



First Session - Thirty-Seventh Legislature

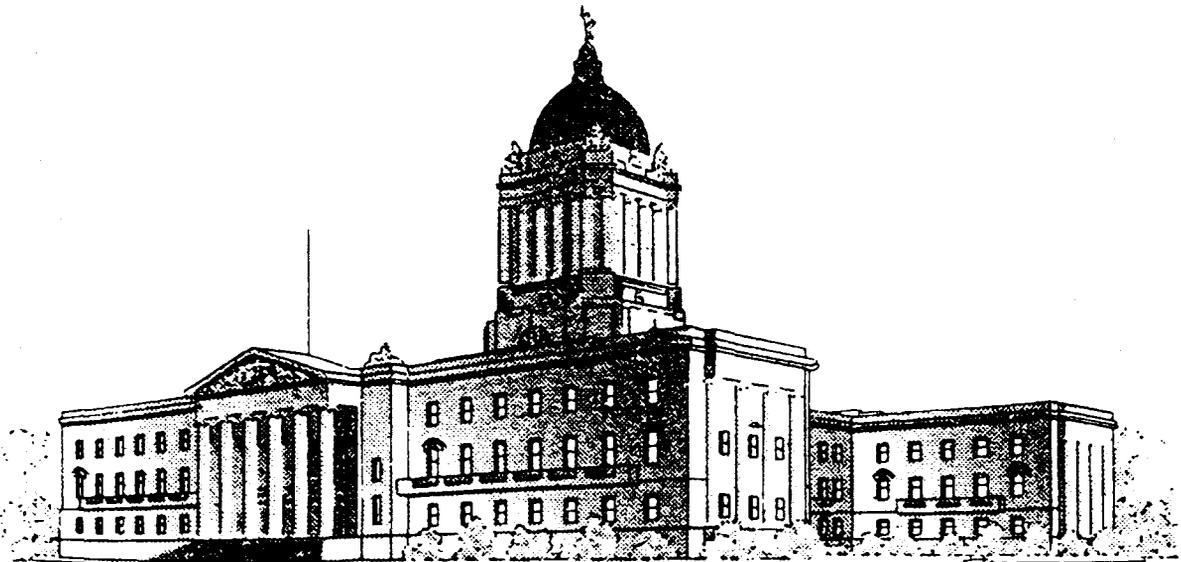
of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

*Published under the  
authority of  
The Honourable George Hickes  
Speaker*



Vol. L No. 76B - 1:30 p.m., Thursday, August 10, 2000

ISSN 0542-5492

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

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, August 10, 2000

The House met at 1:30 p.m.

## ROUTINE PROCEEDINGS

## PRESENTING PETITIONS

## Bill 12—The Public Schools Amendment Act

**Mr. Ron Schuler (Springfield):** Mr. Speaker, I beg to present the petition of Anna Johnson, Glen Kluscwski, Rose Kluscwski and others, praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

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

**Mrs. Joy Smith (Fort Garry):** Mr. Speaker, I beg to present the petition of Lynn Cook, Ruth Bell, Shaun Jackson and others, praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

**Mr. Jim Penner (Steinbach):** Mr. Speaker, I beg to present the petition of Roger Chorney, Diana Chorney, Robert Anderson and others, praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

**Mr. Edward Helwer (Gimli):** Mr. Speaker, I beg to present the petition of Gladys Rempel, Henry Kornelson, Erna Dueck and others, praying that the Legislative Assembly of Manitoba request the Minister of Education and Training (Mr. Caldwell) to withdraw Bill 12, The Public Schools Amendment Act.

**Mr. Leonard Derkach (Russell):** Mr. Speaker, I beg to present the petition of Paul Jackson, Laura Jackson, Nancy Jackson and others, praying that the Legislative Assembly of Manitoba request the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

**Mr. Harry Enns (Lakeside):** Mr. Speaker, I beg to present the petition of Maria Reimer, MaryAnn Unger, Maria Wall and others, praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

**Mr. David Faurshou (Portage la Prairie):** Mr. Speaker, I beg to present the petition of David Friesen, Tracey Friesen, Darrell Friesen and others, praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

**Mr. Mervin Tweed (Turtle Mountain):** Mr. Speaker, I beg to present the petition of Mark Siemens, Scott Siemens, Jerrold Siemens and others, praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

**Mr. Speaker:** The Honourable Member for Turtle Mountain (Mr. Tweed) presented a petition on behalf of the Honourable Member for Morris (Mr. Pitura). He would require leave of the House. Is there leave? *[Agreed]*

In the future, if that occasion happens, would the Honourable Member please ask leave first.

**Mrs. Louise Dacquay (Seine River):** Mr. Speaker, would you canvass the House to see if there is leave so that I may present the petition on behalf of the Honourable Member for Carman (Mr. Rocan)?

**Mr. Speaker:** Is there leave? [*Agreed*]

**Mrs. Dacquay:** Thank you.

I beg, on behalf of the Honourable Member for Carman (Mr. Rocan), to present the petition of Heather Dyck, John Dyck, Sharon Dyck and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

\* (13:35)

## READING AND RECEIVING PETITIONS

### Bill 12—The Public Schools Amendment Act

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

**Some Honourable Members:** Yes.

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

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

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

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

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

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

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

THAT new policies and regulations have already come into existence with the apparent anticipation of Bill 12 being passed, which home educators find to be intrusive and intimidating in

nature and which potentially reduces the freedoms of home-school parents; and

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

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

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

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense.

*To the Legislature of the Province of Manitoba*

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

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

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

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

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

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

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

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

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

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense.

*To the Legislature of the Province of Manitoba*

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

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

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

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

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

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

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

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

## PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

### Standing Committee on Privileges and Elections Second Report

**Mr. Conrad Santos (Chairperson of the Standing Committee on Privileges and Elections):** Mr. Speaker, I beg to present the Second Report of the Committee on Privileges and Elections.

