



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

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**STANDING COMMITTEE**

on

**INDUSTRIAL RELATIONS**

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40 Elizabeth II

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*Chairman*  
*Mr. Jack Penner*  
*Constituency of Emerson*



**VOL. XL No. 8 - 10 a.m., MONDAY, JULY 15, 1991**



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

LIB - Liberal; ND - New Democrat; PC - Progressive Conservative

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

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS**

**Monday, July 15, 1991**

**TIME — 10 a.m.**

**LOCATION — Winnipeg, Manitoba**

**CHAIRMAN — Mr. Jack Penner (Emerson)**

**ATTENDANCE - 11 QUORUM - 6**

*Members of the Committee present:*

Hon. Messrs. Enns, Manness, Hon. Mrs. McIntosh

Mr. Ashton, Ms. Barrett, Mrs. Dacquay, Messrs. Edwards, Penner, Santos, Sveinson, Mrs. Vodrey

Substitutions:

Mr. Reimer for Hon. Mr. Enns

Hon. Mr. Downey for Hon. Mrs. McIntosh

**APPEARING:**

Sharon Carstairs, MLA for River Heights

Dave Chomiak, MLA for Kildonan

**Written Presentations Submitted:**

Neil Harden, Private Citizen

Laura Steiman, Private Citizen

John B. Lang, Confederation of Canadian Unions

**MATTERS UNDER DISCUSSION:**

Bill 70—The Public Sector Compensation Management Act

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**Mr. Chairman:** I would call the Standing Committee on Industrial Relations to order this morning.

As was agreed by motion of July 13 meeting, the committee was to have heard from Mr. John Lang to make presentations to Bill 70. I have been informed by the Clerk that Mr. Lang called this morning to indicate that he will not be attending this morning's meeting. He has sent a written brief that will now be distributed to the committee members.

A written brief has also been received from Laura Steiman, which will also be distributed.

I understand there are going to be some committee changes. I would entertain those changes now.

**Committee Substitutions**

**Mr. Chairman:** Is there leave to make changes to the committee?

**Some Honourable Members:** Leave.

**Mr. Chairman:** Leave. Proceed.

**Mrs. Rosemary Vodrey (Fort Garry):** Mr. Chair, we have leave. I move that the composition of the Standing Committee on Industrial Relations be amended as follows: Mr. Reimer (Niakwa) for Mr. Enns (Lakeside).

I also move that the composition of the Standing Committee on Industrial Relations be amended as follows: Mr. Downey (Arthur-Virden) for Mrs. McIntosh (Assiniboia).

**Mr. Chairman:** Are we agreed to make those two changes?

**An Honourable Member:** Agreed.

**Mr. Chairman:** Agreed. So ordered.

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**Mr. Chairman:** The committee will now proceed to hear—

**Mr. Steve Ashton (Thompson):** Mr. Chairperson, I wanted to ask the government what its intentions were, given the rather bizarre set of events that followed in this committee on Saturday, during which we saw many people who were on the list. I notice we do not have a list today, so I assume they were all dropped from the list. As committee members will remember, I left the meeting as those names were being called.

\* (1005)

We ended up with a situation on Saturday where people who had been here, in some cases on several occasions, were dropped from the list. We ended up with a situation on Saturday where people whose names were called first off at the beginning,

Mr. Chairperson, of the committee hearing, had their name dropped by being called at the same committee hearing at four in the morning. There were people who had indicated to me, and there were others in the back of the room which I do not know personally, but I am sure were in the same situation, who were quite concerned about the absurd process that was followed.

What I would like to ask, Mr. Chairperson, of the Minister of Finance (Mr. Manness) is what his intentions are and whether he is willing to adopt a more sane set of rules and allow people to make presentations and to schedule some more sittings, particularly evening sittings, that hopefully would not go past midnight till four or five in the morning to accommodate people who, in many cases, could not wait around. In fact, on Saturday, there were about 100 people who would have had to sit here, if they were unable to be here right at ten o'clock, for about 16 or 17 hours until three o'clock, four o'clock, in the morning on Sunday. I do not think that is reasonable.

I would like to ask the Minister of Finance what his intentions are.

**Hon. Clayton Manness (Minister of Finance):** Mr. Chairman and Mr. Ashton, firstly, with respect to ensuing committees dealing with other bills either this session or in sessions to come, when there are 600 people willing and desirous to make presentation to a bill, I think we should try and come to some understanding on how it is that that bill should be heard and maybe under different sets of rules. I think what we realize throughout all is democracy has to have some bounds placed upon it or otherwise there will not be democracy.

\* (1010)

I am prepared to engage in those type of discussions with Mr. Ashton and representatives of his party and other parties to try and put some changes to general rules with respect to presentation in committee. I guess, Mr. Chairman, to that end, I look forward to those dialogues. I, too, did not enjoy being here particularly at four o'clock or five o'clock, but you must remember, the government was not responsible for coming forward with 500 or 600 names. I mean, that was the right of the community to come forward and do so. We had to work those types of hours to accommodate those numbers of people had they wished to be in attendance.

Now, Mr. Chairman, specifically to Bill 70, I purposely asked the Clerk on at least two occasions to take an accounting of the numbers of the people in attendance with their names so that the Chair and the government always had some understanding as to how many of the 500 people who did not speak to this bill were in attendance—I mean were in this room.

Mr. Chairman, let me indicate to you that although at least on those two times, as between those two times, the Clerk went—maybe there were some that did come in, and I am not going to argue that—but certainly the government had a list. The Chair had a list of the numbers of people who wanted to give representation. I also asked how many of those wanted to come back on Monday, because I could sense that the Saturday sitting was going to draw out. The last accounting showed that everybody wanted to present late Saturday night as compared to Monday.

You must remember why it is we had such a long sitting on Saturday, because Mr. Ashton and others made the point, rightfully, that a number of people could not attend during the week and that Saturday and Friday night, i.e., the weekend, was a time when they wanted to make representation. Now, Mr. Chairman, out of 600 people on the list, approximately 106 made representation. Approximately 500 did not. I would think that in the two accounting sessions that the Clerk took in going out to the committee, that there would have been a significant portion of that 500 that would have been in attendance on Saturday to make representation.

Not one person that we are aware of that was here on Saturday did not make representation. -(interjection)- Now, I said that we were aware of. I also asked Mr. Ashton to tell me who it was that he might be aware of. In that case, he chose to storm out of here and not give me names, if he did have them. If he did not have them, I say to him that the committee has—and I will let you, Mr. Chairman, indicate what the committee decided to do with respect to potential presenters today.

I say to you that if we were to begin to open it up, it would be unfair to all of the others, the 500 who may still like to make representation but who have missed their opportunity under the convention of this committee, and that is you are either here when your name is called, and if you are not, by the time the committee winds down, you have lost your opportunity to present.

**Mr. Chairman:** Thank you, Mr. Minister. Before I proceed any further, I want to just make sure that we are procedurally correct in introducing changes to the committee. I forgot to indicate that the two changes that have been made, Mr. Downey for Mrs. McIntosh and Mr. Reimer for Mr. Enns, that these will be duly reported in the House later on in the day or moved in the House today.

**Mr. Ashton:** Mr. Chairperson, if the Minister of Finance (Mr. Manness) is concerned about being fair to all people, then indeed I would suggest we rescind the ridiculous rule that this committee was forced to live with due to the government majority which had for the first time introduced a provision that would have had people dropped after their name being called twice, because there are many people who wanted to make presentations who were unable to do so. That rule was effectively a rule of closure on the public. In fact, it is worse than the closure in the House. In the House, you have to give notice of closure, and we close debate at one.

In this particular case, there was no notice and debate was closed at four o'clock effectively for more than 400 presenters. Mr. Chairperson, there are people here today who were here on Saturday, who were here in some cases on Friday and Saturday and may have been here on other days. For the minister to suggest that I give him names, I know of some of the individuals. I do not know of other individuals. I was not going to engage in a process with the minister of cherry picking certain individuals I knew and thereby giving them the opportunity to speak, whereas there might be other people, members of the public I am not aware of who were here and then have them lose their right to speak.

I want to deal also with a point that the minister raised about they checked. They checked on two occasions. If he cares to check with some of the people here today and some of the people who, Mr. Chairperson, are not here today who were here on Saturday, he will find that there are many people who came for several hours, many people who came several nights and several hours. The minister referenced a time that the audience was canvassed. That was on two occasions.

I will say, Mr. Chairperson, that the minister does not understand the traditions of this committee. The traditions of this committee have always been that we listen to members of the public wishing to make presentations, and we make every reasonable effort

to do so. In this particular case, the government on Tuesday evening, the initial sitting of this committee, made the decision that it was going to set up a system of closure on members of the public. I find that repugnant. We are left in this situation now, and I ask this to the Minister of Finance (Mr. Manness). We have people here who were here when their names were not called, who were here for a considerable period of time. I know a number of them individually. I do not know all of them. Is he now saying that they cannot present?

\* (1015)

I ask another question for those many other people who were here throughout different sittings on Tuesday, Wednesday, Thursday and Friday: Is he now saying that they will not have their right to speak because this minister is unwilling to schedule committee hearings at a reasonable time? To my mind, a reasonable time is when we have held 90 percent of these committees, which is between the hours of seven or eight o'clock in the evening and no later than midnight.

