognize that a change was needed there. If the Minister is going to quote me from 1991, she had better be prepared to also put on the record that I supported those changes in 1996.

But, again, in her world the facts may not really be important. Mr. Chair, my colleagues who succeeded me in that portfolio made the point that after the votes they did not have employers coming in and saying: My employees were intimidated. The big guns came in from Toronto. People were getting pushed around.

What the Minister of Labour (Ms. Barrett) does not understand either is sometimes people do want to belong to a union and they are embarrassed to tell their employer they want to. They are embarrassed to say that they want to, and they will tell that employer, well, you know, I signed the card because someone came to my house or they put pressure on me. And the employer will believe that. But what everyone has to accept is when a person has made that decision in the privacy of a voting booth with a secret ballot, you cannot make the argument that your arm was twisted. You cannot make the argument that you were forced. You cannot make the argument that this is illegitimate.

The difference which this Minister of Labour does not understand is she is creating the problem that led to first contract. Because you will have over 65 percent sign a card, you are going to have an employer say: That was illegitimate. I am not going to deal on this first contract. This union is not legitimate.

And you know what? They are going to have that antagonism at the bargaining table when they try to write their first contract, and, yes, then they will need dispute settlement mechanisms like first contract. But if the certification is legitimate to all the world, then you do not need that, because the employer knows. They had a secret ballot whether he liked it or not. What did I do wrong? Why has this happened? They know that is what the majority of their employees wanted. So you are over that obstacle and you can get down to negotiating your first collective agreement.

\* (15:40)

So here the Minister of Labour and the Premier (Mr. Doer) are prepared to take away a democratic right for people to make a choice in the privacy of a voting booth, which only leads to probably unnecessary doubt about the

legitimacy of the process if it is done by card, which creates difficulty at the bargaining table. Their solution: Well, let us find another means to solve that one.

Well, you know, by giving a vote, I bet you that you do not even need first contract legislation anymore, because you have established the legitimacy of that bargaining unit. That is what the Minister of Labour has missed.

The Minister of Labour said that her system she is proposing is not compulsory. Either side can tie both into a process that can lead to an arbitration settlement. That is no longer free collective bargaining. That is compulsory. It does not matter how many steps of time frames you put in, you have still impinged on free collective bargaining.

What this Minister of Labour does not appreciate is that that little infringement we made on a first contract as a Legislature, we were fine. She is now extending that to every single negotiation in this province. Every single negotiation. And for what purpose? Has she offered this House or the people of Manitoba a real purpose? Has she given us a problem that she is trying to solve? I think not, Mr. Chair. Because if she had, she would have raised it at the Century Summit. If she had, they would have put it in the Throne Speech. If she had, she would have had numbers here showing the thousands and thousands of days lost to strikes and lockouts and that it was such a massive problem that it justified interventions and taking away the right to strike.

I want to say this to the Minister as well. She wonders why this is important. Well, any company looking at investing in Manitoba, in expanding and seeking investment or coming here from another jurisdiction, when they do their due diligence, they are going to ask their lawyers to tell them: What is the labour law under which I will live? One question with this still muddled-up set of amendments that the Minister has—her previous one was bad. She has done nothing to eliminate the problem because I do not think she really understands the problem of what she is doing here.

Mr. Chair, every lawyer writing an opinion will now have to say that in Manitoba there is a chance that you will have a settlement imposed upon you by an arbitrator of the Labour Board, that free collective bargaining is not guaranteed in the province of Manitoba. Now if the Minister said this thing will probably be used very few times, I would agree with her. She is probably right, which begs the question: why are we dealing with it in the first place? Why are we bringing it in in the first place? Why are this Minister of Labour (Ms. Barrett) and this Premier (Mr. Doer) wasting the good reputation of the province of Manitoba on an issue they did not think was so important that they would raise it at the Century Summit. And for what?

But now every single investment opportunity that this province could pursue, in the due diligence the lawyer will have to provide the client with that destructive phrase that their bargaining is not free collective bargaining. That there is the chance under Manitoba Labour law that they will have a settlement imposed upon them without their agreement to go to that process. That is what will scare people away from this province. Mr. Chair, even if it is never used once until the next government repeals it, if it is never used once on thousands and thousands of legal opinions about the investment climate in Manitoba, those words will appear because of this unknowing Minister of Labour that in Manitoba there is a chance that you can have a binding settlement imposed upon you.

Now that existed under first contract, but at least it had the caveat of only on your first contract, that would be for one year, and thereafter you are into free collective bargaining. But now it could be on every single contract.

**An Honourable Member:** No.

**Mr. Praznik:** Well, the Minister says no. But I will tell you, anybody about to invest money to come to Manitoba is going to do a due diligence. I will have to ask the Minister of Industry (Ms. Mihychuk) about this because obviously these two ministers do not talk, or she has been gagged as to what she can say.

But I say to the Minister of Labour anyone seriously investing in Manitoba, one of the

questions they do in their due diligence is: What tax regime am I coming into? What is the municipal infrastructure? Are there support programs by government? What is the labour relations climate? What is the labour relations law? Every lawyer, if this bill should become law in its current form or with the amendments that the Minister is talking about, will have to say that there is no free collective bargaining in Manitoba, that there is a chance, even if it is a small one, that you could have imposed upon you an arbitrated agreement without agreeing to go to arbitration and more than just your first contract.

That is where the damage will be done to the province of Manitoba. Because in a world where you are competing for investment dollars, in a world where people have choices, in a world where there are a lot of opportunities, you look at that and that could be a factor. It may not be the determining factor but it will be a factor. If our tax competitiveness continues to fall away, as this Minister of Finance (Mr. Selinger) has set us on that course, it becomes one more problem.

Do you know what? The Minister of Labour (Ms. Barrett) should spend a little time with the Minister of Energy and Mines because that minister understood what we were doing in the mines sector in attracting exploration to Manitoba. She understood that industry needed certainty, that they needed to know where they were at, that they needed clear and concise rules, that they needed environmental laws they knew were based on science, that if they were met you got your licence. She knew that, and she said publicly the policies we put in place have been successful, and she would carry them on, and I hope she does.

But in all the other areas of her department she will now have to go to investment centres talking about Manitoba. When she is asked the question: What about free collective bargaining? Do you not have some kind of method there in Manitoba that we might have a settlement imposed on us? She might be able to smile. She might be able to use her charm. She might be able to try to walk around it, but ultimately—well, I tell you, I think this minister is a delightful Minister of Industry (Ms. Mihychuk) to work with, and I am a strong supporter of her in her

efforts in the mining sector. She can be a very persuasive recruiter for Industry, but no matter how persuasive she can be she will still have to say, yes, there is a chance that you could have an arbitrated collective agreement. She cannot get around that.

I will tell you, the Minister of Labour is not going to be there with her to make the case. The Minister of Labour I do not think really understands what she is doing here. Do you know what reinforces that? When I asked her a question a few minutes ago about taking off the one-sided trigger mechanism.

I do want to pick up on something for a minute, Mr. Chair. The Minister of Labour is very keen to call this the alternative dispute settlement mechanism. Well, she is right. What is it an alternative to? It is an alternative to free collective bargaining. That is what it is an alternative to. It is an alternative to free collective bargaining. We are not happy, she says, with free collective bargaining, if it is tough. We are not happy if it results in a strike or lockout. No, we are going to have binding arbitration as our alternative—[interjection]

She explains the process. But at the end of the day what this minister does not appreciate, despite all of the lag time, despite all of it being sent back to conciliators and mediators, the end of the process still can have the same result, that the labour board orders or does an arbitration. That is not free collective bargaining. That is a third-party imposed settlement.

I have to say to the Minister I appreciate the time frames, because that is going to eliminate—quite frankly, the more you get people talking, the more you use conciliation and mediation, the more likely you are going to get a settlement. But it really begs the question: If it is narrowed down to so few people who are going to use the thing, why is she bringing it in at all? What is the good she is achieving out of bringing this bill?

**An Honourable Member:** Bernie told her to.

**Mr. Praznik:** Well, one of my colleagues says because Bernie Christophe told her to, and I tend to think that is the case. Why? Because all of

these intrusions ultimately were used by his union, more than anyone else.

I want to ask the Minister of Industry (Ms. Mihychuk) today if she can tell us the name again of any one business that she has been dealing with that has said to her that labour relations in Manitoba are terrible and we need these amendments that are brought in? I want to ask her specifically today to answer that question.

\* (15:50)

### Point of Order

**Mr. Praznik:** Mr. Chair, on a point of order, I ask for clarification. My question was to the Minister of Industry, who deals with business, about any business that has brought her in. Now if they want to use the Minister of Labour (Ms. Barrett) to respond, I at least want it noted on the record that the Minister of Industry is refusing to get up and answer a question put by a member of this committee who has requested her presence here for that purpose.

**Hon. Tim Sale (Minister of Family Services and Housing):** On the same point of order, Mr. Chairperson, no rule in *Beauchesne's* was cited, and there cannot be a point of order without some citation. The Member knows full well that a Minister can choose to answer a question or not and that any Minister can rise in response to a question. So he does not have a point of order.

He continually abuses the rule in regard to the making of points of order. I wish you would call him to order.

**Mr. Chairperson:** Actually, the Honourable Member knows that it is not a point of order. He can direct this question to the Honourable Minister if he wants to.

\* \* \*

**Ms. Barrett:** Mr. Chairperson, I am more than delighted, and I know the Minister of Industry, Trade and Mines (Ms. Mihychuk) would be more than happy to answer the question. She will. But I would like to take the opportunity and—[interjection]

We have a half an hour to respond, as you had a half an hour to raise your point, sir. I am going to respond to some of the points you raised and then turn it over to my colleague to answer the specific question that you asked at the end. So no one is being muzzled here, gagged or anything else.*[interjection]*

The Member is either in ignorance or gratuitously putting on the record false information. I think I know which it is, because the Member is a very bright person who, when he chooses to, can listen very carefully.

**Mr. Chairperson:** A point of order is being raised. I hope the Member will cite the rules that are being violated.

#### Point of Order

**Mr. Praznik:** I do not have my *Beauchesne's* with me, but the Member is certainly imputing motives to my questions and that I know, Mr. Chair, is out of order. Would you please bring her to order?

**Mr. Chairperson:** Everyone knows that you cannot impute motives. It is sometimes done by both sides of the House. May I remind both sides of the House not to do that.

\* \* \*

**Ms. Barrett:** Thank you, Mr. Chair. I did not mean to impugn motives. I was merely making a comment, but I will refrain from doing so, making any such perhaps extraneous comments in my response to the Member's long comments and statements.

I do want to talk about a number of issues. I do not have Hansard so I may not be a hundred percent accurate, but at the beginning of his discussion he said that the alternate Dispute Resolution mechanism will affect, and I quote: "Every single collective bargaining process." He made that comment or several others like it in the course of his comments.