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Privileges and Elections—

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense.

*Your Standing Committee on Privileges and Elections presents the following as its Second Report.*

*Your committee met on Tuesday, August 8, 2000, at 4 p.m., in Room 255 of the Legislative Building to consider bills referred.*

*Your committee has considered:*

*Bill 4—The Elections Finances Amendment Act; Loi modifiant la Loi sur le financement des campagnes électorales*

*and has agreed to report the same, on division, with the following amendments:*

#### **MOTION:**

*THAT the definition of "election communication" in the proposed section 55.1, as set out in section 25 of the Bill, be repealed and the following substituted:*

*"election communication" means a communication to the public by any means during an election period of a message that promotes or opposes a registered political party or the election of a candidate.*

*It includes the forms of advertising mentioned in the definition of "advertising expenses" in section 1, as well as posters, signs, leaflets and other promotional material.*

*It does not include the following:*

*(a) a communication made for the purpose of gaining support on an issue of public policy, or for advancing the aims of a group that is not a partisan political group, if the communication does not promote or oppose a particular registered political party or the election of a particular candidate,*

*(b) the transmission of a document directly by a person or a group to their members, employees or shareholders, as the case may be, or*

*(c) an editorial, debate, speech, interview, column, letter, commentary or news normally published without charge.*

**MOTION:**

*THAT section 25 of the Bill be amended by adding the following after the proposed section 55.12:*

**Guidelines**

**Guidelines**

**55.13(1)** *The Chief Electoral Officer shall — after consultation with the election communications advisory committee referred to in subsection (2) — issue guidelines to assist third parties and others in deciding whether communications are included within the definition of "election communication" in section 55.1.*

**Election communications advisory committee**

**55.13(2)** *The elections communications advisory committee shall be the advisory committee established in section 4, with the addition of members representing media associations in Manitoba.*

**Media representatives**

**55.13(3)** *For the purpose of subsection (2), the members of the advisory committee established in section 4 shall identify media associations in Manitoba, and each such association may*

*appoint a representative to the election communications advisory committee.*

**MOTION:**

*THAT section 45 of the Bill be struck out and the following substituted:*

**Coming into force**

**45(1)** *This Act, except sections 25 and 40, comes into force on January 1, 2001.*

**Coming into force: sections 25 and 40**

**45(2)** *Sections 25 and 40 come into force on a day fixed by proclamation.*

**Mr. Santos:** I move, seconded by the Honourable Member for Selkirk (Mr. Dewar), that the report of the Committee be received.

**Motion agreed to.**

**Standing Committee on Industrial Relations  
Second Report**

**Mr. Daryl Reid (Chairperson of the Standing Committee on Industrial Relations):** I beg to present the Second Report of the Committee on Industrial Relations.

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Industrial Relations presents the following—

**Some Honourable Members:** Dispense.

*Your Standing Committee on Industrial Relations presents the following as its Second Report.*

*Your committee met on Wednesday, August 9, 2000, at 10 a.m., in Room 255 of the Legislative Building to consider bills referred.*

*At that meeting your committee elected Mr. Smith (Brandon West) as the Vice-Chairperson.*

*Your committee has considered:*

*Bill 47— The Civil Service Amendment Act; Loi modifiant la Loi sur la fonction publique*

*and has agreed to report the same, without amendment.*

**Mr. Reid:** I move, seconded by the Honourable Member for Brandon West (Mr. Smith), that the report of the Committee be received.

*Motion agreed to.*

### TABLING OF REPORTS

**Hon. Jean Friesen (Minister of Intergovernmental Affairs):** I would like to present the Consolidated Financial Statements of the North Portage Development Corporation, operating as The Forks North Portage Partnership, for March 31, 2000, and, Mr. Speaker, if I may, present the report for March 31, 1999.

\* (13:40)

### ORAL QUESTION PERIOD

#### Labour Relations Act Amendments—Withdrawal

**Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition):** My question is for the Minister of Labour. Earlier today we had the opportunity as a full caucus to meet with the Manitoba business coalition at their request. I know they requested a meeting with the Government, the Liberal member of the House, and ourselves, and certainly, unlike the Government, we did encourage all members of the coalition to come to the meeting. We did not limit them to three as the Government did.

Mr. Speaker, at that meeting the business coalition again reiterated, and we certainly agreed, that it is business in Manitoba that creates jobs, but it is government's responsibility to create the economic climate for investment, job creation and prosperity in our province. It was made very clear that Bill 44 that has been introduced into this House clearly has set labour relations back significantly in this province.

It is a regressive piece of legislation that has driven a wedge between labour and business. Something that the Premier (Mr. Doer) talked about after the election and before the election, his government being more business friendly,

and we are not seeing that, and it is as a result of this Minister of Labour's legislation, Bill 44.

Will she now commit to withdraw this bill that is before the House today?

**Hon. Becky Barrett (Minister of Labour):** No, Mr. Speaker.

**Mrs. Mitchelson:** That is exactly what members of the business community have been saying all along, that this government, without consultation, brought this legislation before the House without any discussion, in the heat of the summer, and that just confirms the agenda of this government and this Minister of Labour.

#### Amendments—Secret Ballot

**Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition):** One of the most regressive pieces of this legislation is the removal of the secret ballot allowing employees the ability to voice their opinion and their point of view through a secret ballot on whether in fact they want a union in their workplace.

Just to show how out of touch this government is, they talk about other provinces like Newfoundland that has the same provision, a 65% card sign-up, but what they neglect to say is that Ontario and Alberta are major competitors and both have secret ballots. They are out of touch if they think that we are competing with Newfoundland for jobs.

Mr. Speaker, will this Minister today commit to allowing a secret ballot for employees, and it clears the air and ensures that there is a fair and balanced process?