Let us not forget what we are dealing with here. We are dealing with an unprecedented effort on the part of a government to ram through the committee process on Bill 70. It has resulted in a system of closure that has resulted in members of the public being forfeited their right to make a presentation. I want to remind the minister what happened on Saturday because on Saturday there were people whose names were called for the first time and for the last time. They were called at ten o'clock, some of the names. If they were five minutes late in getting to the committee, if they were unable to make it at ten o'clock, they could have sat here for 16 or 17 hours and been unable to make a presentation.

There were many people who were here during the evening, who I know left at around 11, 11:30 on the reasonable assumption that their names would not be called at one, two, three or four in the morning and that there was a meeting scheduled. There was a meeting scheduled last week on Monday. I think it was only reasonable that those individuals would expect this government to allow presentations on Monday.

I want to ask the minister, is this the way we now have gotten in terms of our committee process in this province? I mean, it was bad enough the hours, it was bad enough the atmosphere in the committee. I do not blame members of the committee, but I know

members of the public were quite concerned about some of the things that were happening. It was not that easy for members of the committee sitting here for 18 hours, but we have ended up in the situation where our democratic process—and this is unique, we are the only province that allows this kind of representation—has now been butchered by a government that has brought in a system of closure that says, if you are not in this committee room at four o'clock in the morning on Sunday morning, after we have had 18 hours of hearings, you lose your right to speak on this committee.

Let us not forget whom we are dealing with here, Mr. Chairperson. If it was a matter of inconvenience to members of the Legislature, that is fine, but we are talking about members of the public. We are talking about working people, and I remind the minister of some of the people who were lucky enough to make a presentation, a woman at 2:30, three o'clock in the morning, on Sunday morning, who indicated she had to sit here for basically the 13-hour period. It was her only day off in a week and a half. It was going to be her only day off for the next week and a half. The people who were going off to their shift in one or two hours that we heard as we sat until three in the morning on occasion. Those who made it were akin to those who won a lottery. They were lucky. Their names came up. I do not know if you are lucky to have to sit in this committee room for 12 or 13 hours, but there are many people who made every reasonable effort, came down on several occasions.

There are many people here who I know, and others I do not know, who know that they were here. If the minister doubts that, he should talk to them. Is the minister now saying that he is not willing to allow them to make presentations? Is he saying that he is not willing to schedule additional hearings to hear the many more Manitobans who would like to make a presentation on this committee? Is the minister so concerned about ramming this through with his new form of closure that he is going to deny members of the public the right to speak on this? I ask that question, Mr. Chairperson, because this government has, on this bill, acted very much the way it has on the issue itself of Bill 70.

On Bill 70, their word meant nothing in terms of free collective bargaining and on the Bill 70 process, their word means nothing in terms of free committee hearings. I, quite frankly, Mr. Chairperson, am disgusted at what has taken place. I am disgusted

with this legislation by exhaustion. I am disgusted with the way in which this government is now moving closure on members of the public, and I say to the Minister of Finance one more time, will he not adopt a more reasonable approach to committee hearings in this province and not disenfranchise hundreds of Manitobans who wish to make their presentation on this bill? -(applause)-

**Mr. Chairman:** Order, please. I would like to remind the people in the audience that the same rules apply in this committee room that apply in the Legislature or the Legislative Assembly, and that is that those who are in the galleries will quietly attend and listen. There will be no clapping, nor will there be any comments from the gallery. If in fact there is, then the Chairman or the Speaker of the Assembly has no choice but to ask that the room be cleared, and I will exercise that authority here today. So I ask people to please abide by the rules of the Legislative Assembly and also the rules of this committee.

\* (1020)

I would also like to remind committee members that the same decorum I ask of them, that we are able to walk through this procedure in an orderly manner, that we conduct ourselves in such a way that we can enter into the debates of the bill. I also want to remind members of this committee that they do lead past a resolution or a motion that presenters should be called in order as shown on the list, and if they are not in attendance, their names will be dropped to the bottom of the list and be eligible to be called on one further occasion.

That is exactly what happened on Saturday and Sunday morning, and then the standing committee adopted a motion which stated that the Standing Committee on Industrial Relations would hear John Lang on Monday morning, July 15 at 10 a.m. and, after his presentation, begin clause-by-clause consideration of the bill. That is the procedure that this committee will follow today.

I have a question by Mr. Edwards. Mr. Edwards, are you prepared to put your question?

**Mr. Paul Edwards (St. James):** Mr. Chairperson, I want to add comments to the debate I have seen unfold here just now, very briefly. It strikes me that you have hit the right note by talking about decorum. That is the word which you used and you just finished speaking about. Using that as a theme and

as a guide for all of us, I ask two questions, given what happened early Sunday morning.

One is whether or not the democratic process was actually achieved, which we all seek to achieve, and secondly, whether or not, even if it was or was not done, will it be seen to have been done in a democratic fashion? I think both of those questions affect not just the government, not just the minister, the proponents of this bill, but all of us as legislators in this Assembly. We have a role to play, as a collection of 57 members, in ensuring that democracy is done, the democratic process is served and, as well, that the public retains confidence in that process and our ability to do it.

This particular strategy of this minister on this bill fails both of those tests. Firstly, democracy and the democratic process, as we do it here in Manitoba, is not achieved. We had some 500-odd presenters; 100 of them were able to present. Evidence of the fact that we have failed to hear all of those who want to present is the fact that we have here today many of those who want to present. They are here with us today, and if the minister says it is unfair to the others who have been knocked off the list, Mr. Chairperson, I say the fact is, the reality is, many are here wanting to present. We are here, ready and able to hear, but we are barred ostensibly by this minister's edict which flows from a deletion of names at 3:00, 3:30 or four o'clock in the morning, whatever it was, Sunday morning, in an absolutely indefensible fashion.

That leads me to the second point, that democracy and the democratic process be seen to be done. Mr. Chairperson, is there any more a depressing spectacle for us as members, but more so for the public, the public here today, the public who have been watching these hearings, who will see what we have done, than a government that reads through some 90 or 100 names, deleting them from their democratic right to present to this committee, at 3:00 or 3:30 in the morning on a Sunday. It is absurd. My friend the member for Thompson (Mr. Ashton) has used the word "bizarre." It is hard to describe what that spectacle does to the view in the public, which we seek to uphold, which is that we believe in democracy and the right of people to present.

It is an indefensible tactic by this minister, which he has used and seeks to uphold this morning. The only defence is a fictitious one at best. It is a technical one of the worst kind. It is saying, your

name was there, we read it, you were not here. That must be put in the context of the surroundings in which no one in their right mind could expect any number of those people to have waited, as my friend says, the member for Thompson, some 16 hours on that Saturday, actually it was Sunday, to be heard at 3:30 or four o'clock in the morning on Sunday.

It is an embarrassment, not just for the minister, for all of us to be part of this process which leads to that result. It is unconscionable. Mr. Chairperson, we have people here today. We are sitting. The Legislature is in session. We are able to hear them. We should be ready to hear them, and we should hear them. We should act accordingly. Whatever one thinks about this bill and whatever any of the members of this committee do at the end of these hearings, nothing will be able to restore the credibility to the process that has been lost if the minister persists in this agenda. We must hear those who want to present. They are here. Let us hear them.

\* (1025)

Let us do the right thing, not just for this bill, not just to learn more about this bill, which is, of course, the primary reason we are here, but for the democratic process which we hold dear, which the minister has spoken glowingly of and the Minister of Natural Resources (Mr. Enns) on many occasions in these hearings has lauded as unique in Canada. Let us do the process justice. Thank you, Mr. Chairperson.

**Mr. Chairman:** Thank you, Mr. Edwards. We will now proceed to clause-by-clause consideration of the bill.

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** Mr. Chairman, I think that we are doing a great injustice. I was here, as were some other members of this committee, at four o'clock on Sunday morning. I found one thing to be particularly an affront. After we had completed the list of some 531 names on this list, thereby indicating to anyone who sat in that audience that we were finished for the evening, because that was the logical conclusion all of us could make, we then began to read the list, from No. 1, all over again. That is where I took particular affront. If you were reading lists out in the corridor, you would have assumed, when they came to the end of 531 names, that would be the end of the evening's work, but again, they began to read the list from No. 1.

**Mr. Chairman:** Mrs. Carstairs, might I just interject. You made a slight error. We did not read the whole list over again. We only read those names for the second time that had not been read for the second time.

**Mrs. Carstairs:** That, Mr. Chairman, if I may be so bold, makes it worse, because obviously to read the names of people who had already presented would have been an absolute waste of everybody's time at four o'clock in the morning. What we did was read names of people who had not been here earlier in the day. To presume that, having not been here earlier in the day, they would then be there at four in the morning, I think, is a rather large presumption. I think the presumption was that, if they were not heard by the end of 531, they would not be able to be heard that day and that they would come by on the next day of the hearing. Many of them have now come back on the next day of the hearing, and you are telling them they cannot be heard. I think it is extraordinarily undemocratic.

**Mr. Ashton:** I want the minister and this government to know whom they have disenfranchised, because I look in the back, I notice there is a constituent of mine from northern Manitoba—we did not schedule a hearing in northern Manitoba; the government did not wish to do that—who was called for the first time and the last time on Saturday. I was not here when his name was called. I assume his name was called at four o'clock in the morning. He has come down today, as he had indicated, as I understand, to the Clerk's office that he would do, and is being disenfranchised.