I want to say to the Member again that the alternate Dispute Resolution mechanism does not come into play until, at minimum, there has been a strike or a lockout for 60 days. This is

two months. Then, and only then can either side, labour or the bargaining agent for the workers or management, make application to the Labour Board. Then the Labour Board decides. As the Member knows, because he referenced my comments in his comments, then the Labour Board decides if they truly have reached an impasse or if they should go back and bargain again.

It is not, as the Member said, taking away the right to strike. This mechanism, even theoretically, can come into play only after a strike or a lockout has been in place for 60 days or more. Of the, I believe, 29 strikes or lockouts that have taken place in the decade of the '90s, one third of them that lasted more than 60 days were as a result of lockouts. So we are not only talking about strikes. We are talking about lockouts here.

The Member may not be aware, but there is a section in Bill 44 that states, as the first contract legislation states, that any settlement that is imposed by the Labour Board would be in place for only one year, just as the first contract is in place for only one year. I would like, finally, before I turn it over to my colleague from Industry, Trade and Mines (Ms. Mihychuk), to state that, when the Member was talking about the labour relations climate in the Province of Manitoba, does he not remember that in the decade of the '90s there was a record number of days lost to strike or lockout? When people are doing their due diligence about coming to a province or locating in a particular jurisdiction, they look at days lost to strike or lockout because they know that a high number of days lost to strike or lockout means that the productivity level goes down, the labour relations climate is not good and that it is maybe someplace that they may not choose to come to invest.

Since 1984, any legal opinion about The Labour Relations Act in the Province of Manitoba has had to state that there is a first contract in position potentiality and for one year, and what I am saying to the Member for Lac du Bonnet is that this is for one year. This imposition is for one year. It is modelled on the first contract legislation, and it can only be even begun to be implemented after 60 days of strike

or lockout. The Member can disagree with me on the concept, but he must be accurate. Every single collective bargaining process is not impacted. As a matter of fact, there may be an average of three strikes or lockouts in a year where it lasts longer than 60 days, so it is not every collective bargaining. Well, then, the same thing applies for first contract, and the reality is that first contract has been implemented in less than one percent of the first contracts that have been negotiated in this province, so I think the Member should, if he is arguing against Bill 44, he needs to get his facts straight, and I will now turn the answer over to the Minister of Industry, Trade and Mines to respond to the specific question that was asked.

**Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines):** I appreciate the question, and the question was: Name a company that supports the Bill. If I remember it, clarification, that asked for the Bill, and clearly no labour union asked for the changes that the Conservative government brought in just as no business that I am aware of has asked for this labour legislation, but the fact is that there is a great deal of comment on the Bill, particularly from a fairly small number of organizations. It is important to note that there are some very prominent businesses that are not participating in these campaigns and that there are some very prominent Manitoba businesses that, Mr. Chairman, I have spoken to that are not concerned about this bill having a huge impact. They did have some concerns in some areas which we hope to be addressing by listening to the business community, and we are hoping that the legislation will actually reduce the number of days of strike and lockout, provide more harmony in the workplace and a more solid economic platform for business to expand.

\* (16:00)

**Mr. Praznik:** Mr. Chair, I want to deal with the comments first of the Minister of Labour because I think her talk about, her comments about the alternative dispute mechanism, the alternative to free collective bargaining does not apply to all contracts. I think it is such a ludicrous statement. It may not be used in all disputes, but it applies to them because it is the law. If we were to believe, if the Minister of

Labour was to understand what she just said, the equivalent in traffic law would be like saying traffic lights do not apply to all drivers because some drivers do not drive where there are traffic lights. In that case, we should not require them to understand what the signals are about. If you just drive in Beausejour, we do not have any traffic lights. So, when we give you the test, we should not ask you what a red light and a green light and a yellow light mean.

That is what the Minister of Labour is saying to this House. It is unbelievable, Mr. Chair. She is saying that just because not everyone will use this process it does not apply to them. It applies to them because it is the law. If it becomes the law of the province of Manitoba, it is there and can be used against them in that process.

When the Member talks about alternative, she is talking about an alternative to free collective bargaining. You know, what is amazing is that in labour relations, if there are a few principles that have come to be accepted almost universally, and I think in progressive, modern society, that is the principle of free collective bargaining. We know there will be some infringements upon it from time to time, particularly it could only be when there is the public interest at heart. We do that with binding arbitration for teachers and certain areas of civil servants and others. But to do what this minister is now doing, which is to take away the right for all the contracts that are governed by our Labour Relations Act, to take them away and then say, well, it really will not apply here because they may not need them. I do not think she understands the law.

The law applies to everyone, to every one of those collective agreements. Now whether they use them or not, it is there, and every single legal opinion written to every potential investor will now have to say, as I have said, that in addition to the first contract every contract thereafter can be settled by a binding arbitrator. That is a legal fact based upon the Bill and the amendments that this minister is proposing to this Legislature. This is not fiction; it is fact.

Our concern is that movement beyond just the first contracts is going to be looked at by

those industries, those companies, those investors to say: What kind of place is this that does not have free collective bargaining, that if we have a tough knock-it-out strike or lockout situation that is not affecting the general public, that is not in the public interest to settle, but it is between us and our employees, that after 60 days we can be sent off to a process—I do not care how many time frames she puts into it—ultimately can lead to an arbitrator settling this arrangement.

Well, I will tell you, for both employees and employers, that is an infringement on their rights of free collective bargaining, no matter how much the Minister of Labour (Ms. Barrett) tries to deny it. What is interesting is the more that she gets pushed on this point, the more this point is made, her response is: Well, it is less and less people who will need it. She points out that something like less than 1 percent of all contracts use first contract legislation. Well, if so few use it at the end of the day, what is the public good that we are attempting to solve? What is the public wrong? There is not one.

What has happened here, and it is becoming more evident as each hour in this debate passes, what is becoming more evident is the New Democrats had some secret promises to some of their labour buddies, and they said they would amend labour legislation. It is one of their tough bills they want to bring in, and they threw a few things together. They made an act. They brought it into the Assembly. First of all, they are getting a reaction they did not expect, and the Premier (Mr. Doer), who loves to be loved, and I could be accused of the same thing on occasion, he is now being beaten up by business leaders who just a few months ago were at his Century Summit and thought he was an okay guy. They are now starting to see he does not know what he is doing. So now they are all scurrying about saying: What kind of amendments can we bring in to soothe this down? They do not have a clue. This Minister of Labour does not have a clue about what she is even doing.

I want to get, Mr. Chair, within the time allowed to me, to this issue about ending or infringing upon the right to strike, the right to legally withdraw your labour in support of your position at the bargaining table, which is a right

that working men and women and the labour movement fought for in this province and nationally and internationally for decades, a right that is still denied to them in many parts of the world. I would suggest to them, quite frankly, that some may consider making a complaint to the international labour organization should this bill pass because it is an infringement on that right to legally withdraw your labour.

The Minister of Labour said, well, how would that be? Because she does not understand it. That is that when a contract has expired or is not in place, employees have the legal right to refuse to work in support of their cause. Now, the Minister of Labour picked up some of the old amendments from the days of final offer selection and crafted her new alternative to free collective bargaining amendments. Right? I think she did not understand what she was doing. But she picked up a point that I remember the Member for Thompson (Mr. Ashton) would know all too well, and many people involved with the labour movement.

In the initial clauses of this bill, this government proposed that either side could request this binding arbitration, but the employees had the veto. I bet you very few members of this New Democratic Party even understand it, Mr. Chair, but the reason that was put in the Bill, like it was in final offer selection a decade-plus ago, two decades ago, was because it did not take away from the right to strike. It meant employees had the chance to say: Wait a minute. We do not want to give up our right to strike, or, yes, we are prepared to give it up to go to an arbitrator. That provision preserved the right to strike. Now this Minister of Labour comes to the House today, and what does she say? I am under a little pressure.

Oh, we will take it away. Now either unions or labour can compel the other into this arbitration process. Well, this is amazing. It is amazing that a New Democratic Party Government today announced that they are proposing amendments that even Howard Pawley's government would not have done, because they knew it would infringe on the right to strike. They are today proposing an amendment that will infringe on the right to strike and not in a way that makes even business

happy, because their right to lockout is also infringed. That was okay, though, under their first amendment. They did not mind hitting business with that. But now they are actually sticking it to the labour movement by diminishing the right to strike. The fact that the Minister of Labour can say, well, it will be used in very few circumstances and we have so many time frames where the Labour Board can put in mediation and conciliation and ultimately the Labour Board has to order it. The fact is it sets off a chain of events that diminishes the right to strike, a right that labour unions and working people fought for in this province for decades.

What would the Russ Paulleys say about this? I do not think they would be so happy if they could visit this Chamber today to sit in the gallery on that side of the House.

You see, this is why I do not think, Mr. Chair, that this Minister of Labour really understands what she is doing at all. Her amendment today says, okay, we are going to throw something out there. We are going to take away the union veto, the employee veto. In doing so they have now, yes, they have equalized the rights they proposed for labour with the rights they were so easy to give management. Both have taken away the right to strike or lock out in free collective bargaining. That is what this administration is doing.

\* (16:10)

You know what is really amazing about it? I will agree with this Minister of Labour that very few cases will be settled because the vast, vast majority in Manitoba in the labour management scene end up negotiating. They do what free collective bargaining was all about. They bargain. Sometimes they have a strike. Sometimes they have a lockout. The threat of that strike or lockout often forces them to the table in a meaningful way because it is disruptive to both. That principle has been proven time and time again.

But today, this government, out of control on a labour issue, not knowing what it is doing, did the absolutely unbelievable here. It said it is going to amend its legislation to diminish and limit the right to strike. *[interjection]*

The Member for Lord Roberts (Ms. McGifford) says: It is embarrassing. It is embarrassing to New Democrats. It should be embarrassing to New Democrats, because it is an abandonment of what that party has stood for since J. S. Woodsworth as a founding member founded that party with others.

They stood for the right to bargain collectively, the right to have free collective bargaining, and the right to withdraw one's labour legally to support one's cause. Today their wishy-washy successors who, quite frankly, do not know even anything about labour or organized labour or union management situations or the principles behind it, are so easy just to, "we are going to diminish the right to strike." There are occasions where that right to strike or lockout has been diminished, but it has always been done on the basis of the public good.

It has been done in that those who had the power to withdraw their labour or deny people the right to work in support of their position at the bargaining table created a general public harm. That they provided a service that was essential to the operation of the community or a key economic area or sometimes in the crazy periods of inflation, just by the volume of strikes and lockouts, led to government having to do things like wage and price controls to put a breather on it.