**Hon. Becky Barrett (Minister of Labour):** Mr. Speaker, in Bill 44 there is a secret ballot if between 40 percent and 65 percent of the workers sign union cards that are approved by the Labour Board. There is still a secret ballot, as there was in the province in 1996, prior to 1996.

**Mrs. Mitchelson:** Mr. Speaker, but again that minister and her answer just sort of tells us exactly what the philosophical bent of this government is.

We have a government that we see here in Manitoba today that believes that employees do not have the intellectual capacity to make their own choices and their own decisions based on a secret ballot. Will this minister today commit to ensuring that employees have the choice and the right to a secret ballot in a democratic process and withdraw this provision of Bill 44?

**Ms. Barrett:** The philosophical bent in this particular element of the legislation is the same philosophical bent that was found in the legislation under the former government under the Member for Tuxedo (Mr. Filmon).

Employees do make up their minds. They sign a union card. If 65 percent of them do not sign a union card, there will be a secret ballot vote.

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

**Mr. Ron Schuler (Springfield):** If the Minister of Labour takes no responsibility for the negative effects of Bill 44, perhaps the Minister of Industry, Trade and Mines (Ms. Mihychuk) will.

\* (13:45)

Companies and individuals are lining up to comment on the economic disaster in waiting, Bill 44. I would like to share a comment with the House: As a businessman whose business did not survive the NDP labour deals of the early 1980s, I can only say that a return to such tactics will severely influence my decision to expand our new successful operation in Manitoba. Personal experience left me with a very bad taste of NDP labour laws, and I will not go through that again.

#### **Point of Order**

**Hon. Gord Mackintosh (Government House Leader):** On a point of order, Mr. Speaker, the Member is asking his first question. *Beauchene's* says in Citation 409 "The question must be brief. A preamble need not exceed one carefully drawn sentence."

That is heartily endorsed by members in this House, by the Opposition House Leader, during

the session, as well. The Member I believe is on his third or fourth sentence now. Would you please direct him to immediately put succinctly his question. He has run out of preamble.

**Mr. Speaker:** The Honourable Member for Lac du Bonnet, on the same point of order.

**Mr. Darren Praznik (Deputy Opposition House Leader):** As acting Opposition House Leader, at least the Government House Leader today is letting the Member complete the comments rather than mind reading what a member is going to say, Mr. Speaker.

The Member was quoting a citizen of this province on their views with what will happen to our province if this bill becomes law. He was asking the Minister of Industry and Trade for her view on that comment. How does she respond to that individual? He quoted that individual. He has a right to do that. This should not be gagged.

**Mr. Speaker:** On the point of order raised by the Honourable Government House Leader, he does have a point of order. *Beauchesne's* Citation 409(2): A preamble should not exceed one carefully drawn sentence.

\* \* \*

**Mr. Speaker:** I would now ask the Honourable Member for Springfield to please put his question.

**Mr. Schuler:** To the Minister of Industry, Trade and Mines: Is this minister so blind as to not recognize that business will indeed vote with their feet, thereby taking investment, employment and economic growth out of the province?

**Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines):** I am proud and happy to announce to the House that there are a number of sectors that have seen significant growth in the last year. We anticipate to see a number of expansions in the near future in a number of sectors. Manitoba is well on the road to seeing some very significant progress, so Manitoba is very healthy and strong. Do not see this as being a problem in the future.

**Mr. Schuler:** Mr. Speaker, I would like to ask the Minister of Industry, Trade and Mines, those

businesses that expanded this year, which one of them, will she name them for this House, said for further expansion they need a bill like Bill 44.

**Ms. Mihychuk:** Mr. Speaker, I have had an opportunity to speak to many business leaders in Manitoba, and many of them are considering expansion. In fact, this past weekend I was in the Brandon region, which is seeing some significant growth. Their plans are for expansion and growth in Manitoba's economy, not like the doom and gloom that the people across this hall are presenting to Manitobans.

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

**Mr. Leonard Derkach (Russell):** Well, Mr. Speaker, I am wondering who the Minister of Industry, Trade and Mines is talking to, because she is certainly not talking to the businesses that we are. I can assure you that the effects of this bill are being felt in every sector across this province. A Winnipeg livestock company has stated of Bill 44, and I quote: It is legislation such as this—

\* (13:50)

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

**Mr. Speaker:** Order. May I remind all honourable members of *Beauchesne's* Citation 168: "When rising to preserve order or to give a ruling the Speaker must always be heard in silence." I would ask the co-operation of all honourable members.

### **Point of Order**

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I think I just heard the words "sit down" from the Opposition and cries of "gag." We do not need cries of "gag" from the likes of people opposite. I believe I still have 29 minutes left to speak on the MTS bill.

Mr. Speaker, you have just provided a ruling to the House, Citation 409(2): "The question must be brief. A preamble need not exceed one carefully drawn sentence." It was just given within the last few minutes. The Member has

just got up and has gone on. I think he is into his second or third sentence on his first question.

Would you please ask him to succinctly put his question, Mr. Speaker?

**Mr. Darren Praznik (Deputy Opposition House Leader):** Mr. Speaker, on the same point of order.

This Government House Leader is the king of the gag, the king of shut them down. There has never been a Government House Leader in this Assembly in the years that I have been here—within the first session of a new government they shut down the President of the Manitoba Association of School Trustees. Shut her down, they say, and he does the same thing in Question Period.

**Mr. Speaker:** Order. Prior to ruling on the point of order, I would just like to remind all honourable members of the purpose of points of order. A point of order is to be used to draw to the Speaker's attention any departure from the rules or practices of the House or to raise concerns about unparliamentary language. A point of order should not be used to ask a question, to dispute the accuracy of facts, to clarify remarks which have been misquoted or misunderstood, to move a motion, to raise a point of order. I would ask the co-operation of all honourable members.