I look out in the audience, and the minister says, well, they accommodate everybody who is in the room, on other occasions. I wonder, and I realize this is unusual, but I am wondering if people could indicate—and I realize it is in the decorum; I am not asking people to shout or anything—some of the people who were here on previous sittings and were dropped off the list. We have, Mr. Chairperson, people in this room now who were here and did not get their chance. I know some of them I saw here twice and three times. I saw some of them here for a considerable part of Saturday in that marathon 18-hour hearing, so this government is disenfranchising them, even though they made every effort to attend.

I really want to focus on who is being disenfranchised by this particular bill. It is people.

It is working people who cannot sit here for 18 hours a day. We sat for 55 hours as a committee. They could not hear the full 55, but they felt strongly enough about this bill to attend often on several days—several days. It is not reasonable in the province of Manitoba to expect people to sit here until 3:55 in the morning, to sit through 55 hours of committee hearings and then to come here on Monday and say, well, we passed a rule that says, we call your name and you are dropped from the list.

\* (1030)

Well, Mr. Chairperson, as I said before, there is only one word to describe this. It is "closure." This government had said it will not impose closure on members of the Legislature. It has not. It has done something that is even more unprecedented. It is imposing it on members of the public through a set of rules that it has rammed through with its majority, through lengthy sitting hours, where we sat repeatedly after midnight until as late as five o'clock in the morning on previous occasions.

By the way, many names were called for the first time on previous nights after midnight as well, so we had people whose names were called after midnight on one day, after midnight on another day, and now the minister says, oh, well, we made every reasonable effort to accommodate them.

This has not been a reasonable or fair exercise. This has not been democracy. This has been legislation by exhaustion, and it has been closure on members of the public that is absolutely unacceptable. This government may, with its majority, ram that through, Mr. Chairperson, but it should face the people whom it has disenfranchised in a process that is unprecedented in this province.

Those are just some of the many 600 people who had registered for the committee; 106 were able to present. There are many more out there, many more hundreds of Manitobans who in good faith signed up to present before this committee. This government and this Minister of Finance are disenfranchising them by forcing closure through on this committee. We do not accept that. -(applause)-

**Mr. Chairman:** I will remind -(interjection)- Order, please. I will call order one more time. -(interjection)- Order.

**Mr. Conrad Santos (Broadway):** Mr. Chairperson, we are seeking for what is reasonable here. This committee has been scheduled for at least and approximated to be two weeks of sitting to

hear about some 600 names. A more reasonable procedure would be to allocate 100 names divided by six and allocate 100 names specifically to a particular day and then notify those 100 members each day that they will be heard on that day. That would have been more reasonable, but that was not done. Reasonable procedures are procedures on which reasonable people can agree. Obviously, reasonable people cannot agree to what happened. Calling people up for exclusion at four o'clock and early in the morning under no circumstances can be called reasonable.

How can we extricate ourselves as a committee and still uphold the rights of the citizen to be heard? What could be more reasonable than to hear those who are present now and are willing and ready to make a presentation? Anything less than that is unreasonable. I appeal to this committee, Mr. Chairman, that we should hear—I could see no more than 10 people out in the audience who are willing to present, and this committee should have the patience to hear.

Thank you.

**Mr. Chairman:** Thank you, Mr. Santos. I will—

**Mr. Manness:** Mr. Chairman, I have listened carefully to the comments made by members of the committee. Let me say firstly that I invite any member of the public, and this is tradition, this is convention, who feels that they did not have an opportunity to make a personal presentation to write in and certainly present their brief. This has been done many, many times in the past, several times in the past as a matter of fact.

Mr. Chairman, Mr. Ashton says we should divide a hundred into six or something. All I can tell him is that the average presentation was over half an hour in length. He was asking me then to allocate 50 hours per day when, indeed, there are only 24 hours in a day. So I say to him, we have to live within the reality of the number of hours in a day.

Mr. Chairman. I think it would be wise to proceed, indeed, under the rules the committee has set for itself. I welcome any written presentation or brief that members of the public would like to provide. Certainly we will take it into account.

**Mr. Ashton:** Mr. Chairperson, I point out the absurdity in what the Minister of Finance is saying when the next step is, we move to clause by clause. We are going to be passing this bill through

committee and he is saying, file your written submissions after the fact. That is not acceptable.

I have a motion, Mr. Chairman. I have appealed to the minister, but if it takes a motion I will move a motion, that this committee rescind its previous resolution and reinstate the names of those members of the public that have been dropped and recommend to the House that additional hearings of this committee be scheduled during evenings to adjourn no later than midnight.

**Mr. Chairman:** We have a motion by Mr. Ashton that this committee rescind its previous resolution and reinstate the names of those members of the public dropped from the list, recommend to the House that additional hearings of this committee be scheduled during the evenings to adjourn no later than midnight.

The question has been asked. All those in favour would you—is there any debate on the motion?

**Mr. Ashton:** I want to explain the resolution, Mr. Chairperson. First of all, this committee cannot determine the schedule of sittings of this committee. That is determined by the government. That is why I made reference of recommending to the House, to the government House leader, who is incidentally also minister responsible for this bill, that additional hearings be scheduled during evenings. I included the provision that they not continue past midnight, to avoid the absurdity, and we just calculated from our side that this committee sat 15 hours after midnight, not something that would be considered reasonable by most people in this province.

The first part of the resolution deals with the unprecedented move that this government made at the beginning of this committee hearing, something that I pointed out was not a "normal procedure" that the minister had indicated it was in the body of the resolution. He introduced a new system, as I said, that is closure on members of the public. It is not a fair system and it is not logical, as our member pointed out, the member for Broadway (Mr. Santos). I point to the fact that we on the opposition side do not consider it acceptable now that the minister says, oh, well, you can file written briefs.

I am sorry, Mr. Chairperson, and I can tell you this, we sat here, I sat here for most of the 50-odd hours that we were here in this committee. I was here for all of the 18 hours on Saturday and I am willing to sit here as long as it takes to accommodate the members of the public wishing to make

presentations. Let there be no mistake about what is happening.

It is the government that does not want to hear any more. I do not blame them. There have been 106 presenters. There has not been one person come forward supporting Bill 70. I realize it is difficult for them to have to sit there and hear from people, and we have heard from a whole spectrum of Manitoba workers, hear from people earning \$21,000 a year who are going to be affected by this government's wage freeze.

We heard from a woman on the final hearing of the committee, a single parent with two children, who was saying she cannot cope now with the way it is in the economy. This government had to sit and hear her, but what they have gotten to is, Mr. Chairperson, they do not want to hear any more. They do not want to have to look square in the face the people they are affecting by Bill 70. What they are doing is they are bringing through this form of closure.

\* (1040)

This motion would return us to our normal procedure, which is to make every reasonable effort to accommodate members of the public wishing to make presentations. I think it is doubly important on this bill. The fact that there were this many presentations registered, over 600 members of the public registered, shows how important it is. This is the greatest number of names we have had on any matter other than the Constitution. In many ways it is a constitution for working people, because it affects collective bargaining, which has the same sort of importance on a day-to-day basis as the Constitution has for the national fabric of this country. That is why there were so many people. It is unreasonable for this government to sit here, and I realize it is difficult for them to have to look square in the face the people they are affecting, to now turn around and say, well, if you did not make it on the list at 3:55 on a Sunday morning, send us a written submission. Well, I know where it is going to be filed, Mr. Chairperson. It is going to be filed in file 13. I doubt very much if any of the members of the government will even bother to read the presentations, but the one thing this committee has done is those who are on the committee had to face square in the eye some of the people they are going to be affecting with this bill, Bill 70.

My motion, the motion of our caucus and I am sure it is fully supported by the Liberal caucus as well, reinstates the practice we have had in this Legislature for decades, which is to allow members of the public to make the presentations, Mr. Chairperson. I say to this government, with Bill 70 they have already destroyed 50 years of labour relations in this province, principles of labour relations that have been in place for 50 years by bringing in Bill 70. Let them not at the same time destroy principles of our Legislature that have been in place for more than a century.

They may be able to ram through Bill 70. They may be able to vote down a motion of this type in this committee, but it will not go unnoticed. The public will see them for what they are, a desperate majority government that is willing to do anything to ram through a bill of this type.

**Hon. James Downey (Minister of Northern Affairs):** Mr. Chairman, with respect to the honourable member for Thompson in his saying that tradition for decades he is returning or trying to return with this motion, I just want to jog his memory—and for those members who may not have been here—that I can recall during the early stages of the Pawley administration sitting in this committee room when the NDP government, of which he was a member, rescinded a particular bill which allowed the livestock producers of this province to have an operation organization of which there was an automatic check off. It was rescinded by his colleague, I believe it was the Honourable Bill Uruski, of which we sat here until two and three o'clock in the morning, of which people's names were called and then dropped off and they were not able to hear the bill.

I just wanted the committee and the public to know that, Mr. Chairman, that this committee has sat until two and three and four in the morning—for the member for Burrows (Mr. Martindale), of which his government, his party, were in office. Names were called. Presenters who were not there were dropped off the list and we proceeded to do clause by clause. So do not let the member for Thompson (Mr. Ashton), or this committee, or the public think that this is a first time. I have sat here when his government, his administration, carried out the kinds of activities of which he is accusing us.