But in all cases it was for the public good. This minister is now prepared to amend this bill today. She had no problem limiting the right to lockout. But now she has taken the next step to limit the right to strike, and not for questions of public good. Simply, because she is out of control. She does not know what she is doing. New Democratic members, some time in the next few days, are going to have to stand in their chairs and vote to diminish the right to strike, and for no benefit. That is the irony of this.

I look to the Member for Lakeside (Mr. Enns), who has been here for many years in this Chamber. Where is the benefit? This minister has totally failed to make a case that there is some need to limit the right to strike by law, potentially, in every single contract dispute in

the province of Manitoba. This is absolutely unbelievable.

I just want to share with members opposite. I can remember when as Minister of Labour, I brought in the amendments to remove final offer selection, the other alternative to collective solution that the Pawley government had brought in in their act. I can remember talking to the Member for Thompson (Mr. Ashton), who spent some of his life in the labour movement, has worked with the labour movement. I do not know if it was out in the hallway after committee, or in committee or in this Chamber. He and I got talking. I sort of coyly smiled at him and said: Well, Steve, what happens if I just brought in an amendment that took away the employees' veto on final offer selection so that either the employer or the employees, their union, could compel the other to final offer selection, which is exactly what this Minister of Labour is now proposing.

You know, that Member for Thompson (Mr. Ashton), he looked at me and he said: You are very wily. You know labour would never support that because that would take away the right to strike.

You know what? In a few short hours or days I suppose the Member for Thompson is going to have to get up and do exactly that, and that is what is amazing about this, Mr. Chair. That is what is amazing about this.

But the Member for Thompson, he understood that. He understood in those days when we were dealing with final offer selection, which was the Pawley equivalent of this provision. It was a diminishment of free collective bargaining, but the Pawley government did not want to touch the right to strike. So they only took away the right to lockout, the employers' right to lockout. They diminished that, but they were not going to diminish the right to strike because they gave the employees a veto. That is why it was in the act. Those guys, members opposite have not figured this out yet. They have not figured out the game plan of what is happening in this mess called the Doer government.

So Pawley's government gave employees that veto to protect the right to strike. When the

Filmon administration, in which I was Minister of Labour at the time, went to repeal final offer selection, the Member for Thompson, who is still the Member for Thompson, now Minister of Highways and Transportation, him and I in discussing this, when I said, you know, Steve, we will just take out that veto so it is even. He looked at me and said, hey, we could never support that, and you know why, he said to me. Yes, I knew why, because that would have diminished the right to strike, which is a fundamental basis on which the labour movement is founded.

But today, we have an NDP Minister of Labour announcing amendments in this House, after the Government gets beat up in the press and are under siege, that she is prepared to move an amendment that will diminish the right to strike, if not eliminate it in some cases, and every one of those New Democrats, who were supposedly, you know, friends of labour, up on the labour movement. Oh, we understand unions. You Tories do not understand. It is taking a Conservative member, albeit maybe a Red Tory, on this side of the House to explain to them what their muddled up Minister of Labour and their muddled up Premier are trying to do to salvage the Premier's reputation, that they are forcing the Member for Flin Flon (Mr. Jennissen) who represents a very large labour community, they are forcing him to get up in this House and vote on an amendment that will diminish the right to strike.

You know what? I think the Member for Flin Flon, in his heart, knows he has to—he sees a Cabinet portfolio there, maybe one day—so he is going to have that dilemma: Do I stand with the principles of labour or do I—that Cabinet spot, that is the dilemma he is going to have.

But you know what I found even more astonishing is the labour movement, the leadership of the labour movement of today, where are they? Who is standing up today for working men and women who have a right to bargain collectively? The Member for Flin Flon is right, traditionally, not all. I have to tell members opposite I have always had in my constituency a large base of support among organized labour. Many, many union people, presidents, vice-presidents of unions have

worked for Darren Praznik, supported him over the years and continued to do so in the last election.

I will tell you I am very proud of that fact because I have always believed, Mr. Chair, in the right for people to organize, if that was their choice, because in many cases it happened because their employment situation had just turned so bad that they needed the strength of collective bargaining. I have seen employment situations that were just inviting organization because of the way employees were treated.

On the other hand, I have seen many where a union was not necessary. But I have supported the right of people to make that choice, and I have supported the right for free collective bargaining. Every day I served as minister of Labour, I would only see a diminishing of that right of collective bargaining if that basic test was met where there was an overriding public need.

\* (16:20)

I had difficulty supporting some of the wage restraint legislation that infringed on free collective bargaining when I was a member of the Filmon government, but it was done because of the overriding public demand of a recession, and it was not done to apply to every contract under The Labour Relations Act, and it was not done to last forever.

Today the Minister of Labour and this government is prepared to diminish the right of free collective bargaining forever or until they are thrown out of office. They are prepared, like the drop of a hat, to diminish the right to strike, and you know, why I think they are? Because (a) they do not understand it; (b) they are in a political mess for no reasons other than of some bad decisions, some secret promises that were made; and (c) their Minister of Labour says, well, it really does not apply to everybody, only those who may need it, and really other people can still strike if they want to.

It is like saying the traffic lights do not apply to people who drive, they do not have to learn about them or the law does not apply because there is not a traffic light in their town,

and a stop sign does not apply unless you come to where two roads intersect. You do not have to know about it. What a silly argument to make to say this does not apply to everyone. It will be the law of this province. I suspect it will be unless they withdraw it. It will be the law of this province, and it will apply to every collective agreement. Whether it is used or not is a different question, but it will apply.

What I am seeing here today is a government who does not know what they are doing, does not understand those principles and, I quite frankly think, forgot to consult with the Member for Thompson (Mr. Ashton) because he understood that. He understood it in 1991, and he understands it today, I am sure. I bet you, when he finds out that this minister is going to amend the Bill to diminish the right to free collective bargaining, he is not going to be happy, but he is a practical man. He likes his cabinet seat. He has waited a long time, and he will support it, but we have seen today the spectacle of the first time in probably decades a government in Manitoba prepared to limit the right to strike for working people. That government is the New Democratic Party government. The person who is raising the argument and fighting this battle is a Tory. That is just amazing, because I am not here to advance the cause of one side or another. I want free collective bargaining in the province because I know it works. It is what it is about. We have a minister and a government that is prepared to take away a secret ballot vote for workers, and we have labour leaders who are prepared to say we do not want our people to have secret ballot votes.

If I was a leader of a union, the amendments I would want is not to take away the secret ballot vote, but I would want the right for a speedy vote and a vote conducted off the workplace if requested. That is what I would have amended The Labour Relations Act to do, a speedy vote and the vote held off the work site. Now that, I think, would have ensured the kind of prevention of employer intimidation that members fear, but that is not what we got. Let us take away people's right to vote, and why? Because a few union leaders find it easier to sign the cards because you can work people over if you want to, sign the card, and it is easier. That is what it

is. It is easier. This is not about principle. This is not a government about principle. This is not a government that understands labour relations. This is a government who wants to make it easy for a few friends. It is unbelievable.

So this day, the date being the 14th of August in the year 2000, we have a New Democratic Party Government at the beginning of this new century who is prepared to abandon the fight of labour and working people for decades in the last century for the right to legally withdraw your labour in support of your cause. It is unbelievable, and it is even more unbelievable that, over in the house of labour on Broadway, the president of the Manitoba Federation of Labour is not decrying this proposed amendment for exactly what it is, an infringement on the hard-earned right to strike. It is unbelievable. You see, what unwinds is to give that equal footing in the Bill to labour and management. You take away the right to both, the right to strike, the right to lockout, and now the Government is in this position that they are so concerned about saving face, saving face, that they are running wild like a bunch of drunken sailors. They do not even know what they are doing. It is a sad day.

I ask the Minister of Industry, Trade and Tourism (Ms. Mihychuk) does she not see what her party is doing, what cross she will have to bear and carry as she travels the width and breadth of this country and this continent to bring new enterprise to this province? Does she not see the folly of this way? And will she not take the bold stand, take up the cause of the right issue and pursue with her colleagues the end, the total withdrawal of this bill until that government can get its act together and figure out what problem it is trying to solve?

**Ms. Mihychuk:** Manitoba labour has generally been relatively stable and has worked on the basis of co-operation, for the most part. Any effort to, in fact, stabilize that or reduce the number of strikes and lockouts is one we should all strive for.

Mr. Chairman, having been involved in a strike in Newfoundland when I was a civil servant there, I know how painful it is to be out walking the streets without a paycheque and at

that time as a single mom. I know that workers do not want to be on strike, and I know that many companies do not want to be in a position of a strike or a lockout. Those situations are very difficult for both sides, for both industry and for the workers.

Mr. Chairman, a whole decade of labour unfairness has been placed on Manitobans. This piece of legislation is an effort to rebalance that position. Is business happy with that position? Well, obviously not. If the previous one was to their advantage they are going to be loudly heard that they do not want that changed. However, I do like to point out that a number of sectors have indicated that there are problems that need to be addressed, but overall the amendment to the labour law is a positive one. I think it can be seen from the number of amendments that have been passed unanimously by management and labour.

The fact is that the previous government went through the Labour Board and in fact refused to adopt amendments proposed that were supported by both management and labour. Why? Because their vision was much more extreme. Their vision was much more right wing, pro-business, and in spite of the fact that business felt the more moderate course was one that would be more beneficial, they said, no, even though you have agreement in the Labour Management Review Committee from both sides, we know better.

Well, Mr. Chairman, we have taken another route. For the most part, the 11 amendments have been agreed to. There are three areas which have caused concern, and I am very proud of the Minister of Labour and our Government that is willing to listen to the concerns and look at possible amendments. I think that is a reasonable government. It will look at possibilities to enhance labour relations in Manitoba, reduce the number of days that people are out of their workplace and provide a more stable workforce.

\* (16:30)

**Mr. Praznik:** Mr. Chair, the Minister of Industry, another member of the New Democratic Party, does not appear to understand some of the fundamental principles of labour

relations. It is certainly another irony that the plaque to the 1919 general strike, which government members pass every day coming to and from this House, does not bear the name of a New Democratic premier or Minister of Labour. It is a good thing too, because these members would abandon the principles that were fought for in 1919. Those principles were the right to bargain collectively, the right to have free collective bargaining, the right to legally withdraw your labour to support your cause. Those were the principles of 1919. But to this Minister of Labour and this group of New Democrats, ah, we do not understand it, everything is okay, we have got to get ourselves out of a mess, so let us throw away a century of principle in one afternoon. It is unbelievable, just unbelievable.

I want to make a warning to members opposite. It was a warning that was made by a member of the Manitoba Federation of Labour when some years ago, a decade or so ago when we were debating, and I cannot recall if it was in the '89 session or the '90-'91 session, final offer selection. This particular individual, and I am just looking for a quote from Hansard, was a Mr. Peter Kennedy. He was a member of the Manitoba Federation of Labour, and he was asking the question. And remember, in those days under final offer selection it was the same mechanism that this government originally proposed, that either side could request it, but the employees had a veto.