On the point of order raised by the Honourable Government House Leader, he does have a point of order. *Beauchesne's* Citation 409(2): "A preamble should not exceed one carefully drawn sentence."

\* \* \*

**Mr. Speaker:** I would ask the Honourable Member for Russell to please put his question.

**Mr. Derkach:** Mr. Speaker, given that a Winnipeg livestock company has stated it is legislation such as this that will drive industry away from Manitoba to other parts of Canada or the United States in the increasingly global economy, I plead for the NDP Government to have more foresight than the previous Pawley government. Today's voters are much more

aware about what the effects of today's legislation will do for us or to us than voters of 15 years ago.

Can the Minister, as I indicated before, tell the House today why her government is determined to follow the Pawley government's misguided economic policies and end up driving Manitoba companies out of this province into other provinces?

**Hon. Becky Barrett (Minister of Labour):** Mr. Speaker, we are intent upon listening to Manitobans, as we have in consultations, and we are looking forward to committee hearings where 60 or more individuals have signed up to address this legislation. We have listened. We will continue to listen. We are confident that at the end of day the Bill that is passed, the amendments to The Labour Relations Act that are passed, in this House, will provide a strong, stable base, a good, solid labour relations climate that business will find very attractive here.

**Mr. Derkach:** Mr. Speaker, can I ask the Minister what she has to say to Manitobans who are about to witness the exodus of numerous companies out of this province, leaving many Manitobans without jobs in this province of Manitoba?

\* (13:55)

**Ms. Barrett:** Mr. Speaker, we did not see a mass exodus of business out of this province under the former government when virtually every element that is in Bill 44 was in place. Many of the elements that are in Bill 44 were in place for the last 50 years. The new element in Bill 44, the alternate dispute resolution mechanism, is mirrored on very successful first contract legislation that has been in place in this province for 14 years and has not proved to be a deterrent to the business community.

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

**Mr. Speaker:** Order. The Honourable Member for Lac du Bonnet, on a point of order.

#### Point of Order

**Mr. Praznik:** Mr. Speaker, the Minister of Labour (Ms. Barrett) just said that her one-sided

binding arbitration was modelled on successful first contract legislation. Given that that was amended and changed successfully, I would ask her to clarify to the House what she is talking about, and at least be honest or at least be accurate with the people of Manitoba.

**Mr. Speaker:** Order. Prior to recognizing the Honourable Government House Leader, I would just like to remind all honourable members points of order should not be used to dispute facts. They are to correct information. I would ask the co-operation of all honourable members.

The Honourable Government House Leader, on the same point of order.

**Mr. Mackintosh:** Well, Mr. Speaker, it was just unfortunate, not only did the Member cut off the Minister answering a question, but when we rise in Question Period on points of order, we refer to the rules or to *Beauchesne's* to note a departure from the customary modes of proceeding.

There was no breach of any rule. It was used to interrupt the Minister. It was an abuse of the rules, and indeed in our rule book it says if a point of order consists of putting a question to the Member speaking, if it is a mere interruption or if it is defective for other reasons, the Speaker will rule it out. The Member got up, purported to use a point of order to raise a question. That is clearly unparliamentary, Mr. Speaker.

**Mr. Speaker:** On the point of order raised by the Honourable Official Opposition Deputy House Leader, he does not have a point of order. It is a dispute over the facts.

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

**Mr. John Loewen (Fort Whyte):** Companies, individuals are lining up to comment on the economic disaster in waiting which is Bill 44. I would like to share a quote with the House. This is from a Winnipeg insurance agency: We are very displeased with the action relating to this bill and, as a result, are in discussions with our accounting people on closing our Manitoba operations.

My question to the Minister of Industry, Trade and Mines: Why is she supporting her colleagues with this legislation that will see businesses, such as this Winnipeg insurance agency, leave Manitoba?

**Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines):** Mr. Speaker, the point of the legislation is to provide some balance to the labour law that was amended by the previous government to favour one part of our sector. This is not the purpose of the Bill and, quite frankly, I have had an opportunity to meet with many business leaders from both major industry sectors and small.

Mr. Speaker, if Manitobans can see less strikes or walkouts, provide business with a stable labour environment, that will be better for business. I am very proud of a government that is willing to listen to all sides, including business, and look at perhaps amending a bill. We look forward to Bill 44 going to committee to hear from the people of Manitoba and present a law that is good for all of us.

**Mr. Loewen:** A supplementary question to this minister, who is supposed to be the advocate for business growth and expansion in this province: Can this minister name one business that has indicated to her that they need the type of legislation in Bill 44 to grow their business in Manitoba, to relocate in Manitoba, to hire more people in Manitoba? Name one business.

\* (14:00)

**Hon. Becky Barrett (Minister of Labour):** Mr. Speaker, we on the Government side, both cabinet ministers and the rest of caucus, all have as the goal, whether we are Minister of Health; Minister of Industry, Trade and Mines; Minister of Labour; Minister of Highways; Minister of Agriculture and Food, to have a community and a society and a province that is fair to employers, fair to businesses, fair to workers and their families, fair to all citizens.

I would suggest that the former government need look no further back than 1996 when in the province of Manitoba there were a record number of days lost to strikes. Is that the kind of community that we want for business? Business

wants a solid, progressive, balanced labour relations climate in this province, and that is what we will provide.

**Mr. Loewen:** Mr. Speaker, my question is to the Minister of Industry, Trade and Mines, who is supposed to be the advocate for business in this province. Has she heard from one business that will back up that this legislation will do what the Minister of Labour has said it has done? One business is what we are looking for. Does she know of one?

**Ms. Mihychuk:** Mr. Speaker, I am very confident that Manitoba businesses working with the Manitoba Government are going to see a very prosperous future in Manitoba. We have seen the lowest unemployment rates, the most growth, exceeded economic projections from all sectors.