Mr. Chairman, I have no more to say. Thank you.

**Mr. Edwards:** Mr. Chairman, I want to add some comments, albeit briefly, to the comments of the member for Thompson, about this motion.

I want to first of all remind the minister that some two years ago, I believe it was, it was he, who in a fit of rage walked out of a committee meeting at about three in the morning saying to the members of the committee, said—

**An Honourable Member:** Once the Liberals brought in the pizza and beer.

**Mr. Edwards:** The minister now says, oh, well, it was different because the members ordered pizza.

Mr. Chairperson, I sat through, prior to this committee—no it is true, this Minister of Finance did not order pizza but I can tell you, I sat through The Wildlife Amendment Act two weeks ago. The Minister of Natural Resources (Mr. Enns) ordered pizza at two in the morning in the hearings. If that is what the Minister of Finance (Mr. Manness) is hanging his hat on, that ordering pizza is a fundamental destruction of the system, we have to walk out because of that and that alone, he is the one who branded that committee meeting which went well into the early morning hours, as totally unreasonable, an abuse of the process and accordingly he—and he instructed the chairperson—walked out of the meeting thereby ending the meeting. He suffered a rebuke at the hands of the House as a result of that.

Now he says, but it is okay at four in the morning to continue proceedings and destroy people's rights at four in the morning. He says that is okay. Mr. Chairperson, it is hypocrisy of the worst kind. He changes the rules when they suit him. That is what he does.

Mr. Chairperson, to the other members of this committee, not the minister who has spoken, to the new members of this committee, new MLAs, I want to ask them to consider, apart from what they feel about this bill, apart from what it achieves or does not achieve or the rationale behind the bill, consider the process that they have been elected to take part in. Consider what voters in their constituencies are going to think about the deletion of 90 or 100 names because you were not there at four in the morning on a Sunday morning.

Think about what they are going to think about that. Think about the bastardization of the democratic process that is the result of that and consider seeking a higher position than the one

advocated by the Minister of Finance (Mr. Manness) who seeks that position only because he so desperately requires the result of this bill. Divorce yourselves from the result of the bill. That is not the major issue right here, right now, in this motion.

The major issue is democracy as we practise it in Manitoba, and the issue is what defence will you have to your voters who sent you as new people to the Legislature, presumably to take part in a time-honoured system of parliamentary democracy, when they know, and they learn, that you deleted people's rights at four in the morning on a Sunday morning. What are they going to think when they know, and they have already heard, that some days ago one presenter, I am told, at four or five in the morning waited and gave a presentation and she had to work two hours later. She had to go to work at seven in the morning. Now she stayed. She did that.

Can we honestly hold the other 500 presenters to that standard? Can we say to them, wait 18 hours because you may lose your rights at four in the morning? Is that reasonable? Are we that busy that we cannot accommodate the democratic process? I know the ministers at the table are participating in the politics of this question but I am asking the new members, in particular, of this committee to step aside from the politics and do what is right for democracy in Manitoba.

**Mr. Manness:** Mr. Chairman, again I repeat for Mr. Edwards that what is unprecedented in the events that have happened here—and he wants to talk and put it into comparison or at least other members do, to the constitutional hearings—what is unprecedented here is that we did not constrain any of the presenters. There was no time limit imposed, absolutely none, even though I know there were certain members on the committee who wanted to see us put a time limit in. Nobody was constrained.

\* (1050)

Secondly, the Clerk on several occasions went out into the committee room asking presenters if they were from out of town. In some cases, others indicated they had to move away in going to their job activity and other cases indicating that they would be back on Saturday. We accommodated that. We even accommodated the one person, the one person who indicated to the Clerk that they wanted to be in attendance today to present, the one person that said so to the Clerk, not to Mr. Ashton,

not to me, but to the Clerk. And I would say, Mr. Chairman, there is some incumbency upon everybody to provide their intentions, particularly when it is, under the rules of this committee in the past, their responsibility once the committee is here to be in attendance. That is not my rules, those are the rules of the House.

Now, Mr. Chairman, I can accept many of the things that Mr. Edwards says, but I cannot accept his revisionist history with respect to another committee hearing at which I was in attendance. I will tell him, and he will search the record and it will say very clearly that I was prepared to sit all night with respect to the Repap agreement that was being discussed at the time, all night, but once the Liberals started to organize pizza and beer parties, and were taking very little interest in the party, I was saying they were not very interested at all, and that is the reason I walked out.

**Mr. Chairman:** Order, please. I remind everybody in this room that I will ask for decorum if we want to continue the discussion.

The question will be put as soon as I receive clarification from Mr. Ashton as to what the meaning of the resolution is. There were two motions put on the books on the matter of time constraint, as well as a matter of allowing Mr. Lang to make a presentation this morning. I am wondering which motion Mr. Ashton is referring to that should be rescinded?

**Mr. Ashton:** Mr. Chairperson, first of all, it is the motion that dropped members of the public from the list after their name was called for the second time, and I also want to add a point, by the way—

**Mr. Chairman:** I am sorry, I asked for clarification of the motion and I think you have provided that.

**Mr. Ashton:** I am speaking on the motion.

**Mr. Chairman:** I ask that the question be put now.

**Mr. Ashton:** No, no, Mr. Chairperson, the Chair of the committee tests the will of the committee after a certain point, but I am speaking on the motion.

**Mr. Chairman:** Okay, if you want to speak to the motion, proceed.

**Mr. Ashton:** I just want to point out the other aspect in which this government has broken with tradition because it is a very important one. On the opening night of the committee hearings, when the government moved this motion, I stated, and it will be recorded in Hansard, when there was discussion

about whether the list would be followed, whether accommodation would be made for individuals from out of town, I said at that point in time, and it was my understanding on the first night that that was agreed to by the committee, that other individuals who were unable to attend at other times would also be accommodated, they would not have to go through the lottery that ended up taking place of their number being called and them having no real control over when it was called and losing their opportunity.

I want to stress that, because the following night that procedure was not followed by the rule of the government, and it is not accurate for the minister to say that because on two occasions the Clerk would not check with who was in the audience that time, that accommodations were made. At no time did the government say, well, if you want to come back on Monday, Mr. Chairperson, if you cannot make it on another day we will accommodate you today, at no time were those accommodations made. If they had, and the minister knows that, we went through the list and the only accommodations were made for out-of-town people.

If we had followed the procedure we have in other committees, which is where if someone cannot attend at a subsequent hearing that we hear them, we would not have run into this problem. Each and every one of those people who were out there on Saturday and other times could have been heard on that particular day, but the government chose not to do that, they chose instead to run through the numbers and run the names off the list at the end of the day. The intent of this motion is to rescind that original motion that enforced closure on members of the public.

I want to make it very clear on the record, Mr. Chairperson, because the Minister of Finance (Mr. Manness) is wrong when he talks about this committee accommodating members of the public. There were people here on Thursday, there were people here on Friday, there were people here on Saturday. Unless they were from out of town their names were read in order, there was no attempt to hear them on the days that they were here, as there has been in previous occasions. Only out-of-town people were heard on that particular day, and the minister knows that because I raised it specifically, and there was no announcement to members of the committee, there was no effort to show any flexibility. This government had one goal from the start of this process, that was to ram it through as

quickly as possible, that is what they have done thus far. This motion is intended to prevent them from doing so.

**Mr. Chairman:** The question will be put. The question has been called. On a point of order.

### Point of Order

**Mr. Dave Chomlak (Kildonan):** Point of order, Mr. Chairperson. I just received a call from a constituent of mine who was here until 5:30 on Wednesday and was furious that she was disenfranchised by this committee, having to sit until 5 a.m. on Sunday morning and was not allowed to make her point. She is an owner of a small business and she is disgusted at the way this matter—and has asked me to express to the committee and ask if there was any means or method by which she could make her presentation?

**Mr. Chairman:** Mr. Chomiak, there is no point of order.

\* \* \*

**Mr. Chairman:** I called the question. All those in favour of the motion, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** I declare the Nays have it.

**Mr. Ashton:** I would request a recorded vote.

**Mr. Chairman:** Recorded vote. I indicate that only committee members can vote.

**A COUNTED VOTE** was taken, the result being as follows:

Yeas 4, Nays 6.

**Mr. Chairman:** I declare the motion defeated.

We will now proceed clause by clause. Did the minister responsible have an opening statement, please?

**Mr. Manness:** Mr. Chairman, there are certain amendments that the government is wanting to move to Bill 70. We will distribute those at this time to members of the committee.

Mr. Chairman, we will distribute the amendments as the clause comes up. We have three amendments to bring forward and at that time we will certainly bring forward those amendments.

**Mr. Ashton:** Mr. Chairperson, the government has just cut off the committee hearings, which is absurd,

but the government is now saying, well, people can file written submissions. If that is the case, it will be an absolute mockery if we now proceed into clause by clause and I therefore move this committee do now adjourn.

**Mr. Chairman:** All those in favour that the committee adjourn, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed to the committee adjourning, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** I declare the Nays have it.

\* (1100)

**Mr. Ashton:** I request a recorded vote, Mr. Chairperson.

**A COUNTED VOTE** was taken, the result being as follows:

Yeas 4, Nays 6.

**Mr. Chairman:** I declare the motion defeated.

Proceed, Mr. Minister. We shall proceed on a clause by clause. I asked is Clause 1 accordingly passed?