I do not know if it was me, but one of the members of the Committee asked Mr. Kennedy: Would you accept an amendment that took away the veto to make it equally compulsive for both? You know, if you follow the logic of the Minister of Labour, she says: The reason we are doing this, the reason why we are prepared to abandon long-standing principles, is because we think there should not be many days lost to strike or lockout. That is such a big issue that we are prepared to abandon these principles. So we are bringing in this law.

Well, if the reason is so great, of course, then should the employer not also have the right to compel, not just the employees have the right to compel? There should be a veto for neither. Well, the Minister of Labour has recognized that

today, but we would argue very strongly she has not demonstrated the cause to abandon the principle of free collective bargaining. But when Mr. Kennedy from the Manitoba Federation of Labour, a member of the Manitoba Federation of Labour, represented by the Manitoba Federation of Labour, was asked that question, he said, he made the comment, and I quote, the most obvious danger in final offer selection legislation is that it can easily be altered to make strike action illegal, which is exactly what is happening today.

He further goes on to say a government hostile to labour, not necessarily Tory, in the words of Mr. Kennedy, could remove the workers' veto, giving management equal right to demand final offer selection. A company which could not afford a strike could invoke final offer selection and get the plant running. This potential outcome makes the proposed legislation the most insidious and dangerous piece of anti-union legislation in decades. End of quote.

Well, you know, we are seeing that happen today. Exactly what this individual, Mr. Kennedy from the Manitoba Federation of Labour, predicted or suggested is happening is happening today. And he was right. It was not a Tory government that would do it. I do not think he anticipated it would be a New Democratic Party government that is doing it. That is exactly what the current Minister of Labour is doing. She is going to take away the employees' veto and give them equal footing that both now have lost the right to strike and the right to lockout, which were fundamental rights and key rights that make collective bargaining work.

Well, she said, well, I have not taken it away totally. She has infringed upon it. Yes, she has. She has done more than infringe upon it because in certain cases, if her amendments pass, after a period of time, there may be rare cases that right to strike now will be lost in the province of Manitoba. It is unbelievable.

You know members opposite do not realize, if this bill with these amendments pass, all it would take is another administration, and given that this administration has so little understanding of the principles of labour law and free collective bargaining, it could be them, for

goodness' sake. They are so disorganized, they may fumble into it themselves, but an administration with a majority could come to this Legislative Assembly and, with a few simple amendments, totally do away with the right to strike and lockout. All they would have to do is, after this bill becomes law, change it, shorten the period from 60 days to 3 days, 4 days, and take away any discretion from the Labour Board. So all the Labour Board can do is order and set up the arbitration.

You know how innocuous those amendments would look when they came to this House, how innocuous. All we are doing is we are shortening up the period in which unions and employers can access this wonderful alternative to the free collective bargaining mechanism. They would look so innocuous with just a simple word that says instead of 60 days it is now 6 days or 3 days and that instead of saying the Labour Board "may insist," the Labour Board "shall" order an arbitration. Do you know what, I can hear that minister in this House. I can hear their voice, their future voice saying we are doing it because we have had a few too many strikes and lockouts. We have lost a few too many days. Our economy is suffering, and you know this is not ending the right to strike. People will still have the right to strike for three days.

**An Honourable Member:** The cadence of jackboots.

**Mr. Praznik:** Well, the member for Lakeside (Mr. Enns) talks about the cadence of jackboots. That is what it is. Two simple amendments, two little word changes in this bill, and we will have ended in the province of Manitoba the right to strike and the right to lockout, the fundamental bargaining powers within free collective bargaining.

You know this Mr. Peter Kennedy, from the Manitoba Federation of Labour, speaking over a decade ago, laid it out. He said and he warned us that this could happen. You know what is amazing me today is I have not seen one New Democrat, and maybe the Member for Thompson (Mr. Ashton) is busy and has not been able to get his mind around what is happening in his own caucus, but I have not seen one New Democrat with the courage to stand up

for the principle of free collective bargaining. I have not seen one of these self-proclaimed champions of the labour movement prepared to stand up for the rights of working people to legally withdraw their labour.

I have seen a group of people who have used as an excuse to bring in these amendments the argument that we cannot have too many days lost to strike or lockout. Well, that is exactly the argument that someone will use in the future to argue for those two little amendments that will end the right to strike. It is the same argument. We cannot have strikes more than a few days, so let us just shorten the time period on this alternative dispute mechanism, the alternative to free collective bargaining. We will just shorten it a little.

**An Honourable Member:** We will not tolerate a single day's work stoppage.

**Mr. Praznik:** Oh, that is right. Oh, maybe. No, we will still want to have a few rights to strike, maybe a few hours, maybe no more than eight hours.

**An Honourable Member:** We will limit the strike to noon hour, lunchtime.

**Mr. Praznik:** That is right. So you still have the right to strike. I could hear the Member for Inkster, the current Minister of Labour (Ms. Barrett), making this argument because she quite frankly would not understand what she was doing.

\* (16:40)

So this Mr. Peter Kennedy from the Manitoba Federation of Labour laid it out. He said a government who really wanted to stick it to labour, all they would have to do is amend that provision to take away the veto of labour. You see once you start playing with free collective bargaining, once you start playing with it and you get away from the principles, like playing with freedom of speech and other freedoms, you start getting into trouble. The trouble here was with Howard Pawley's government. They played with it. They knew that it could take away from the right to strike, so they had to put a safety valve in to protect the

right to strike. I am sure, when these amendments were drafted, the person in the Department of Labour who put this together knew that this government would want to protect the right to strike. So they put in the amendments, and the Minister probably did not have a clue what was in her bill.

I do not know what they used on the other side of the House for an internal review process, but I do not think they had much of one. So the Bill comes here, and now, when they are under pressure and they announce an amendment that will take away the safety valve on the right to strike and will make sure that, if we diminish the right to lockout, we will diminish the right to strike, by the way, which suits the logical argument of the Minister of Labour that we have some problem with days off for strikes or lockouts. There is a logic there. The only problem is we do not have that great a problem. They have not demonstrated a public need to change free collective bargaining, yet they are amending their bill now to take away that right, and you know what they are leaving this open to.

In fact, you know, Mr. Chair, from this side of the House or another party, perhaps the Liberal Leader, we could campaign, and we are going to make it easier. This is a great piece of legislation. If I wanted to be anti-labour and anti-free collective bargaining, I would stand up here today and hail this amendment, and I would say, you know, this is such a great idea that, if you elect me as government, my party the Government, we will just make a few amendments. We think it is so good the 60 days is too long. We will just shorten it. You know what? We will not leave any discretion with the Labour Board. Binding arbitration is such a good settlement mechanism, we will just oppose it. You know what? We will appoint the arbitrators. You know what? A few short steps and we have killed free collective bargaining. We have killed the right to strike in Manitoba. We have killed a century of advancement in labour relations. You know how easy it would be because you could get up and, oh, the current Minister of Labour is saying we have a problem with days lost to strike and lockouts. You know, the 60 days is just not getting enough of them. My goodness, we have to shorten that period. You know, not enough of them use the arbitrator. Oh, where are

the arbitrators? They have a settlement, yes. So we will let them all be arbitrators. You know what? We will appoint the arbitrators, as government. We will get the settlements we want.

A few short steps away, that is how close you are getting. What is really sad about it is you do not even understand it. By the way, these words we are quoting to you are not the words of Tories or business leaders. These warnings are coming from your own, from your own in the labour movement, from your own in the New Democratic Party, and they are warning you. They are speaking out from decades past about what you are doing and you, members of today's New Democratic Party government, are ignoring them.

I would strongly suggest to members opposite that they withdraw this bill. Take the hit, take the hit today. Withdraw the Bill after the presenters. Withdraw the Bill and go rethink it. Think about what you are doing. Take a course in the history of labour relations. Go and rethink.

What you have today is a premier who made some quick promises, wants to deliver, wants to get it all done in the first session so he does not do anything more controversial. You have a Labour Minister who does not understand what she is doing. You have pressure on the Government. You have ads against him.

For the first time in your year of office, you are actually being attacked by the public, and you know what will happen. So what are you doing? Today you are coming with all kinds of amendments that tell me you do not even know what you are doing. You are all over the place, and it is like that in so many issues you handle.

Get a grip as government. You won the last election, govern, but govern with some sense of what you are doing, with some sense of principle. You know, you do have, as a party, the principle of standing for free collective bargaining, the right for people to unionize. So stand by it. But you are so quick to throw away the right of those same people to have a democratic vote. You are so quick to throw away the right to legally withdraw your labour in

support of your cause. You are so quick to throw away principles that members of your party fought for, for so long. That is what is the shame here today, and yes, you will cloak it in the words like the Minister of Labour, well, we have some problem, we are restoring balance.

You are not restoring balance. You are diminishing the right to strike, to legally withdraw your labour. You have diminished the right to lockout, to legally deny access to work, two key components of collective bargaining. You have taken away the democratic right of working men and women who you claim to represent to cast a secret ballot vote. And you know the great harm that did? The harm was it was inconvenient to a few of your friends, but the great good it did is it said to all the world that those working men and women had chosen that union freely in a secret ballot vote and there was no doubt they wanted that union and they had a right and legitimacy to exist and you throw it away.

Well, maybe the modern leaders of the labour movement do not have the courage to stand up to you their friends because they are expecting too much from you, but there are some of us who will stand up and continue to do so. Mr. Chair, I would like to turn things over to one of my colleagues now for some other questions.

*Mr. Stan Struthers, Acting Chairperson, in the Chair*

**Mr. Ron Schuler (Springfield):** I do not know if I have been in committee when you have been chairing, a real pleasure. I do have some questions of the Minister of Industry and Trade. To the Minister, we have had an awful lot of letters or what we seem to think are an awful lot of letters coming across our desks in regard to businesses that have made comments to the Minister of Labour (Ms. Barrett) and to the Premier of Manitoba (Mr. Doer), and I was wondering if she had been given copies. Has she actually seen these letters?

**Ms. Mihychuk:** No.

**Mr. Schuler:** Well, Mr. Chairman, that comes as a great surprise. I know the Minister has been in this Chamber longer than I have, I being part

of the class of 1999. I guess as a rookie MLA, I would find that very surprising that the Minister has not seen the letters of the business community, clearly the department under which they would come. I guess what I would also find very surprising is that she has not shown much interest in wanting to see them, and I am wondering if it is something that the minister is planning on doing. Could she tell this House: Is she planning on asking for a copy of all the letters that were sent to the Premier and to the Minister of Labour?