Mr. Speaker, Manitoba's economy is growing very rapidly. We are very proud of the economic performance of Manitoba's sectors. We are willing to listen to the concerns of the business community, and I am very proud of our government that we are willing to listen to their concerns when it goes into committee and amend the Bill appropriately at that point. Business concerns have been raised. We are willing to listen, and we are prepared to put a balanced labour law.

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

**Mr. Darren Praznik (Lac du Bonnet):** Mr. Speaker, at the so-called Century Summit that her government organized, nowhere did the issue arise of days lost to strikes or lockouts. It was not raised by one union person or one businessperson. I want to ask the Minister of Industry again: Can she name one business in this province who has come to her and asked for Bill 44? Name one, Madam Minister.

**Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines):** I can assure the Member that at the Century Summit it was pointed out that the divisive climate that was prevalent in our economy by the Filmon government was not one that was sustainable, both by labour or business. Several business leaders have indicated that a more co-operative

and consultative approach would be a more positive one for Manitoba's economy and actually congratulated the approach where we brought all partners together, including labour, which was shut out of decision making and participation by the previous government.

**Mr. Praznik:** Mr. Speaker, I ask the same minister again: Given that she has said that she consults, name one business that has come to her and said that they want the provisions provided for in Bill 44. Name one, Madam Minister, just one.

**Hon. Becky Barrett (Minister of Labour):** Mr. Speaker—

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

**Mr. Speaker:** Order.

**Ms. Barrett:** Thank you, Mr. Speaker. Over the past months, we have been in consultation with many business organizations—

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

**Mr. Speaker:** Order.

**Ms. Barrett:** Thank you, Mr. Speaker. In the last months, we have been in consultation with a number of business organizations, a number of individual—

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

**Mr. Speaker:** Order.

**Ms. Barrett:** Thank you, Mr. Speaker. In the last number of months, we have been in consultation with many business organizations—  
[interjection]

**Mr. Speaker:** Order.

**Ms. Barrett:** Thank you, Mr. Speaker, in the last number of months, we have been in consultation with a number of individual businesspersons, with business organizations, with labour organizations, with individual labour leaders, with individual citizens.

One of the themes that has been shown throughout all of our consultations, all of our

discussions, all of our meetings has been the realization and the understanding that a good, solid, balanced labour relations climate in the province of Manitoba—

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

**Mr. Speaker:** Order.

May I remind all honourable members that the clock is running and that according to *Beauchesne's* Citation 410(4): "In the view of the watching public, decorum is of importance." I would ask the co-operation of all honourable members.

The Honourable Minister of Labour to please conclude her answer.

**Ms. Barrett:** Mr. Speaker, everyone we have spoken to recognizes and understands the importance of a solid labour relations climate in the province of Manitoba. They also recognize the fact that the balance in that labour relations climate was tilted with Bill 26 that came into effect in 1996. They also recognized, while they may not agree with all of the provisions of Bill 44, that we are honourable in making these amendments in trying to—

**Mr. Speaker:** Order.

#### **First Ministers' Conference Agenda—Environmental Issues**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, in the wake of Walkerton, Canadians realize that the environment and health are closely connected. Investments to improve the environment can have a major effect on improved health. An improved environment will also decrease the costs of health care by decreasing the extent and the burden of environmental illnesses.

I ask the Deputy Premier (Ms. Friesen): Why is the environment not a major item of the premiers' conference occurring today?

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, I am answering this question for the Member for River Heights because I just left the conference of the first ministers. It is comprised

of first ministers from all across the country, every political stripe, every political persuasion, who are working on a common agenda to deal with a variety of issues, not just health care.

\* (14:10)

Health care is at the top of the agenda, and a variety of factors concerning health care, in terms of a funding model, innovations and the like that are being undertaken by various jurisdictions, as well as issues of transportation, agricultural matters and related matters that have been deemed important by all of the premiers in this country, regardless of political affiliation and stripe, for the benefit of all Canadians.

**Mr. Gerrard:** My supplementary. I ask the Deputy Premier, when we have E. coli showing up in record numbers of wells in Manitoba, children in Balmoral getting sick from contaminated well water, and Sturgeon Creek in the worst state in 40 years, why was the environment not at the top of the premiers' agenda at the conference?

**Hon. Jean Friesen (Deputy Premier):** Mr. Speaker, I understand that environment is on the agenda of the premiers' conference tomorrow morning. I do not know if the Member was aware of that, but I think the Member is quite right to argue for the importance of the environment. It does affect all aspects of the way we live, and I think Canadians generally have had a wake-up call as a result of the kinds of political decisions and the impacts of that that have been made in Ontario.

So, Mr. Speaker, I think it is very important for this House. The Government does have a cross-departmental committee that has been looking at water issues and that has been ensuring for Manitobans the safety of their water.

**Mr. Gerrard:** Golfing is more important than the environment on this agenda with the Deputy Premier.

When one of the biggest challenges facing provincial governments in the next 10 years will be to meet targets for reducing greenhouse gas emissions, I ask again: Why was the environ-

ment not on top of the issues for the premiers' conference today?

**Hon. Oscar Lathlin (Minister of Conservation):** I would just like to confirm what my colleague has just stated to the Member for River Heights. Yes, indeed, the issue of the environment is on the agenda. Tomorrow morning I will be attending the meeting with the Premier (Mr. Doer).

Because the Member comes across as if nobody cares about the protection of the environment, I would like to advise him, and I am sure he knows, because he does a lot of research in this area, that there is a Canadian Council of Ministers of Environment who meet regularly, annually, and they have special meetings. One of the issues that is being addressed through that council, for example, is climate change. I have advised him over and over again in previous questions that the Government of Manitoba is working cooperatively with the federal government to come up with an international solution to the problem.