**Mr. Manness:** Mr. Chairman, there is an amendment to Clause 1.

**Mr. Chairman:** We have an amendment to Clause 1.

**Mr. Manness:** I move

THAT section 1 be amended in clause (g) of the definition of "employer" by striking out "any employer" and substituting "any public sector employer".

**(French version)**

Il est proposé que la définition de "employeur" figurant à l'article 1 soit amendée par adjonction à l'alinéa g), après "les employeurs", de "du secteur public"

**Motion presented.**

**Mr. Chairman:** Clause 1, as amended—pass. Shall Clause 2(1) pass? We have a question, Mr. Ashton?

**Mr. Ashton:** No, we are indicating we do not support the clause.

**Mr. Chairman:** Shall it pass? All those in favour of Clause 2(1) passing, would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed, would you indicate by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** I declare Clause 2(1) passed.

**Mr. Edwards:** Mr. Chairperson, I move an amendment to subsection 2(2).

**Mr. Chairman:** Proceed.

**Mr. Edwards:** I move

THAT subsections 2(2) and 2(3) of the Bill be struck out and the following substituted:

**Application of Act before June 3, 1991**

**2(2)** Notwithstanding any other provision of this Act or the regulations, this Act does not apply to employees in respect of whom, before June 3, 1991,

- (a) a new, renewed or revised collective agreement was signed or agreement was signed or agreed to in principle; or
- (b) a final offer selection process or an arbitration process was commenced or concluded.

**(French version)**

Il est proposé que les paragraphes 2(2) et 2(3) du projet de loi soient remplacés par ce qui suit:

**Application de la Loi avant le 3 juin 1991**

**2(2)** Malgré les autres dispositions de la présente loi ou ses règlements d'application, la présente loi ne s'applique pas aux salariés à l'égard de qui, avant le 3 juin 1991:

- a) une nouvelle convention collective a été signée ou a fait l'objet d'une entente de principe;
- b) un processus d'arbitrage des propositions finales ou un processus d'arbitrage a été entamé ou a pris fin.

**Mr. Chairman:** Could we ask all members that when resolutions are moved that we move them both in English and French.

**Mr. Edwards:** That is moved in English and French, Mr. Chairperson.

**Motion presented.**

**Mr. Edwards:** Mr. Chairperson, I move this amendment because it became absolutely and abundantly clear in the course of this presentation part in consideration of this bill that the government had misled members of bargaining units in embarking down a road, embarking down a course of negotiation which involved, in some cases, final

offer selection; in some cases, arbitration statutorily granted; and in other cases—and I reflect on Mr. McGregor's comments to this committee—a process where the government had actually agreed to in writing, modify a final offer selection process and go to an interest arbitration.

Therefore, it strikes me that even though a political decision was made by the government to restrict wages to zero percent in the first year as is achieved by this bill, Mr. Chairperson, they cannot abruptly change the rules part way through a process. While I do not restrict Mr. McGregor's comments to the bargaining unit he was discussing, I think it impacts upon all of those including casino workers, electrical workers who actually went on strike, took the risk, paid the price for hitting the pavement in a strike, not an easy choice for anyone, not an easy thing to do; and at the end of the day when they had run that course, according to those rules which this government had agreed to, they had all of their efforts usurped in an arbitrary and, I would suggest, a callous way by this government.

It is indefensible that the government would engage in that kind of bad faith. I divorce this again from what political choices this government makes. This is an issue which reflects on all of us as legislators. It is an issue which attacks the fundamental respect which we rely upon in the community to uphold the democratic process. We lose that, in my view, substantially and probably irreparably. We lose that when we as legislators embark in the kind of false negotiating and bad-faith negotiating which this government seeks to do through this bill.

You cannot treat people in that kind of a fashion. Whatever party you are in, whatever the issue is, you should not lie to the people, Mr. Chairperson. You should not tell them we have a deal. We are going to go to arbitration. We are going to final offer selection, and at the end of the day when you do not like the result, pull out the rug, take your bat, leave the sandbox and go home. You should not be able to do that.

Mr. Chairperson, we learned yesterday, we learned Saturday, that this government did not even raise the issue of ability to pay, did not even raise it with Mr. McGregor as being put before the interest arbitrator. They had a choice. They could have said to him, mandate the arbitrator to consider this. They could have said that when they agreed to leave the final offer selection process. They did not do it.

That was admitted by this minister. It was also acknowledged by Mr. McGregor, and this minister made no objection at that time. I encourage him to come forward and say that at the time they switched from final offer selection to arbitration, they did do that. Let him say it. I look forward to it. Thank you.

**Mr. Manness:** Mr. Chairman, I have to state for the record that, firstly, the member is incorrect. Our presentation in front of the final offer selector or the selector was very much based totally on our ability to pay. It has been in all of the processes to this point in time since the beginning of the fiscal year.

Mr. Chairman, specific to the amendment, the reason that we will have to vote against it was the words "was commenced." How do you define "was commenced." That was the great difficulty we had because, quite honestly, there are 48,000 basically, 48,000 people who are in one stage or another were using either final vestiges of FOS or interest arbitration that is guaranteed to them. That was the purpose of bringing in the bill.

So when the member says, exclude those that were involved in a process, then there would be no reason for the bill at all, absolutely none, because the bill in itself overrides those procedures. I acknowledge that. That is why so many people have been here over the last week in opposition to the bill. I understand that. But then once the member says, well, then do it by degree, that was the problem we had, and we ultimately decided that we would go back to those to a point where there were nonsigned agreements per award.

Indeed, where an award had been given, had been signed and additional monies had begun to flow, we would not impose the impact of Bill 70 upon those agreements. That does not mean a year hence when those open up again that this bill might not be able and may not be applied to those organizations to use, for the want of a better word, escaped at this point.

**Mr. Santos:** Mr. Chairperson, in the matter of contract, whether at the individual level of an individual contracting with another individual or another group contracting with another group, such as in the case of collective bargaining, the rule is that the government acts as a neutral arbiter and umpire. It mediates between the two contracting parties. However, when the government decided unilaterally by itself to descend to the level of the citizens and itself become a contracting party, by

definition it has agreed to submit to the rules of negotiations and contract. Under the existing laws on contract, as soon as a meeting of the minds between the two contracting parties had taken place, a contract is made and formulated, regardless of whether or not the written instrument evidencing that agreement had been signed or not. The contract is perfected as soon as there is an agreement of consent.

\* (1110)

I suggest that the government, when it entered into the collective bargaining contract with the casino workers and also with the operating engineers, there is already a meeting of the mind. There is already an agreement, regardless of whether or not there is the written evidence signed or not. For the government to turn around and then assume again the arbitrary power of the state and say that we will abrogate this agreement because the written instrument has not been signed is not only an evidence of bad faith; it is a violation of the rules of contract. I suggest as soon as there is a meeting of the minds and there is consent between the two parties and the contract is perfected, regardless of whether there is written, signed evidence of such agreement or not, there is already an agreement, a vested right for the reason, and the government cannot back out from that agreement.

**Ms. Becky Barrett (Wellington):** Mr. Chair, I just briefly want to put on record the fact that, as I think has been abundantly clear over the discussion in the House and in committee, we are unalterably opposed to Bill 70 in its current form, to say nothing of the process that has been undertaken in the last week on public hearings, and will remain opposed to Bill 70 throughout. We believe that the bill is so basically flawed that amendments cannot really help what will be, if the bill is passed, even in an amended form, a travesty of natural justice and a travesty of the process of this House.

However, we will be supporting this amendment that Mr. Edwards has moved because it does help in one small way to alleviate some of the worst ravages that this bill will visit on the public service sector of this province.

**Mr. Chairman:** All those in favour of the amendment—

**Mr. Edwards:** Mr. Chairperson, I am going to be moving a subamendment. I have listened very closely to the comments of the minister and, given

what he has said, I am prepared to delete that part of my amendment. If that procedure is to vote on this and move a second one which is slightly modified, I am prepared to do that. I want to do it in the most—

**Mr. Chairman:** Mr. Edwards, we will clarify procedure. I would advise that Beauchesne indicates: "A Member, having proposed an amendment, and subsequently desiring to amend this same can do so only if the House allows the original amendment to be withdrawn, at which time the Member may then propose a new amendment." Or I would suggest that you might want to get somebody else to propose the subamendment, if you will. That is quite in order.

**Mr. Edwards:** Mr. Chairperson, I assume that this committee may allow me leave to withdraw it. I will be proposing an amendment consistent with the minister's comments. I would ask for that leave.

**Mr. Chairman:** Is leave granted to withdraw the motion?

**Mr. Manness:** What is the new amendment?

**Mr. Edwards:** If you would like to give the new amendment, I would be pleased to do that. The minister has asked the question. I would be prepared to speak to that at this point.

**Mr. Chairman:** Is there leave from the committee to explain what the subamendment might be? I am a bit afraid to do this because what we might get into is debate on a subamendment before a subamendment has been put and so far I have not heard a subamendment. I would ask the committee for leave specifically for clarification of what Mr. Edwards' intentions are. Is there leave?