**Ms. Mihychuk:** I respond by just perhaps informing the Member that there are various processes that the business community have used to lobby on this bill, and I have talked to them personally. I have had representations from the Chambers and from the coalition and I have talked to, as I say, individuals who are operating major businesses in Manitoba and small businesses. Sometimes they will include their correspondence and faxes. I think the last round that the Member was talking about that was presented or at least quoted from last week on Thursday, I have not had in my mail, as he can see I am trying to go through, but they are often then copied to me as a courtesy and in government often material is sent to an individual minister with a specific responsibility. In this case, those individual businesses wanted to make a direct appeal to the Minister of Labour.

I am confident that those correspondences will be copied to me and I will have an opportunity to read them. But I think if the point is: Do I know the message? Obviously, the answer is, yes, I do. I have heard it and seen it in writing in other correspondence. Will I read the letters to the ministers? The answer is absolutely. I read all my mail and do try to communicate, both in person and in writing, with the business community. Thank you.

*Mr. Chairperson in the Chair*

\* (16:50)

**Mr. Schuler:** I am a little bit confused by the Minister's answer. On the one hand, she says: I have not seen any of the letters, and then on the other hand she says: but I have met with them.

How could you have met with them, Minister, if you have not seen any of the letters? You would not know who to meet with?

**Ms. Mihychuk:** Mr. Chairman, it is my understanding that on Thursday a group of letters were delivered by the Coalition. A group of Manitoba businesses have got together to lobby against Bill 40. If the Member is talking about those individual businesses, many of them I have met with and the coalition itself I have met with. The specific letters that he refers to I have not had an opportunity to see at the present time.

**Mr. Schuler:** As the advocate at Cabinet for the business community, someone who is supposed to take their views into consideration and put them forward at Cabinet, for instance, I would like to direct the Minister to a letter that was sent to both the Premier (Mr. Doer) and the Minister of Labour, and that came from Boston Pizza. Has she had an opportunity to meet with them?

**Ms. Mihychuk:** I would like to just clarify that my role is to advance industry. It is both promoting and monitoring. In the mining sector, for example, not only do I try to expand the mineral or exploration industry, but there is also a role of regulation and ensuring that industry complies with the laws. So I do not believe that my role is to trumpet one particular sector. I think my role is to try and encourage and expand Manitoba's economic position.

Hopefully, we will continue to see the strong economic growth sectors. That is my goal. To suggest that I am going to be trumpeting one view I think is inaccurate, and I do not think that would be expected of any minister. However, I think there is a great deal of confidence by the private sector, in almost every sector, whether it is manufacturing, retail, mining, financial, the new economy, are very positive. We are seeing substantial growth, exceeding all of those projected in every sector in Manitoba.

This bill is presented before the House in an attempt to provide balance to Manitobans, something that was rejected by the previous government by them throwing out unanimous motions from the Labour Relations Committee, refusing to be reasonable and going on their own

headstrong extreme position. Yes, there are 3 out of the 11 principles, or elements as the Labour Minister calls them, that are contentious and that the business community has voiced concerns about. But the other 7 have had agreement from both sides. That is a very healthy thing and a very positive one, I think, for economic growth in Manitoba.

So, when we look overall, the overall picture is very positive. This bill has been agreed to by both labour and management on 7 of the 11 elements. Three have controversy, and I think that the Minister has indicated that she and our government are willing to look at those areas of contention and possibly amend them to make it a more balanced bill, more suitable for business, and one that is not going to hamper business at all. In fact, it is going to promote a more stable labour climate in Manitoba, will do that, will expand and enhance business opportunities in Manitoba.

**Mr. Schuler:** The Minister indicated that her role is not as an advocate but rather to advance industry and be a promoter of it.

My question to the Minister is: Does Bill 44 make that an easier task or a more difficult task?

**Ms. Mihychuk:** Well, I think that that question is one that can be looked at both in the short term and in the long term. Right now, I think everybody knows that we are at a point that is very contentious as it is in front of the House, and tonight we begin committee hearings. Both sides are putting their positions on the table and having a very vigorous debate on this bill.

In the long term will it be easier or harder? I believe that it will be neutral or positive to my ability to talk about Manitoba. If the results, as predicted, show less strike and lockout in Manitoba, that is a very positive signal to talk to those businesses around the world that are considering locating. You can talk to people in Europe where strike and lockout are virtually never an option that companies or workers take up. That is a very positive attribute. When their representatives, ambassadors or others come to Canada, come to Manitoba to see me, they will say that, indeed, this is one of their strong attributes. They are proud to point out that they

do not have strikes and lockouts. That their mode of operation is one of co-operation. Businesses can be assured of labour stability. That is not a negative at all. I believe that along with the various other attributes, it will be easier.

In fact, Manitoba has a great range of opportunities and advantages. The previous government used to call it the Manitoba Advantage. Well, I think that that is limiting the number of opportunities. There are a huge number of advantages. I think our biggest problem, or one of them, is to not speak out about it, not be known, not be on the radar screen in the national or global picture. That is something Manitoba very seriously needs to do. We need to let the globe know of Manitoba's success story, and that we are on the edge of seeing some significant growth, and the number of excellent opportunities that are available here in the province.

**Mr. Schuler:** The Minister keeps digging herself in deeper. She said that Bill 44 could be seen positive by herself as a promoter of industry wanting to attract them to Manitoba. My question to the Minister is: Since Bill 44 has been introduced, has any business in Manitoba, or outside of Manitoba said that Bill 44 would be positive to their conducting business in Manitoba?

**Ms. Mihychuk:** I think it would be fair to say that the businesses that have come to me have expressed concerns about three areas of the Bill. Mind you, I would like to point out that the ones that are actively lobbying, have a position. It is one that is negative.

I can point out to the Member that I have made phone calls to industries and companies asking them what the impact of this bill would be on their own operations. That has been, perhaps, even a better anchor than the loud roaring from the other side that is saying doom and gloom, and Manitoba might as well close their doors and everybody move out. In fact, there are concerns where I am very pleased to hear that the Government is willing to amend certain sections of the bill that perhaps need to be amended, are listening to the business sector from their perspective, and is going to present a bill that will restore balance and harmony and

hopefully reduce the number of work stoppage days in Manitoba.

\* (17:00)

**Mr. Schuler:** To the Minister: The Minister says that many businesses that she has spoken to support Bill 44. For the credibility of the Minister, would she please stand up and name those individual businesses.

**Ms. Mihychuk:** The Member for Springfield likes to be argumentative and somewhat misleading. I think that if you look at Hansard and my records, I did not indicate that there were several businesses or many businesses that supported Bill 44. So his intentional misleading of the public or whoever may be reading this Hansard is one that I think is somewhat mischievous to say the least. So I would refute his suggestion that was actually in my comments.

**Mr. Schuler:** The only thing misleading has been the fact that the Minister left an impression that there were businesses that were supporting her government's side. The Government, nor this minister, nor the Minister of Labour have come forward with a single business that supports Bill 44, though they talk about businesses and they talk as if they are these great pooh-bahs of industry, and they know not of which they speak.

I would like to move on, and I would like to ask the Minister again, very clearly: Is it her belief that more businesses will locate to Manitoba in the future due to Bill 44?

**Ms. Mihychuk:** Well, you know, that is hard to say, but I do know that right now, while this controversy is raging and this House is dominated by this one issue, I do know that I have had several inquiries from national and international companies that are not aware of this bill, and then when presented with the Bill or the proposals, did not find that to be the deciding factor. So their intention to expand or look seriously at expanding or moving to Manitoba has not been deterred. In fact, this is not their primary concern at all.

Now labour relations is one factor; we all know that, that when industries or businesses look to either expand or relocate, will look at labour climate, will look at the regulations and laws that govern labour relations. But they will also look at the cost of doing business. They will look at the wages. They will look at the overall package.

Mr. Chairman, the question of whether we are going to see more or less based on this bill I think is rather a simplistic view. I think Manitobans will see a significant increase in the expansions and growth in virtually every sector of Manitoba's economy. That is something that the members on the other side should be proud of, that they should be actively pursuing. The future looks very bright. So, although they would like to say that the lights are going to shut out or be turned off with Bill 44, I think that the proof is not revealing that scenario at all. In fact, Manitoba's economy is growing and growing stronger than anyone predicted.

**Mr. Schuler:** Clearly, this minister does not have confidence in the bill. She does not have confidence in her ability to take on her caucus colleagues and this particular bill. I would like to ask her—she mentioned that she spoke to several international businesses that either want to or are going to invest in Manitoba and they felt that Bill 44 was of no consequence—would she please stand up, for her own credibility, and would she name them to this House, and are they planning on expanding or locating to Manitoba? Would she please name them?

**Ms. Mihychuk:** That is the most ridiculous question I have ever heard. I am not going to reveal what companies are looking at expansion possibilities in Manitoba, because I do not want to ruin those opportunities. The members on the other side of the House should understand there are certain things that business does not want revealed in Hansard. Thank you, Mr. Chairman.

**Mr. Schuler:** The only thing ridiculous about any of these questions are the answers we get from the other side, and it is most appalling the kind of bafflegab that ministers are willing to put on the record.

I would like to direct my questions to the Minister of Labour. Many, many letters have

been received, certainly by my office, and they were addressed to the Premier (Mr. Doer). *[interjection]* The Member for Rossmere (Mr. Schellenberg) asked if I wrote them. Maybe he is suggesting that I wrote Art DeFehr's letter from Palliser. Maybe he would like to speak to his friend and colleague from North Kildonan? I would suggest he be careful what he says on the record here.

I would like to ask the Minister of Labour, there are letters that were directed to the Premier and to the Minister of Labour, first off why she would not have shared them with her colleague who admitted to this House, the Minister of Industry and Trade, that it is her job in cabinet to advance industry and to promote it. The concerns of business were not passed over to the Minister of Industry. Why would that not have been the case?

**Mr. Chairperson:** The question is: Why did the Minister of Labour not share the letter of DeFehr with the Minister of Industry, Trade and Mines?

**Ms. Barrett:** Mr. Chair, many letters come across a minister's desk every day, and the specific letters will be forwarded in due course to the Minister of Industry, Trade and Mines (Ms. Mihychuk). The concerns that have been raised in these letters are concerns that have been shared with all the caucus members, with cabinet. Their concerns have been raised in the House. Of course every letter is an important letter, and those letters will be copied to the Minister of Industry, Trade and Mines in due course.

**Mr. Schuler:** I would like to refer the Minister to the letter that was referred to during Question Period and which has now been made public, and that is the letter from Palliser Furniture. It is addressed to the Premier and to the Minister of Labour, and there are some incredibly telling items that come out of this letter.