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

**Mr. Harry Enns (Lakeside):** Mr. Speaker, the Minister of Labour has this afternoon in Question Period stressed the importance of balance. You know, she is right, of course, balance in labour relations. That is why in the structure of government you have a Minister of Labour speaking and advocating for labour situations. That is why you have a Minister of Industry and Trade hopefully speaking for trade development and industrial development in the province.

I have heard from union leaders publicly supporting this bill. What the Minister of Industry is being asked for, and I ask the question right now, surely she can name one business enterprise in the province of Manitoba that is supporting Bill 44.

**Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines):** We are anxious to get Bill 44 into committee where we will have a chance to listen to the people of Manitoba.

**Mr. Enns:** A supplementary question to the same minister: If the businesses that they hear from at committee provide that advice, will this government listen?

**Ms. Mihychuk:** I feel very confident to say yes, we will listen.

**Mr. Enns:** A final supplementary question: They will listen in the same manner as they listened to the home schoolers' petitions yesterday?

**Hon. Becky Barrett (Minister of Labour):** Yes, Mr. Speaker, we will listen to all of the presentations from everyone who makes a presentation before the public hearing in the public hearing process, unlike with Bill 26 in 1996 when the former government not only did not listen to a number of the presentations that were made in that regard but ignored every single one of the compromise consensus resolutions that came from the Labour Management Review Committee.

They have no cause, Mr. Speaker, to feel holier than thou when it comes to consultation, communication and listening.

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

**Mrs. Joy Smith (Fort Garry):** A prominent Winnipeg contractor said, and I quote: Requiring employers to reinstate employees that commit violent or criminal acts on the picket line is the single biggest affront of my rights as an employer I have ever heard of. I would never abide by this outlandish provision. I would shut my company down and move out of the province before I let the Government dictate that I must reinstate a criminal that intimidates my personnel, suppliers or customers.

Today we have witnessed the fact that so few ministers have answered any questions and—

**Mr. Speaker:** Order.

#### **Point of Order**

**Hon. Gord Mackintosh (Government House Leader):** On a point of order, Mr. Speaker. First

of all, I am not sure if the Member was quoting from a letter. It sounded as if that was the source, and if so, we request that she table that according to the rules.

Second of all, Mr. Speaker, she has certainly gone beyond what is allowed in the rules: "A preamble need not exceed one carefully drawn sentence." Would you please ask her to put her question immediately.

**Mr. Speaker:** The Honourable Member for Lac du Bonnet, on the same point of order.

**Mr. Darren Praznik (Deputy Opposition House Leader):** Yes, Mr. Speaker, I believe the Government House Leader has two points of order that he has raised. With respect to the first one, the Member did not indicate in any way she was quoting from a letter. She was quoting from an individual.

With respect to the second, again we would say that this administration is attempting to gag the businesses of the province of Manitoba, the citizens, the school trustees, the home schoolers and now members of the Legislature. We do not accept that.

**Mr. Speaker:** Order. Manitoba Rule 37: "Where in a debate a member quotes from a private letter, any other Member may require the Member who quoted from the letter to table the letter from which the Member quoted but this rule does not alter any rule or practice of the House relating to tabling of documents other than private letters."

I would just ask the Honourable Member if that was a private letter? It is not a private letter.

On the point of order raised, I would just like to remind all honourable members of *Beauchesne's* Citation 409(2): "A preamble should not exceed one carefully drawn sentence."

\* \* \*

**Mr. Speaker:** I would ask the Honourable Member for Fort Garry to please put her question.

**Mrs. Smith:** Mr. Speaker, in view of the fact that the Minister of Industry and Trade has not been able to name one single business that has supported Bill 44, I would like to ask the Minister of Industry and Trade, in view of the fact that this Winnipeg contractor has actually said: I will shut down my company and move out of the province—

\* (14:20)

**Mr. Speaker:** Order.

#### Point of Order

**Mr. Mackintosh:** It reminds me of that old song, "I'm going to sit right down and write myself a letter."

The Member is clearly abusing the rules. You advised her to immediately put her question. I think she has already worked in a couple of preambles.

**Mr. Speaker:** The Honourable Member for Lac du Bonnet, on the same point of order.

**Mr. Praznik:** Mr. Speaker, the Government House Leader talks about sitting down and writing themselves a letter. It appears that is how they consulted on labour legislation. They got together with their buddies and wrote themselves a letter and said we consulted.

Mr. Speaker, the Member is quoting from a citizen of this province who wants an explanation from this government, a government that will not consult with the business community. We ask for your ruling, Sir.

**Mr. Speaker:** Order. On the point of order raised by the Honourable Government House Leader, he does have a point of order. *Beauchesne's* Citation 409(2): "A preamble should not exceed one carefully drawn sentence."

\* \* \*

**Mr. Speaker:** I would ask the Honourable Member to please put her question.

**Mr. Praznik:** Mr. Speaker, with all due respect, we challenge the ruling.

**Mr. Speaker:** The ruling of the Chair has been challenged.

#### Voice Vote

**Mr. Speaker:** Order. All those in favour of supporting the ruling of the Chair, please say yea.

**Some Honourable Members:** Yea.

**Mr. Speaker:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** In my opinion, the Yeas have it.

#### Formal Vote

**Mr. Darren Praznik (Deputy Opposition House Leader):** Yeas and Nays, Mr. Speaker.

**Mr. Speaker:** A recorded vote has been called for. Call in the members.

The question before the House is shall the ruling of the Chair be sustained.