**An Honourable Member:** Leave.

**Mr. Chairman:** Leave has been granted.

**Mr. Edwards:** Mr. Chairperson, very briefly the minister indicated that there was a problem with the words "was commenced" in sub (b). He indicated that there was an unsuredness about what that meant and that therefore this was not an acceptable amendment to the government. I am prepared and I would, if allowed, delete the words "commenced or" from sub (b) so that sub (b) of the new 2(2) would read a final offer selection process or an arbitration process was concluded. Specific to the minister's comments about signing, and I am doing exactly what the minister—

**Mr. Chairman:** Mr. Edwards, I want to caution you that we not get into debate at this time. I think you have clarified your intention with the amendment. I would ask whether there is leave from the committee to entertain the withdrawal of the motion. Is there leave?

**An Honourable Member:** No.

**Mr. Chairman:** No? Leave has been denied. We will put the question to the initial amendment. All those in favour, would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed, would you indicate by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** I declare the amendment defeated.

**Mr. Edwards:** A recorded vote, Mr. Chairperson.

**Mr. Chairman:** A recorded vote, please.

**A COUNTED VOTE** was taken, the result being as follows:

Yeas 3, Nays 6.

**Mr. Chairman:** I declare the amendment defeated.

We proceed then with the vote on the consideration of Clause 2(2). Clause 2(2)—pass.

All those in favour of Clause 2(3), indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed to 2(3), would you indicate by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** I declare Clause 2(3) passed.

Clause 3—pass.

Shall Clause 4 pass? No?

I ask for the vote. All those in favour of Clause 4, would you indicate by saying yea.

**Some Honourable Members:** Yea.

\* (1120)

**Mr. Chairman:** All those opposed, would you indicate by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** I declare Clause 4 passed.

Shall Clause 5 pass?

**Mr. Manness:** Mr. Chairman, I am moving an amendment. I will wait till it is distributed.

**Mr. Chairman:** Would the amendment please be distributed?

**Mr. Manness:** Mr. Chairman, our legal opinion suggested that the wording around—

**Mr. Chairman:** I would ask that the amendment first be read into the record.

It has been moved by the honourable minister THAT section 5 be amended:

(a) by re-numbering it as subsection 5(1)—

**Mr. Manness:** Mr. Chairman, I have not moved it.

I move

THAT section 5 be amended:

(a) by re-numbering it as subsection 5(1); and

(b) by adding the following subsection:

**One year application**

5(2) For greater certainty, no collective agreement shall be extended by or under the authority of this Act for more than one 12-month period.

**(French version)**

Il est proposé que l'article 5 soit amendé:

(a) par substitution, à son numéro, du numéro de paragraphe 5(1);

(b) par adjonction du paragraphe qui suit:

**Application pour une période d'un an**

5(2) Aucune convention collective ne peut être reconduite en vertu de la présente loi pour plus d'une période de 12 mois.

I move that in both French and English.

**Motion presented.**

**Mr. Chairman:** All those in favour, would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed, would you indicate by saying nay. Pass. I declare the amendment passed.

Shall Clause 5 as amended pass? No?

All those in favour of Clause 5 as amended, would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed, would you indicate by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** I declare 5 as amended passed.

Shall Clause 6(1) be passed?

All those in favour of Clause 6(1), would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed to 6(1), would you indicate by saying nay.

**An Honourable Member:** Nay.

**Mr. Chairman:** I declare Clause 6(1) passed.

Shall Clause 6(2) pass?

All those in favour of Clause 6(2), would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed to 6(2), would you indicate by saying nay.

**An Honourable Member:** Nay.

**Mr. Chairman:** I declare Clause 6(2) passed.

Shall Clause 6(3) pass?

All those in favour of Clause 6(3), would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed to 6(3), would you indicate by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** I declare Clause 6(3) passed; Clause 7—pass.

Shall Clause 8(1) pass?

**Mr. Manness:** Mr. Chairman, I will be making an amendment in this section.

**Mr. Chairman:** An amendment by the minister. Could we have it distributed, please. Proceed.

**Mr. Manness:** Mr. Chairman, I move

THAT subsection 8(1) be amended by adding "between the Government of Manitoba or an agent thereof and an association" after "agreement".

**(French version)**

Il est proposé que le paragraphe 8(1) soit amendé par adjonction, après "convention", de "conclue entre celui-ci ou un de ses mandataires et une association".

I move this in both languages, French and English.

**Motion presented.**

**Mr. Chairman:** The question has been asked. All those in favour, would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed, would you indicate by saying nay.

I declare the amendment passed.

Shall Clause 8(1) as amended pass?

All those in favour of Clause 8(1) as amended, would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed to 8(1) as amended, would you indicate by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** I declare Clause 8(1) as amended passed.

Shall Clause 8(2) pass?

All those in favour of Clause 8(2), would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed to 8(2), would you indicate by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** I declare Clause 8(2) passed; Clause 8(3)—pass.

Shall Clause 8(4) pass?

All those in favour of Clause 8(4), would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed to Clause 8(4), would you indicate by saying nay.

**An Honourable Member:** Nay.

**Mr. Chairman:** I declare Clause 8(4) passed.

Shall Clause 9(1) pass? All those in favour of Clause 9(1), would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed to 9(1), would you indicate by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** I declare Clause—

**Mr. Ashton:** A recorded vote.

**A COUNTED VOTE** was taken, the result being as follows:

Yeas 6, Nays 4.

**Mr. Chairman:** I declare 9(1) passed.

Shall Clause 9(2) pass?

All those in favour of Clause 9(2), would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed to 9(2), would you indicate by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** I declare 9(2) passed.

Shall Clause 10 pass?

All those in favour of Clause 10, would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed to Clause 10, would you indicate by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** I declare Clause 10 passed; Clause 11—pass.

Shall Clause 12 pass?

All those in favour of Clause 12, would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed to Clause 12, would you indicate by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** I declare Clause 12 passed.

Shall the Schedule be passed?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairman:** All those in favour of the Schedule being passed, would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed to the Schedule being passed, would you indicate by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** I declare the Schedule passed -(interjection)- On division.

**Mr. Edwards:** Could we have a recorded vote, Mr. Chairperson?

**A COUNTED VOTE** was taken, the result being as follows:

Yeas 6, Nays 4.

**Mr. Chairman:** I declare the Schedule be passed.

Shall the Preamble be passed?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairman:** All those in favour that the Preamble be passed, would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed to the Preamble, would you indicate by saying nay.

**Some Honourable Members:** Nay.

\* (1130)

**Mr. Chairman:** I declare the Preamble passed.

Shall the Title be passed?

**Mr. Ashton:** I just want to indicate that we are opposed to the title of this bill. It should be the public sector scapegoat bill, the scapegoat-of-the-week bill, the scapegoat-of-the-month bill. This very moderate sounding title is not reflective of what this bill does. It targets 48,000 Manitobans for particularly vicious treatment by this government, and even on the title of Bill 70, we will not even support that, Mr. Chairperson. We will oppose this bill in its entirety. I really wish the Minister of Finance (Mr. Manness) had been a little bit more forthcoming about this bill by entitling it as it should be, the scapegoat bill, the public sector scapegoat bill.

**Mr. Chairman:** All those in favour that the Title be passed, would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed to the Title being passed, would you indicate by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** I declare that the Title be passed.

**An Honourable Member:** A recorded vote, Mr. Chairperson.

**A COUNTED VOTE** was taken, the result being as follows:

Yeas 6, Nays 4.

**Mr. Chairman:** I declare that the Title be passed.

Shall the bill as amended be reported?

**Mr. Ashton:** Mr. Chairperson, I want to stress again our concerns about the process that was followed and the fact that we are now in the process of dealing with a motion that would report this bill to the Legislature after what I feel was a totally inappropriate set of committee hearings that did not allow members of the public to present. I point out that the minister as a consolation suggested people file written briefs, written briefs after the fact,

because this committee is now in the process of reporting this bill, Bill 70, to the Legislature. That is not appropriate.

I might also point out, Mr. Chairperson, I had the opportunity to talk to a number of people afterwards. I went and talked to one individual who was told that she could present Saturday or Monday very specifically, so there are people who were told they could present on Monday who were unable to do so today. I find it very unfortunate that in the space of time available here, we are pushing through this bill without having fully considered representations from members of the public.

This is a very significant bill. It is a very vicious attack on labour relations in this province, and I really believe it deserved a far better process than has been followed at the committee stage. The next time the government says that it was—and I remember, they said this at the beginning. They would not bring in closure, Mr. Chairperson, on this bill. They did not bring in closure on members of the Legislature. They went one step further. They brought in closure on the members of the public.

I want to indicate, as we report this, we will oppose reporting of this bill. The minister will also note that we opposed virtually every section of this bill. We chose not to introduce amendments because although the minister has introduced amendments that make the bill a less-bad bill, and I acknowledge that in the case of a number of the amendments, it is still a bad piece of legislation. This is a bad process, and we will continue to fight against Bill 70 as it continues its process through the Legislature at report stage and third reading.

**Mr. Manness:** Mr. Chairman, I accept Mr. Ashton's comments. I do not agree with them, but I accept them. Let me say, as has been the practice, on many of the bills already in this session whether it is those members of the public who wish to write to me and send me their views in the next short order, in the next day or two, and/or indeed further discussions with members of the opposition, if there is good reason to bring in amendments at report stage, that opportunity is still there and has been exercised many times on other bills in this session already. I would make the submission that this bill may still change in some fashion, but I still think that the process that has been undertaken here over the past six days has been fair and reasonable under all circumstances. Thank you.