I have known Mr. DeFehr over many years. I would not say I know him that well, but what I do know of him is that he tends to be a very private individual. They tend to be a very quiet family within our community. They do a lot of anthropological work. They do a lot of work in various countries. They invest money in a lot of

different areas. They have quite a varied and diverse portfolio, so when Mr. DeFehr puts together a letter like the one that is in front of the Minister and the one in front of myself, and the Minister even mentioned that Mr. DeFehr came in and visited with her, how does she respond to, for instance, the last paragraph where it says: "I trust you will remember the middle word in the name of your party. Manitoba is a tough place with limited natural assets. All we have is our people – and that includes our entrepreneurs. Don't put our future at risk for the wrong reason."?

Basically what he is saying here is do not unbalance what we have right now. That is clearly what he is saying in this particular paragraph. I would like to ask the Minister if she would care to comment to that particular paragraph?

**Ms. Barrett:** Yes, as the Member spoke of, the Premier (Mr. Doer) and I received this letter from Mr. DeFehr, I believe on August 8, the day it was addressed because I believe it was delivered. So, as quickly as possible, I called Mr. DeFehr's office and set up an appointment. He and I met Friday morning. The Premier was unable to attend that meeting because of the first ministers' conference, but I felt that it was important that I meet with Mr. DeFehr as quickly as possible on his letter and have a discussion with him on his concerns.

\* (17:10)

This is what we have done with various groups, organizations and individuals who have shared concerns with us, both from the labour movement and from the business community. I must say to the Member that the business community is not unanimous in their approach to Bill 44. I think it is very clear in what has transpired in the media that there is a range of responses to this proposed piece of legislation from the business community as well. It is not a monolithic response by any manner or means.

We have had good, open, frank discussions with a number of individuals and groups on this piece of legislation, and I was pleased to meet with Mr. DeFehr as well. Now, Mr. DeFehr is very concerned—as a matter of fact, I do not

believe I am sharing confidences when I say that our discussion centred around one part of the legislation, which is the automatic certification, and the concern that Mr. DeFehr raises in his letter, in a sense, which he raised in our meeting, was that fairness be part of the process and that union certification process be fair and not biased in one direction.

The message that we gave to Mr. DeFehr, I will tell you that he is still opposed to this, and it is a message that I believe very strongly is that there is nothing in Bill 44 that will make it less likely that intimidation will occur. In his case, Mr. DeFehr is concerned about intimidation visited upon his employees by union organizers who come in to attempt to organize his business location. He has had at least three attempts made by various unions to organize in various elements of his business. None of them, to my understanding, have even reached the lower threshold of 40 percent, so there was never any sense of a vote or an automatic certification or anything because none of the union activity was successful even to the point of getting past the bottom threshold.

We have kept in place the section in the labour legislation that says it is an unfair labour practice to intimidate, and you cannot talk to employees in the workplace, on the work site or while people are working. So the union certification drive must take place outside of the workplace, must take place outside of employees' working hours.

Now Mr. DeFehr is concerned that an automatic certification at 65 percent will lead to intimidation. I tried to share with him, I do not think very successfully, that in his particular situation there does not appear to be any but the most remote possibility that we would get to a 65 percent certification process since the past experience has been that unions were unsuccessful in even getting to 40 percent certification.

We recognize that Mr. DeFehr is a very important employer in the province of Manitoba. We recognize that he is a very respected and successful businessperson, that his company

employs a great number of people and they are a very large contributor to the economy.

We also recognize that Mr. DeFehr, for years now, has diversified his business. As was stated in the newspaper just last week, he opened a plant in Indonesia well before Bill 44 was even considered. I would imagine the process to open that plant started even before the election was held last year. He has done some outreach in Lithuania. I know Mr. DeFehr has sponsored a university in Lithuania. He has done an enormous amount of public work throughout Manitoba and other countries. He has expanded his business dealings in Mexico.

When we met with Mr. DeFehr several months ago, well before the beginning of Bill 44, as the Premier (Mr. Doer) mentioned this afternoon in Question Period, we had a meeting with Mr. DeFehr and several other members of the Manitoba Business Council talking about immigration and the need to expand our immigration policies as much as possible, a goal that we both agree with. Mr. DeFehr at that point shared with us his plans to expand his business outside the province of Manitoba.

I think the context is that we made the point to Mr. DeFehr, and as I said, he does not agree with our position, but we made the point very clearly I believe to Mr. DeFehr, as we have with everyone else, that Bill 44 is not designed to have an unfair labour relations climate. As a matter of fact, Bill 44 is designed to provide balance in the labour relations legislation. It is designed to provide for an ability for workers to determine whether or not they wish to join a union. As well, it is designed to ensure that extended, very protracted labour disputes have the possibility of negotiated settlement where they find that they cannot do it on their own. As I am sure the Minister of Industry, Trade and Mines (Ms. Mihychuk) has said in her responses, this is designed to enhance the labour relations climate in the province of Manitoba.

Days lost to strike and lockout are a critical component when business is looking to locate in a province or in a jurisdiction because that speaks very, very clearly and is a wonderful indicator of what the labour relations climate is. When you have, as we had in the '90s, the

highest days, record high numbers of days lost to strikes and lockouts in this province, 29 of which lasted more than two months each, one-third of those 29 being lockouts, that is not good for business. It is also not good for workers.

I think that the members opposite talk about representing workers and speaking up for workers, but I think, if they truly believed that, they would be supporting Bill 44 and supporting a return to balance in the labour relations climate in the province of Manitoba. That is what we are all about and that is what we expect to have as a result of this legislation coming into effect.

**Mr. Schuler:** Just to the Minister's last comments. I would not know what bill to support because there seem to be so many bills, so many amendments. The Minister leaves all kinds of people hanging as she has stuff in the *Winnipeg Free Press* that talks about changes. She stands out in the hallway with the media and discusses changes that are currently being written by her department, and then in the same breath talks about how they are willing to listen. I mean, exactly which bill is the Minister talking about? Is it the Bill 42 as we see printed, which she talks about being balanced? Is it the Bill that is going to have the amendments that are currently being run off in her department? Because that is going to be a different kind of a balance. Or is it going to be what she listens to at committee that is going to be the third balance?

This Minister started to talk to the media outside. She did not know what she was talking about at the end. The media did not understand what she was saying. They kept asking her the same question. She had trouble answering the questions, because she did not even have the answers.

This government is on a slippery slope. They have no idea what this bill is about. They have no idea where they are standing on this bill. Instead of withdrawing it, this is the most ridiculous approach to doing public policy. They have no idea where they stand with this bill right now. The Minister cannot even stand outside with the media and give a straight answer. She kept going around in circles. They kept getting her. The Minister backed up 2 1/2 feet. If she had backed up any more she would have been back

here in the Chamber. Finally, they had to haul her back out into the hallway.

I would like to ask this Minister, very clearly: On Friday morning, did Art DeFehr from Palliser indicate to her that if Bill 44 went through, he will consider moving jobs out of Canada to either Mexico or to Asia?

\* (17:20)

**Ms. Barrett:** As I mentioned in my earlier answer, Mr. DeFehr shared with us his concerns about Bill 44. I shared with Mr. DeFehr our views on the impact of Bill 44. That it would be negligible for his own operations, because of the history of the notable lack of success in union organizing to even get to a 40% card signing in his operations, and that we were retaining the elements of The Labour Relations Act that we feel are very important, which is to prohibit any kind of intimidation in the certification process.

Now, Mr. DeFehr did not agree with our position on this. That is a perfectly legitimate statement to make. Mr. DeFehr also shared with us, as I have stated in my earlier answer and as has been in the media and is public knowledge, that he is expanding and continues to expand his operations world wide for a number of reasons. He is a long-standing, upright, upstanding, very positive contributor to the Manitoba economy. We expect that he will continue to be a positive and large employer in Manitoba in the foreseeable future.

**Mr. Schuler:** That was not an answer. This Minister and I have sat through Estimates committee and she refused to answer any of the questions there. I can actually see why. Because she already knew the kind of pathetic legislation that was going to be coming down the pike. No wonder the Minister was not interested in answering any of the questions.

I would like to ask the Minister, again: In her meeting on Friday morning with Mr. Art DeFehr, President of Palliser, did he indicate to the Minister that if Bill 44 went through, that one of the options he was looking at was moving jobs from Winnipeg to either Mexico or his plants in Asia? Was that one of the things that he mentioned to the Minister? Yes or no.

**Ms. Barrett:** I have answered that question.

**Mr. Schuler:** The Minister deludes herself thinking that she answered that particular question.

I would like to refer the Minister to a letter that she received, as well as the Premier (Mr. Doer), from Boston Pizza in which they indicated that their franchises directly employ over 400 Manitobans. Clearly not as large a corporation as Palliser is, but in the letter they state this may have an impact on our franchisees' plans for further investment in the province of Manitoba. Here we have two business operations that have indicated that they see Bill 44 as being a threat to their business.

I would like to ask the Minister: In all her travels, in all her discussions, or in all the letters she got and all the phone calls she got, is there one business that she can table for this House that said we need Bill 44, for us to either expand or to move here to grow as a business, we need Bill 44? Can she name one company?

**An Honourable Member:** Why, so you can harass them?

**An Honourable Member:** No, you have the market cornered.

**Ms. Barrett:** Oh, please, excuse me, Mr. Chairman, I think the Member for Springfield (Mr. Schuler) misspeaks himself when he suggests that the Member for Interlake (Mr. Nevakshonoff) has the corner on harassment. The Member for Interlake is the one who was harassed by the Progressive Conservative Party in 1999 in the election campaign by the same man who was involved in the 1995 Interlake election campaign, Mr. Cubby Barrett and Mr. Julian Benson et al. Let us not talk about harassment, Sir.

**An Honourable Member:** Family feud.

**Ms. Barrett:** And it is not a family feud. It is a total abrogation of the democratic principle, and I am appalled that the Member would even trivialize it by saying it was a family feud.

**Mr. Schuler:** The Minister and her government and her party have gone to the greatest of depths

to try to throw anything out just not to answer the question. I ask the Minister, any minister on that side, the Minister of Finance (Mr. Selinger), I ask him: Is there one business who, through e-mail, letters, telephone calls, private conversations, hand-written notes, is there any business in Manitoba, in Canada or globally that said to them we need Bill 44 before we will locate or expand in Manitoba? I would ask the Minister do not bring in every other issue, including the kitchen sink, deal with the question. Name one business, Minister, let us hear it.

**Ms. Barrett:** Mr. Chairperson, it was not me that brought in the kitchen sink, a.k.a. the lack of democracy in the Interlake in 1995 and 1999. It was the Member for Springfield (Mr. Schuler) that started that little situation.

#### Point of Order

**Mr. Chairperson:** A point of order being raised. Please state the rule that is violated.

**Mr. Schuler:** Mr. Chairman, could you please ask members of the House to keep it down a little bit. I actually could not hear the answer.

**Mr. Chairperson:** The noise is coming from both sides, even from the Member himself. Please be quiet so everybody can—I heard everyone, and I cannot close my ears.