#### Division

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

#### Yeas

*Aglugub, Allan, Ashton, Asper, Barrett, Caldwell, Cerilli, Chomiak, Dewar, Friesen, Jennissen, Korzeniowski, Lathlin, Lemieux, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Nevakshonoff, Reid, Robinson, Rondeau, Sale, Santos, Schellenberg, Selinger, Smith (Brandon West), Wowchuk.*

#### Nays

*Dacquay, Derkach, Dyck, Enns, Faurshou, Loewen, Maguire, Mitchelson, Penner (Emerson), Penner (Steinbach), Praznik, Reimer, Schuler, Smith (Fort Garry), Tweed.*

**Madam Clerk (Patricia Chaychuk):** Yeas 29, Nays 15.

**Mr. Speaker:** The ruling of the Chair has been sustained.

\* \* \*

**Mrs. Smith:** Mr. Speaker, could the Minister of Industry and Trade please advise this House if during the break Eugene Kostyra found a Manitoba business who actually does support Bill 44?

**Hon. Becky Barrett (Minister of Labour):** Mr. Speaker, as we have said in the House on many occasions, we have spoken with and continue to speak with a number of Manitobans—

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

**Mr. Speaker:** Order.

**Ms. Barrett:** Thank you. We have spoken with many Manitobans who have shared their ideas, their suggestions and their concerns about the labour relations climate in Manitoba in general and about the specifics of Bill 44.

We believe that, once Bill 44 has gone to the public committee hearings where over 60 Manitobans have signed up and are prepared to share their views with the Committee and with the Government, the labour legislation that comes back into the House after the public hearing process will be a balanced, fair and progressive piece of labour legislation.

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

**Mr. Peter Dyck (Pembina):** To the Ministry of Industry, Trade and Mines, I have a number of businesses within my own community, and I keep in touch with them on a daily basis. I would ask the Minister here whether any one of them has asked for Bill 44. Could you please give me the name of one business?

**Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines):** I am very pleased to say that business in Manitoba is doing very well. Our economy is responding and

growing. Our unemployment numbers are the lowest in Canada, and the future looks very optimistic for Manitoba. That is only going to be enhanced by a stable labour situation with reduced numbers of strikes and lockouts.

You know, when a business looks to locate or expand, one of the important criteria is the record of the number of days lost due to strike and lockout. Having a solid and stable labour climate is an important factor. We see this as an advantage to Manitoba businesses. We expect to see growth expand in Manitoba.

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

**Mr. Jack Penner (Emerson):** Mr. Speaker, in my constituency we have numerous manufacturers, and they are, as the Minister has just stated, doing very well by labour laws that were implemented under our administration, the Conservative administration, by industrial initiatives that were taken by our administration.

Why is this minister wanting to change the labour act when in fact industry is doing as well as we have? Name one industry that has requested doing away with this legislation.

**Hon. Becky Barrett (Minister of Labour):** I would like to remind members opposite that the Labour Management Review Committee found partial or complete consensus on seven of the twelve issues that were sent to them. Bill 44 reflects that consensus, unlike Bill 26 in 1996 which in no way, shape or form reflected the hard-won consensus that was reached by the then-Labour Management Review Committee.

\* (15:10)

Again, I would suggest members opposite should look in the mirror when they talk about bad labour relations.

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

**Mr. Jim Penner (Steinbach):** I would like to ask the question, of the Minister of Industry, whether any of the many retailers that they consulted with agreed to or asked for Bill 44.

**Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines):** There is no secret to say that the business community has raised concerns about Bill 44. We are willing to listen to those business communities and to labour and to all of the community. We are anxious to move the Bill into committee so that we have an opportunity to listen to the people that have an opinion on the Bill.

Mr. Speaker, we are willing to listen.

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

**Mr. Mervin Tweed (Turtle Mountain):** My question is to the Minister of Industry and Trade. I compliment her for meeting with all the businesses, but we met with an organization, a coalition, this morning that represents over 16 000 businesses in Manitoba, and we could not find one that would support Bill 44.

I ask the Minister: Since she has not been able to produce one in Manitoba, perhaps she could identify one in her constituency of Minto that supports Bill 44.

**Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines):** I do want to point out that the coalition that the members across have met with was formed to oppose Bill 44, so I would not expect any of the members of the coalition to actually be supporting Bill 44.

But, you know, we are prepared to listen to a number of diverse groups. Many business communities are not part of the coalition that the members across the hall met with.

**Mr. Speaker:** Order.

### **MEMBERS' STATEMENTS**

#### **Hudson Bay Mining & Smelting Co.**

**Mr. Gerard Jennissen (Flin Flon):** In the early hours of Tuesday, August 8, a series of explosions rocked the smelter of the Hudson Bay Mining & Smelting Co. in Flin Flon. Out of 13 injured workers, 7 had first-degree burns which were treated immediately at the Flin Flon

General Hospital. They were then discharged. The remaining 6 workers suffered second- or third-degree burns. These men were stabilized at the local hospital and then medevacked, flown out to Winnipeg, Regina and Edmonton. As of this morning, August 10, several men are still in critical condition. Our hearts go out to the injured men and their families. I am certain that all of us in this Chamber, and indeed, all Manitobans fervently hope and pray that all the injured workers will recover.

Yes, this tragedy is causing enormous grief and pain in the Flin Flon region. It is affecting all of us. These injured workers and their families are well known, but paradoxically, while the tragedy numbed us on the one hand, on the other hand it brought out a new level of unity, teamwork, co-operation and decisive action. Northerners rally very quickly in the face of adversity. We have learned to rely on one another.

On behalf of all members in this Chamber, and I am sure all Manitobans and Canadians, I extend a heartfelt thank you to the many people who played a key role in assisting the injured workers and their families. A big thank you goes to the Norman Regional Health Authority, hospital staff, including the emergency department, acute care personnel, dietary personnel, maintenance workers, nurses, physicians, as well as ambulance workers from Flin Flon and Cranberry Portage, the Creighton RCMP and many, many other people and organizations. I thank all of you for your selfless dedication, because your help made a positive difference at a very difficult and critical time. You were there when we needed you. Thank you.