**Mr. Chairman:** The question has been put. Shall the bill as amended be reported? All those in favour, would you indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed, would you indicate by saying nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** I declare the—

**An Honourable Member:** Recorded vote.

**Mr. Chairman:** On a recorded vote. A recorded vote has been asked. I declare that the bill is passed. There has been a request for a recorded vote. The question that was put, shall the bill as amended be reported? I declare that the bill shall be reported; however, there has been a request for a recorded vote.

**A COUNTED VOTE** was taken, the result being as follows:

Yeas 6, Nays 4.

**Mr. Chairman:** I declare that the bill shall be reported.

Is it the will of the committee that I report the bill as amended?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Mr. Chairman:** Is it the will of the committee that the bill as amended be reported? All those in favour, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairman:** All those opposed, say nay.

**Some Honourable Members:** I declare that the Yeas have it.

**An Honourable Member:** Recorded vote.

**Mr. Chairman:** A recorded vote has been asked for.

**A COUNTED VOTE** was taken, the result being as follows:

Yeas 6, Nays 4.

**Mr. Chairman:** I declare that the bill will be reported to the House as amended.

I would like to inform the committee that there is a written report that we received while we were in process, and the brief will be distributed now. The brief was presented by Neil Harden.

**Mr. Manness:** Before we rise, Mr. Chairman, I would just like to certainly thank all the members of

the Clerk's office for their contribution of great time and energy and organizational ability, because I must say, when you take into account the number of people who came forward to make presentation plus the large number who indicated their intention to make presentation, it was no easy task, and I, on behalf of the committee, thank them for all of their efforts. I am talking now about staff of the Clerk's office.

**Mr. Ashton:** I also would echo those comments. It was not easy for anyone throughout this 50-odd hour process. It was probably the most difficult, however, for staff in the Clerk's office, both in the committee and also in the office. I do hope that we learned from this experience, and I say this apart from our discussion earlier, that perhaps we need a complete review of our rules to have a more formalized format that does not result, Mr. Chairperson, in the kind of situations we have seen develop, and also the difficulty that places the Clerk's office in. They had many inquiries from the public and were placed in a very difficult situation when I asked about what the process was because of the unpredictability.

I thank the Clerk's office and I also want to indicate, perhaps give notice on record, that we in the opposition will be looking for rules changes that take the specific selection of the rules for a particular committee out of the hands of a particular committee, although obviously some rules will have to be set on a committee-by-committee basis, but formalize it more so that we do not end up with this very unfortunate process. I do not feel this is the way we should proceed in the future, and we will be looking for rules changes that try and protect the interests of the public and, at the same time, result in a better system of committee hearings in this province.

**Mr. Edwards:** Mr. Chairperson, I want to echo the comments made by the minister and the member for Thompson (Mr. Ashton) about the Clerk's staff. I am continually impressed with their commitment to the process to do their job effectively and competently. I am also impressed, and have been in these hearings and, before these, The Wildlife Act Amendment hearings which went well into the morning hours on many occasions. Whatever we feel about that process, it is our duty to, I believe, change them, to set them.

I look forward to changes because I think it is not a good process particularly, but those who serve the

process have done it well and have done it well beyond the call of duty, and that includes Hansard staff, I believe as well. That includes some of those at the table as legislative counsel and the building staff who stay those hours. It assists us in doing our job. We have a duty ahead to, I think, change the process. Nevertheless, they have done their job well and thoroughly and always been, I believe, most courteous and most forthright, and I want to thank them as well.

**Mr. Chairman:** Thank you very much. I would like to, in closing, indicate to all members of the committee, those that are here today and those that have been here previously, that I appreciate very much their co-operation throughout this whole process. I think everybody had the best intent of the bill at heart. I also want to thank all members of the public who presented as well as those that were not able to present. I ask them again, as has been indicated before, that they can still make their views known by written presentation and we would accept them.

Again, thank you very much, everybody. I declare the hearings on this bill closed.

Committee rise.

**COMMITTEE ROSE AT:** 11:39 a.m.

### **WRITTEN SUBMISSIONS PRESENTED BUT NOT READ**

Submission to Legislative Committee  
Reviewing Bill 70

My name is Neil Harden and I am a professional engineer employed in the provincial Civil Service. I am also director for the Prairie Region of the Professional Institute of the Public Service of Canada, hereafter referred to as the Institute. The Institute is the certified bargaining agent representing professional engineers in the provincial Civil Service, as well as doctors, nurses, and other health care professionals at Deer Lodge Hospital. Together, we have about 330 members affected by Bill 70. I wish to emphasize that the Institute is a nonaligned, nonpartisan union. We do not and have never supported any political party.

I submit that Bill 70 is an ill-conceived, unjustifiable piece of legislation and I urge this committee to reject it. There is no crisis in the province which justifies the Draconian action of taking away the right to collectively bargain from 40,000 ordinary Manitobans. The deficit, although

it has risen in the current recession, is still well within control and within the range of past values. Public sector increases have not been pushing the inflation rate as they have lagged well behind both the rate of inflation and private sector unionized settlements. If a crisis were severe enough to justify trampling on basic human rights, why is not the government legislating a freeze on the rent they pay for their office space, or on the price they pay for stationery supplies, or the amount they pay for utilities?

Civil servants have acted responsibly over the last several years, years in which the deficit has been high. As an example let me cite the increases that the professional engineers represented by the Institute have taken in recent years. In 1983, \$1,400 flat rate settlement, about 3.5 percent based on the average salary of the time. In 1984, \$370 flat rate over 18 months—less than 1 percent on average. In 1985, 3 percent plus a merit increment at the top of most salary ranges. In 1986, 2.1 percent, plus \$21 biweekly. In 1987, 3 percent. In 1988—3 percent. In 1989, 2.35 percent plus \$25.85 biweekly.

Therefore, it is quite obvious that these employees have not received an increase even equal to the cost of living since before 1983. For their employer now to turn and attempt to use them as scapegoats for the deficit is totally unjustified and morally wrong. Civil servants feel anger that the government has chosen to ignore the years of sacrifice on their part and ask them to "share the burden", as if they had not been sharing before. Public servants already share the same burden as any other taxpayers in the province. In effect, the government is telling them to share twice.

Bill 70 is more than just wage controls. The bill rolls back any changes to the collective agreement, even if they were voluntarily agreed to. As evidence, I point to the professional engineers, who received no increase in the final offer selection process. The government won, yet they still are included in the rollback. What is being rolled back are voluntary changes enhancing employee rights to due process in discipline and the grievance procedure, nonmonetary areas of the collective agreement. This can only be regarded as capricious and mean-spirited, an attempt to add insult to injury. This unilateral action to renege on voluntary agreements destroys the credibility of the government and the Civil Service Commission. The agreement of an engineer means something.

Apparently, the agreement of the Civil Service Commission and the government means nothing.

The impact of the bill is even more dramatic with our members at Deer Lodge Centre. You will recall the increase that registered nurses at most hospitals received in January. Because Deer Lodge was a separate employer, nurses there were not covered by this settlement. Legal opinions we have obtained, confirmed by the employer, is that the workers at Deer Lodge are included in the contract rollback, meaning that they get no increase. This stupidity will directly impact on the hospital's ability to attract and retain competent staff, as there is now a considerable wage gap between them and other institutions. Apparently, not much forethought was put into this legislation.

This bill reflects poorly on the government's reliability as an employer. This reliability was eroded by a poorly conceived decentralization plan and layoffs in the Civil Service. Morale has never been lower in the public service. Manitoba needs a dedicated, professional Civil Service, a service which is threatened by Bill 70. Existing employees are looking elsewhere for stable employment. Potential employees will avoid the public sector. Nothing is gained by this exercise in employee bashing. I urge you to withdraw this legislation and bargain fairly and responsibly with your employees.

Neil Harden

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My name is Laura Steiman, and I am here as a concerned citizen to express my opposition to the proposed legislation which, under Bill 70, would threaten the lives and well-being of low-income Manitobans throughout our province.

Responsibility for the following comments is exclusively my own and do not necessarily represent the views of anyone else. Still, I should add that my views reflect my years of involvement in grassroots advocacy organizations for the poor and low-income workers, including the Manitoba Anti-Poverty Organization and the National Anti-Poverty Organization.

But, Bill 70 only relates to government employees, you will say, the best paid, best protected members of the work force. Why would low-income and social assistance advocates take the time to speak out for them? What have they ever done for us?

The answer is that while unionized workers may sometimes lose touch or sympathy with the most pressing problems of the poor, the poor themselves can see things more clearly. They know that workers who are protected by union membership have a much higher chance of remaining outside the cycle of poverty in which their families may have suffered for generations. They recognize the reason: That protection under the free collective bargaining process has been the means by which the most vulnerable workers have escaped from the Catch-22 of unemployment or inhuman exploitation in the workplace for millions of men, women and children.

From the stories of their parents and grandparents here and elsewhere around the world, they recall accounts of the suffering of children working interminable hours, of minorities treated as less than human while struggling to build the structures and systems of the rich, of aboriginal communities destroyed, their lands and economy devastated, the pride of the people wiped out with the coming of non-Native colonists and capitalists.