**Mr. Marcel Laurendeau (Opposition House Leader):** A point of order, Mr. Chairperson. You just made reference to the Member for Springfield (Mr. Schuler). I was sitting directly in front of the Member for Springfield. He was clearly listening for an answer to come from the Minister of Labour (Ms. Barrett), and you reflected upon the Member for Springfield. He was not speaking, but you chose to name him during that point of order, which was wrong, and I would ask you to apologize.

**Mr. Chairperson:** I apologize to the Member for Springfield.

**Some Honourable Members:** Oh, oh.

**Mr. Chairperson:** Order, please. Unless you have the floor, please keep your mouth shut. Who has the floor?

\* \* \*

**Ms. Barrett:** Thank you, Mr. Chair. I appreciate your intervention. There have been a number of presentations made. We believe that Bill 44, the amendments to The Labour Relations Act—and I might parenthetically say to the Member for Springfield that we are open to hearing all of the presentations. There are at least 70 now. I have not checked in the last few hours; it may be even more, but at least 70 individuals representing themselves, business groups, labour organizations, a variety, a full range of groups and individuals are interested in and wishing to make presentations to the Government, to the Committee, to the Opposition actually, in committee, starting tonight. We are looking forward to that.

In an earlier question or preamble to a question, the Member for Springfield made light of the fact that Bill 44, as it was tabled in second reading, may be changed and that the Bill that comes before the House for report stage and third reading and final passage may not look like the Bill that was tabled in the Legislature. In sort of assuming in his way that—I do not mean to infer motive, impugn motive, but I heard that might be seen as something that was less than exemplary. I would suggest just the opposite, that in fact it is good government that listens to people, that listens to groups and makes changes where it is deemed appropriate.

I would like to remind the Honourable Member, who was not in the Legislature at the time, who was not in government or the opposition at the time, that in 1996, when Bill 26 came into effect, the then-minister of Labour, the then-member for Rossmere, sent over to the Labour Management Review Committee a series of issues, elements, possibilities, questions, whatever you would like to call them, and asked for input from the Labour Management Review Committee. The Labour Management Review Committee in 1996 was a far bigger group than it was in 1999 or in 2000 this year, and grappled very strenuously, and in actually a very short time frame as well, with the issues that were raised by the minister of Labour at the time.

\* (17:30)

After a lot of negotiation, a lot of discussion, they came up with some very hard-fought compromises, consensus on issues where neither labour nor management was fully accepting of it, but they felt that they had done their job, they had given their best effort, and that, I would imagine, they figured that the Minister might listen to them, because they had come up with compromise, consensus positions. But, no, the then-minister of Labour, the former member for Rossmere, clearly, I would say, knew ahead of time what Bill 26 was going to look like before he even sent a scintilla of information over to the LMRC. He knew exactly what was going to be in that legislation. The reason I say that is that not one—may I repeat—not one of the consensus positions that was reached through hard and difficult negotiations by LMRC was reflected in Bill 26.

If I were a member of the Labour Management Review Committee at that point from either labour or management, I would be very unhappy and very annoyed with the then-minister of Labour, and I would wonder to what end I had put my time and energy and effort. Why call on LMRC if you are not going to even reflect at all the discussion and the compromise that had taken place.

So unlike the former government, which had it all written out ahead of time before even going to the LMRC, this government sent issues, sent concerns, sent specific areas of Bill 26 to the LMRC asking for response, and we were successful. LMRC was successful in some cases in coming up with compromises and coming up with consensus positions. As I have said very many times in the House before, those reflections are in Bill 44. We did pay attention to the work that they did. We did recognize that they did a lot of work in a very short period of time. It cannot be easy to reflect, to represent two very diverse groups in our society, business and labour, dealing with very, very difficult issues like labour relations legislation. They did a very good job. They were not successful in coming to consensus on a number of positions, but we did recognize the statements that were made, the concerns that were raised. We have reflected to the best of our ability, while remaining true to our principles, their suggestions and their concerns in Bill 44.

Now, we bring Bill 44 into the House assuming that this is not the end of the line. We assume that because unlike any other jurisdiction in Canada we have a requirement to have public hearings on every piece of legislation that we are going to hear from a number of people in the community on this piece of legislation. We also assume, based on good historical precedents, that we are going to get it whether we had public hearings or not, because this is labour legislation, and you always hear from people on labour legislation. That is the nature of the beast.

We assumed that we were going to have good dialogue, good discussion, good meetings from individuals and organizations, from the business community, from private citizens, from the labour movement on this piece of legislation. We assumed that we would be making changes, because we knew that we did not have necessarily the entire answer to everything and that we wanted to hear from people about this piece of legislation. We are looking forward to beginning in less than an hour, Mr. Chair, this process, which I expect to take a fairly lengthy period of time, because we have a number of people who want to share their ideas, their thoughts, their concerns about this piece of legislation.

I am quite proud actually to be a part of the Legislature in Manitoba that requires public hearings. Many pieces of legislation have no presenters at all. They are smaller bills where there is no problem. There are also times when we may or may not have public presenters, but it is an opportunity for the two sides to get together, the Government and the Opposition, and in some cases come up with amendments that we both agree on. This happens with a degree of regularity that I would venture that most people in the province are not aware of. It is unfortunate, but the kinds of co-operative moments that we do have in this House are not seen, because they often happen at the end of committee hearings or off to the side. They are reflected only in something that comes up in the final piece of legislation but does not make it into the public awareness as often as I think it should.

So I am quite looking forward to the public hearing process tonight and tomorrow and as

long as it takes to get everyone to make presentations to us, to both sides of the Committee, to the Government and the Opposition. I fully expect the Opposition will have amendments to make when we get to clause by clause dealing with Bill 44. I would fully expect that. I can pretty much guess the nature of some of those amendments, but we will let that happen in the fullness of time.

What I am saying is that making legislation, especially legislation that has such an impact on people's lives, that is so by its nature controversial, is a challenge. It is not a clean-cut process, nor should it be. I do not apologize for the fact that we are looking at making some modifications. I do not apologize for the fact that we have had a lot of discussion in the media, a lot of discussion in the House. I expect that to continue until we pass Bill 44 in its final stages, whatever that looks like. I am not prejudging what that will look like, because we do have a number of people who want to make suggestions on this piece of legislation, and I know it will have an impact on our final decisions.

**Mr. Marcel Laurendeau (St. Norbert):** I just have a few questions for the Minister. First I would like to congratulate the Minister on just admitting that she had brought forward to this House some flawed legislation. It was nice thing to hear that the Minister finally admitted it. I am glad the Minister is looking at these changes. I do not know what these changes are. I do understand that the *Winnipeg Free Press* and the media out there might know a little bit more about it than we do here in the House, but I only hope the Minister is listening very intently right now to the business community and to the labour movement.

I do think there is one thing that both sides are saying right now, and that is that they would like to be heard. I do not think they are going to have a fair opportunity at committee hearings when they are going to be limited to 10-minute speeches or 15-minute presentations with 5 minutes of questioning. I do not think that is a fair way to get the actual answers that we are looking for, to limit debate in a committee hearing, the best process we have in Canada, but we are going to limit these people to 15 minutes and a 5-minute question period like they have in

every other one because there is a large number. Well, I think that is wrong because, if we truly did want to listen, listen so that we could correct this flawed bill that the Minister has already agreed to, I think we would be moving away from these time limits and allowing the presenters a lot more freedom to present.

\* (17:40)

Mr. Chairperson, I would like to pose a question to the Minister that will reflect upon some of the things that I have been hearing in the media lately, and it bothers me because I am seeing the labour movement and the business community, a group that has to work together and have worked together well over the past years, all of a sudden coming to arms against each other. When I hear statements like "lunatic fringe" referring to the business community coming from Rob Hilliard, the Honourable Minister's good friend and union cohort, I was just wondering, does the Minister agree with Mr. Rob Hilliard's statement that the lunatic fringe, people like Art DeFehr and the business community, are exactly that?

**Ms. Barrett:** Mr. Chair, first on the flawed piece of legislation, I have not ever referred to this Bill 44 as a flawed piece of legislation. I have stated actually that we expected, as with many pieces of legislation, to have amendments that made sense.

I believe, if my memory serves me correctly, that even in November of 1996, when the MTS bill was before the House, that the then-government actually accepted some amendments on the pension process that the Opposition made. I would be open to correction on the specifics, but I do remember that I believed that the Member for Crescentwood came up with some suggestions and some that were actually agreed to by the Government. We disagreed fundamentally. We have never disagreed more on a piece of legislation than we did on the sale of MTS, but we did work together with the Government on bringing forward an amendment that made a difference for the people who worked, pensions in that. That is what I am suggesting, Mr. Chair. It is wrong, I think, to be so stubborn, if you will, to say that what is before the House is the final say. Otherwise,

why do we have public hearings where basically, no matter whether it is 15 and 5 or 10 and 5, which I believe was the norm in the year 1996 under that government, the majority of time in public hearings is spent in listening to people and a much smaller period of time in questioning?

If we were not open to, if the process was not open to legitimate changes, then we should not have the public hearing process at all because it is then window-dressing. I am not for a moment suggesting that our Bill 44—I do not agree with the word "flawed." I am saying that our process is we are committed to listening to people, and if they have ideas and suggestions, when we have heard a number of them over the last few months and expect to hear more in the next couple of days, then we are prepared to be open and make adjustments where we feel it is in the public's best interest.

**Mr. Laurendeau:** I wonder if the Honourable Minister could refer back to the second part of my question and that is on the statement made by Rob Hilliard that the business community is a lunatic fringe and I was wondering if she agrees with that statement.

**Ms. Barrett:** I am sorry, I did not mean to not answer the second part; I just got so carried away with the first part. The comments that Mr. Hilliard made were Mr. Hilliard's comments. They did not reflect my views on the dialogue that has taken place over the last few months on this piece of legislation, nor do they reflect my experience with the groups and organizations that we have met with. Mr. Hilliard will respond and take responsibility for his adjectives. As I said, I do not know when the House or the media—that has not been my experience.

I disagree with some of what the organizations have said, but that is legitimate, but no, I have had nothing but frank and open and very collegial discussions with people on this very important issue.

**Mr. Laurendeau:** Mr. Chairperson, I thank the Minister for that answer. I have had an opportunity over the past ten years of working very closely on the government side and working with the opposition at the time on

certain legislative packages. We worked on a number of amendments as a group, and we were able to come up with consensus on a number of them, but there was one bill that we brought forward that we actually, after we had looked at it—it was on the taxicab, that we had actually taken a strong stand on, but in the end we had listened to the concerns of the people even before it got to committee and decided that we would withdraw certain components of the Bill, not for the long term but so that we could have further study.