They remember and know still that the only choices left to so many women faced with an abusive welfare system has been to turn to crime or sell themselves for a chance to feed their children. As quoted by National Anti-Poverty Organization Vice-President Jean Swanson, speaking at a recent national conference on the problems of women in the legal system, one prostitute told her that, "At least with prostitution the degrading part is over in 15 minutes." This, ladies and gentlemen, is what the poor have to think about when considering the value and meaning of free collective bargaining and the union movement.

Why, you ask, should we care about Bill 70 in particular? Of all workers, it is government workers who appear to have the best deal of all—better wages, more benefits, more job protection because of their numbers. What do we have to do with them?

This bill is designed to impact most strongly on those at the lowest pay scales of the government service. Again, those same people who have historically made up the majority of the poor will feel the effects first: women, minorities, the disabled—target practice in the government's continued lack of concern for the poor.

The other side of target practice is the falling domino. Remember the domino theory of the late

'60s and early '70s? As I recall it gave support to American presidents and others wanting to wage war in Vietnam and the Far East because, it said, that communism in one country would inevitably lead to communism in others. Because it was seen to be the role of the United States to stop communism and make the world safe for democracy, it was incumbent on the president and his military machine to intervene at any cost and, I may add, under any pretext.

Is this also the intent behind Bill 70, a made-in-Manitoba domino theory which aims at blocking free collective bargaining by government workers today, and who knows what other group will be included tomorrow? We must protect the rights of big business to make and keep tax-free profits no matter what it costs the rest of society, especially workers and the poor.

Government must lead the way so that genuine democracy with both economic and social justice can become a reality for all our people. Over the past 10 or 15 years affirmative action programs, hiring the disabled, minorities and women have been brought in specifically for that purpose. I am not saying that they have made spectacular progress. Statistics show that affirmative action target populations are still seriously underrepresented and still at the bottom of pay scales (apart from patronage appointments), but those who have been hired by government have at least escaped from poverty for themselves and their children. By their participation in the workplace, they help to counteract stereotypes and biases and provide a role model for others. More important, their presence reminds government and the rest of society that all Manitobans and all Canadians must be accorded the right to work, with decent wages and working conditions in which they are treated with respect.

In contrast, outside the government sector in Manitoba during 1990, we saw more and more layoffs due to plant closings, staff reduction and small business bankruptcies. Official unemployment figures had already reached 8.9 percent affecting 55,000 workers by March this year. At the same time competition for jobs is fierce, so much so that more than ever many of the working poor are said to be staying in abusive workplace situations in order to work.

While government policy has emphasized reducing spending for social programs in order to "attack the

deficit and create a climate to attract business," the stresses on people who need program services and support are escalating constantly.

How can government workers provide an adequate level of those services when they are themselves worrying that their union and the free collective bargaining process will not be able to protect their families? With the spectre of layoff and reduced staff levels in the Civil Service, Bill 70 adds another threat to the well being of the poor in Manitoba. Please vote against this bill. Thank you.

Laura Steiman

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The Confederation of Canadian Unions is pleased to have this opportunity to present to you our serious concerns about Bill 70 and its implications for collective bargaining both within Manitoba and throughout the country.

The Confederation of Canadian Unions represents about 5,000 workers in the province of Manitoba, those coming under provincial jurisdiction are represented by CAIMAW—the Canadian Association of Industrial, Mechanical and Allied Workers. As its name suggests, most of CAIMAW members are employed in the private sector, although CAIMAW does represent 500 maintenance, caretaking and food service employees at the University of Manitoba.

I have come here to present this brief to you because of the seriousness with which the CCU views Bill 70. Although it may turn out that none of our members are directly affected by Bill 70, we see this proposed legislation as an unwarranted attack on our sisters and brothers who work in the public sector and a general attack on collective bargaining, which is a fundamental ingredient of any free and democratic society.

Bill 70 undermines collective bargaining: Bill 70 must be analyzed in the context of the events in which it was introduced. It came about while the government was engaged in negotiating a renewal of collective agreements with a major portion of its employees. In these negotiations, the government was holding to a position laid out in its budget, of a wage freeze in the first year and a 3 percent increase in the second year of the collective agreement. More importantly, Bill 70 was introduced only two days before an arbitrator's award, covering seven Manitoba hospitals was made public.

This award, which was made under the final offer selection provisions of The Labour Relations Act, not only accepted the union's final offer of 4.5 percent, but rejected the government's bargaining strategy. David Bowman, the selector in this case, made a point of stating in his award that there was nothing which could properly be termed free collective bargaining in the process adopted by the government. He also concluded that the ability to pay argument is one which is necessarily of significantly lesser moment when invoked in the public sector than it is in the private. In the public sector it is always a question of choices made by the governing body concerned, Mr. Bowman pointed out.

It is difficult therefore, to avoid the conclusion that the government has introduced Bill 70 as a means to achieve what its stonewalling and bullying tactics in negotiations could not accomplish. This amounts to an abuse of the government's legislative powers.

Bill 70 is a Trojan horse: Bill 70 presents a dangerous precedent to anyone who is concerned about basic union freedoms. Like so much restrictive legislation, it is wide-sweeping in its provisions. Section 4 gives Bill 70 precedence not only over every other act of the Manitoba Legislature, but it also prevails over every arbitral award or decision and every obligation, right, claim agreement or arrangement of any kind.

The scope of the legislation could be extended under Section 8(1) and the extension of the legislation would be a decision that would rest only with cabinet. Similarly, Section 9(1)(b) allows the cabinet through implementing regulations, to extend the application of the act to any collective agreement and on any terms and conditions that the cabinet considers appropriate. These sections would allow the government to extend the provisions of Bill 70 to virtually every worker in the province.

We are not reassured by Finance Minister Manness' statement that the title of the bill limits its applicability to the public sector. Titles of bills do not define the scope of the legislation, the content and the clauses of the bill do that. Bill 70 gives cabinet totalitarian authority to freeze public sector wages and is written in a way that allows the cabinet to unilaterally extend these powers far beyond the stated purpose of the legislation.

Our reading of the bill also raises the possibility that this legislation could be extended beyond

December 31, 1992. The authority to set regulations in Section 9 is all-encompassing, and Section 2(1), in defining the application of the act to collective agreements expiring between September 1, 1990 and September 1, 1991, allows for the application of the act to be extended to contracts which expire on any later date that may be prescribed by cabinet.

Not only is Bill 70 Draconian in its stated purpose to freeze public sector wages, it is also a Trojan horse which gives the government sweeping powers to extend both the coverage and duration of the legislation.

Bill 70 is a misrepresentation of the problems we face and applies the wrong solutions. As union members, we are not oblivious to the financial limitations faced by governments. We are taxpayers too but unlike professionals and independent business people, our income is taxed at source where there are few, if any, avenues to escape the full burden of the taxes that governments impose on us. But we insist that governments must take responsibility themselves for the decisions they have made that have created the budget crises.

The Confederation of Canadian Unions wants to state emphatically that the economic problems we are facing are not the result of public sector wage increases. Public sector wages, and indeed, the wages of all workers in Canada, have lagged behind inflations for most of the last 20 years. For example, a recent study conducted by Neil Brooks, a Toronto tax lawyer and professor, concluded that between 1980 and 1988, real wages of hourly paid employees fell by 3.4 percent. In the same period, management salaries increased 25 percent.

The budgetary problems of the Manitoba government, and other governments in Canada, are the result of political decisions for which these governments must take responsibility. One has to look at the massive shift in the tax burden that has occurred in Canada over the past 40 years. In 1950 for example, corporations and individuals each contributed about half of the monies generated from income tax. By 1989, corporations were contributing only 12 percent, while the share of individual taxpayers had increased accordingly to make up the shortfall.

The Free Trade Agreement, the GST, the artificially inflated Canadian dollar, the high interest rate policy of the Bank of Canada, these are the real

reasons for the economic problems Canada faces. The government of Manitoba should be doing what it can to reverse these policies rather than attacking its own employees.

Bill 70 is fundamentally unfair. In the first quarter of this year, the cost of living in Manitoba increased by 6.2 percent. It is fundamentally unfair for the government to legislate that its employees not be permitted to receive pay increases that would offset their loss of earnings due to inflation.

Let us not forget that many of the workers whose wages would be frozen by Bill 70 are earning \$20,000 a year. At the same time, some of the highest paid workers in the government, such as judges and government paid doctors, will not be covered by this legislation. The discriminatory aspect of this legislation is further illustrated by the fact that staff in the Premier's Office received 15 percent increases last year and top level governmental appointments, such as the new president of the Manitoba Telephone System, receive a salary of \$150,000 per year, a \$20,000 a year increase over his predecessor. Furthermore, Bill 70 will also freeze the wages of employees of

Crown corporations whose revenues are not derived from taxes.

Bill 70 reflects the mean-spirited attitude of the Filmon government. It is an attack on the workers who provide the services so essential for a humane and well-ordered society while the business friends of the government continue to gorge themselves at the public trough. Bill 70 will only add to the widening gap between rich and poor in Manitoba and throughout Canada.

The Confederation of Canadian Unions wants to thank you for the opportunity to present our views on Bill 70. But, we also want to make it clear that if this government decides to use its slim majority in the Legislature to drive through this punitive and unfair legislation, we will be renewing our efforts to mobilize our members and all fair-minded citizens of this province to make sure that this government is never entrusted with the reins of power again.

Respectfully submitted,  
John B. Lang  
Secretary-Treasurer  
Confederation of Canadian Unions