I was wondering if the Minister is truly listening. The business community and the labour community are asking for some more time, and I do not understand what the rush is. She has already stated that there was consensus on a good portion of the parts of the Bill other than those three certain elements, so I was wondering if the Minister is truly listening and the business community and the labour community want to have more input, what is the hurry for these three elements? Would the Minister consider setting aside these three elements that are the contentious issue and bringing them forward in the next session after we have had an open and frank discussion with the business community and the labour community to see if we could come to a consensus? I do believe that there is an ability to do that, but I do not believe this is going to do it when we are pushing through in the wee hours of the morning, trying to hear 60 presenters.

We know where the three areas are. We have heard the concerns. Why would we not set these three elements aside. What is the rush? Your term is here for three years. You are not going anywhere. You can bring this back. You have an opportunity to truly listen to the community. I do not understand what your rush is to push these three elements that the business community and the labour community are saying we need more time to discuss it. Would the Minister consider setting aside those three elements, the three elements that are potentially the area that are contentious and giving grief to both sides so that the business and the labour community would have an opportunity to come to a consensus on these three elements? Will the Minister do that?

**Ms. Barrett:** Mr. Chair, we have had, as I said, full, frank and open discussions with a number of people over the past months, and actually yes, several months, even before the official introduction of Bill 44. We expect to hear a number of presentations in the next while. This is the process, and at this point we are going to listen to what everybody says, but we do not have at this point any plans to take out large chunks of Bill 44. If I am going to be consistent, then I have to say that I will listen to what everybody has to say, but so far I have not heard arguments that would say that things would change if we waited six months, three months, a year, particularly on things like certification. It is either one way or another. I believe we have actually come up with a middle road in the certification process. Labour wants 50 percent plus 1, or at the most they want 55 percent, which was in the legislation in 1988.

Not all of the business community sees this as a hugely critical issue. There is not unanimity among the business community that this is a be-all and end-all issue. I just want that noted. Some elements of the business community have one part that is more problematic than others, so they do not all have the same ordering of concerns. Much of the business community that is very concerned about this wants to keep the same 40% to 65% vote, or 40 to anything vote, and no automatic certification. So what we have done in Bill 44 is said, well, we will put back an element of automatic certification, but we are not going to lower the threshold to where labour wants it, either.

Neither side is particularly happy with that one, but I do not know how we could change that particular element that any more dialogue or discussion in six months or removing that is going to make that much of a difference, because one side is going to be happier, and one side is going to be less happy.

We are open to listening on all elements of the legislation. I am sure there will be people who will be coming forward from both the labour movement and the business community, talking perhaps about other issues that we have not even raised, that have not been raised, other than the three that have had all of the public discussion. We are prepared to listen, but at this

point we are planning to have pretty much the elements in Bill 44 that are there now. Again, I cannot categorically say there will not be some changes, because I do not want to pre-judge what I hear in 40 minutes.

\* (17:50)

**Mr. Laurendeau:** Mr. Chairperson, I was wondering if the Minister could explain to me what it is about the secret ballot process that she has concerns with, and what is the reason she is moving away from the secret ballot?

**Ms. Barrett:** I would just like to reiterate yet again the statements that have been made time after time in the House and publicly, that in Manitoba, from 1947 to 1996, almost 50 years, 49 years to be exact, there has been some form of practice or legislated automatic certification in the province of Manitoba. The bar has been raised or lowered, but the concept has always been there. I do not think it could be more eloquently stated than was stated on May 13, 1992, by the Member for Lac du Bonnet (Mr. Praznik)—*[interjection]* I know, but you wanted an answer: "is a sufficient enough representation of the will of the majority of that bargaining unit to certify. . . . we accepted the argument—"*[interjection]* I am explaining to the Member—*[interjection]*

Mr. Chair, I would like to be able to finish my answer, if you would like to please call the Member for St. Norbert (Mr. Laurendeau) to order.

**Mr. Chairperson:** I am already motioning to him.

**Ms. Barrett:** Thank you. The Member for Lac du Bonnet said in 1992: "we," meaning the former government "accepted the argument that was made by labour that where you have 70 percent plus, 65 percent plus of people signed cards, that that truly is representative of the majority. I ask members opposite to go back to first principles," and I am continuing to quote, "which is to determine the will of the majority."

And the then-Minister of Labour stated that, in his opinion, the will of the majority could be reflected in two ways: (1) by the signing of

cards; and (2) by a secret ballot where there was not a determined level of signed cards. That is our position, Mr. Chair.

**Mr. Laurendeau:** Now that I know, and I think I knew that it was the position of the Honourable Minister of Labour at that time in 1992, but my question was clearly, the Minister of Labour today in the year 2000, why is it she does not want a secret ballot? What is it she has against a secret ballot? Or does she think that we as elected representatives should be allowed to run around our constituencies and sign up 65 percent of the people, and that is called an election, and we would all be just automatically elected because we collect 65 percent on a signed card? Maybe that would make it easier for us as well if we just went door to door and collected 65 percent of the signatures. We could go to the door and say, please sign this and we will take care of you later; please sign this because I will take care of you.

Mr. Chairperson, my question to the Minister is: What does she have against a secret ballot? I know what the position is of Mr. Praznik. I want to know what her position is. Why is she against a secret ballot?

**Ms. Barrett:** There is a provision in Bill 44 that is reflective of the thinking of labour relations legislation for the past 50 years, including three former Progressive Conservative governments that, at a certain point in the process, in a certification process, the democratic will is expressed if you have, in the case of Bill 44, 65 percent of those people eligible to sign cards, signing cards. We believe that that is an indication of a democratic will. We believe, along with 50 years of labour relations experience, that this is a very positive way to go, that it provides for the democratic process to be undertaken. If you have 40 percent of the workers sign cards and between 40 percent and 64 percent of the workers sign cards, there is a secret vote.

So when the members opposite talk about the abrogation of democracy, the members opposite are not sharing with the public the full and complete view of the situation. There is a secret ballot between 40 percent and 65 percent. Mr. Chair, five provincial jurisdictions and the

Federal Government in Canada have an automatic certification. It was good enough for 50 years of labour relations in the province of Manitoba, including Mr. Duff Roblin, Mr. Sterling Lyon. And I would suggest to members opposite and members of the Government benches and anyone who is listening at this point that no one in this Chamber, no one in the province of Manitoba who has paid attention to the political process over the last number of years would accuse the Premier of the province of Manitoba from 1977 to 1981 as being "a friend to labour."

No one could say that. Even Sterling Rufus Lyon kept in place an automatic certification process. Even the Member for Tuxedo (Mr. Filmon), when he was Premier of the Province of Manitoba from 1988 to 1996, kept in place an automatic certification process. And going back further, I believe it was the Member for Portage, Premier Roblin, was he a Member for Portage? He was.

**An Honourable Member:** Wolseley. He was in two.

**Ms. Barrett:** Two? Okay. I have read most of his book, and it is a very interesting book. I might suggest it to pretty much anyone who wants a view of the political process in Manitoba and Canada in those years to read Mr. Roblin's book. But Mr. Roblin, who did a great deal for this province and up to and including, as everyone knows, Duff's Ditch, he kept in place an automatic certification procedure.

This is not rocket science. This is not breaking new ground. This is not a derogation of democratic process. This is a return. The members opposite keep talking about, why are you returning. Well, things that are worth doing are worth returning to. Just because something is not in place now, but has been in place in the past, does not mean that it is not worthy of returning to in labour legislation. We believe very strongly that it is not a diminution of democracy to have an automatic certification vote, particularly when it is at the level of 65 percent.

Let me just suggest that the Opposition ranks have not talked. I have not heard a single

one of them reference the fact that business improvement zones in the city of Winnipeg can be established with taxation authority, I might add, with as little as 15, one-five percent of the businesses in an area signing up. Now I would suggest that if we went to a level of 15 percent automatic certification that that would be an anti-democratic process in the labour relations movement. So for consistency sake members opposite should start lobbying the city to have an automatic vote at any percentage.

I think business improvement zones are a great thing. I think they have done a lot. But let us be consistent here. We have 65 percent as the threshold, 65 percent. Business improvement zones have 15 percent as a threshold. We have had 50 years of good labour legislation. We are returning to good labour legislation in the province of Manitoba with a return to the automatic certification. It is a balancing. It is a rebalancing. We are quite looking forward in, literally, 30 minutes from now, beginning the public hearing process.

**Mr. Chairperson:** Shall the resolution pass?

**Some Honourable Members:** No.

**Mr. Chairperson:** This will continue at some other time because of the Committee hearing.

It is already 6 p.m., committee rise. Please call in the Speaker.

## IN SESSION

### Committee Report

**Mr. Conrad Santos (Chairperson):** Mr. Speaker, being after 6 p.m., I seek leave to make a report to the House.

**Mr. Speaker:** Is there leave for the Honourable Member to make a report to the House. *[Agreed]*

**Mr. Santos:** Mr. Speaker, the Committee of Supply has adopted a resolution regarding Capital Supply, directs me to report the same and asks leave to sit again.

I move, seconded by the Honourable Member for Transcona (Mr. Reid), that the report of the Committee be received.

*Motion agreed to.*

**Mr. Speaker:** The hour being 6 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Tuesday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, August 14, 2000

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| Rocan   | 5013 | Harvest Festival and Exhibition<br>Dyck                             | 5028 |
| Schuler   | 5013 | Foster Parents<br>Martindale  | 5028 |
| Enns  | 5013 |   |      |
| Pitura  | 5013 |   |      |
| Faurschou   | 5013 |   |      |
| Jack Penner   | 5013 |   |      |
| <b>Reading and Receiving Petitions</b>                            |      |   |      |
| Bill 12—The Public Schools Amendment Act                          | 5013 | <b>ORDERS OF THE DAY</b>  |      |
| <b>Ministerial Statements</b>                                     |      | <b>Debate on Second Readings</b>                                    |      |
| First Ministers' Conference                                       |      | Bill 38—The Statute Law Amendment (Taxation)<br>Act, 2000<br>Loewen | 5029 |
| Doer  | 5017 |   |      |
| Mitchelson  | 5018 | <b>Messages</b>   |      |
| Gerrard   | 5018 | Selinger  | 5029 |
| <b>Tabling of Reports</b>   |      | <b>Committee of Supply</b>  |      |
| Preliminary Financial Report for the year ended<br>March 31, 2000 |      | Capital Supply<br>Santos  | 5030 |
| Selinger  | 5019 | <b>Concurrence Motion</b>   |      |
| <b>Oral Question Period</b>                                       |      | Mackintosh  | 5030 |
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| Mitchelson; Barrett; Doer   | 5026 | Schuler   | 5051 |
| Jim Penner; Barrett   | 5026 | Laurendeau  | 5060 |
| Post-Secondary Education  |      | <b>Reports by Standing and Special Committees</b>                   |      |
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