#### **2000 MTS Manitoba Summer Games**

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, I would like to add my congratulations to the Member for Flin Flon, for bringing an update to the House on the seriousness of the situation in his local community and on behalf of the citizens of southwest Manitoba, just to recognize the seriousness of the situation there for the Honourable Member, and let him know that we are thinking of the people there.

Mr. Speaker, it gives me extreme pleasure today to rise and congratulate the community of Virden on hosting the 2000 MTS Manitoba Summer Games. Last evening I had the great pleasure in attending the official opening of the 2000 MTS Summer Games in Virden. The Manitoba Summer Games, which will be held over the next four days, will be a great achievement for all the athletes and coaches that are participating.

The community of Virden and the surrounding area have shown, once again, that they can succeed at hosting these wonderful events. Over 1000 volunteers are working very long hours each day to ensure that the athletes, coaches and officials have a memorable and fun time participating in the Manitoba Summer Games.

The athletic events that the seven regional teams and host team are participating in are: archery, athletics, baseball, triathlon, soccer, golf, softball, beach volleyball, swimming and water-skiing, and at these games Special Olympics soccer will also be held for the first time.

Mr. Speaker, again I want to congratulate all the athletes, coaches and volunteers that are participating in the 2000 MTS Manitoba Summer Games. I would also encourage all the members of this House to take time this weekend from their busy schedules and show your support by attending some of the events being held in the Westman region. Thank you.

### **Peacekeeping Day**

**Ms. Bonnie Korzeniowski (St. James):** Yesterday evening I had the privilege of representing the Premier (Mr. Doer) and the Province of Manitoba at the first annual Peacekeeping Memorial Day service at the cenotaph on Memorial Boulevard. This ceremony, in honour of the Canadian men and women who have served in peacekeeping operations, coincided with the formal proclamation of August 9 as Peacekeeping Day in Manitoba.

It was a moving, dignified ceremony, well attended by men and women representing the

many diverse organizations who now play a role in peacekeeping. As the MLA who had proposed the private members' resolution calling for this recognition of Peacekeeping Day, I was called upon to read the proclamation and lay a wreath at the cenotaph in honour of those Canadians who have sacrificed their lives in peacekeeping operations.

While reading this proclamation, I was brought back to two childhood memories. I remembered watching my grandfather, who had served in both world wars, paying tribute to his fallen comrades. He was playing the last post on his trumpet in a memorial service on the landing in Eaton's. I also thought of my bedside prayers around that time, praying for my father who was fighting in Korea. I prayed that he would come back alive.

This is something which should not form part of anyone's childhood memories. Governments around the world must put more of their resources into peacekeeping and peacemaking so that children will no longer have to fear that their parents will not come home from wars alive. Because I believe this so strongly, I was very gratified when the House two days ago passed the resolution on Peacekeeping Day unanimously.

I am also grateful to the organizers of the Peacekeeping Memorial Service, who opened up to me this opportunity to promote peacekeeping activities. I should mention in particular Ivan Poitras. Mr. Poitras was presented with a certificate last evening from the Canadian Association of Veterans in United Nations Peacekeeping, commending him for his good work. Thank you.

\* (15:20)

### **Downtown Revitalization**

**Mr. John Loewen (Fort Whyte):** Mr. Speaker, many different ideas on how to revitalize Winnipeg's downtown area have been bantered about in the past few months. We in this Assembly realize that a multifaceted approach is needed to Winnipeg's downtown to take the turn towards growth and prosperity. Co-operation between the three levels of government, the

private sector and the citizens of the downtown area is needed for this part of the community to thrive again.

Initiatives such as the creation of a downtown cyber village, the rezoning of certain parts of the downtown area to allow for more residential buildings, the creation of pedestrian malls, more festivals and events, and the relocation of Red River College campus to downtown Winnipeg would certainly encourage more people to move into Winnipeg and more people to move to Winnipeg to see the downtown area as a good place to live and work, while encouraging more people already living in the city to go downtown more often.

Because of the previous administration's stewardship, Manitoba's economy is strong. This government, in collaboration with the other levels of government, must encourage the private sector to bring more activity, growth and prosperity to Winnipeg's downtown and make these initiatives a reality. In fact many businesses are deciding to move back into the downtown area. It is up to the government to keep this momentum going.

The success of the Pan Am Games has proven that Manitoba indeed has a can-do mentality. With a little foresight and a lot of co-operation and hard work, we can take the steps needed to revitalize our downtown area and make Winnipeg and Manitoba a better place to live.

I would also like to congratulate David Asper for taking over the chair of Centre-Venture. We wish him and his colleagues a great deal of success in helping downtown Winnipeg revitalize itself. Thank you.

### **Interlake Constituency Events**

**Mr. Tom Nevakshonoff (Interlake):** Mr. Speaker, I rise today to draw the House's attention to events which took place in the Interlake this past August long weekend.

First of all, the R.M. of Fisher held a homecoming, the first since 1989, where many old friendships were renewed.

On Monday, I travelled to Gimli, where I had the honour to meet the President of Iceland, who was in attendance at the Icelandic Festival.

However, of all the people I met this weekend, the one who had the most impact on me was Mr. David Pischke, a rock crusher operator from Steep Rock, who arrived home last Sunday after completing a walk across western Canada on behalf of children who have suffered abuse. His walk from Banff to Steep Rock, which took him three months to complete, covered a distance of over 2000 kilometres and was entitled Walk With Me.

I want to commend Mr. Pischke for the dedication, courage, strength and endurance that it took to undertake and complete such a daunting task. In doing so, he displayed a spirit comparable to that of a person who scales the highest peaks, swims raging rivers or ventures into the most hostile of environments. But unlike an adventurer who takes risks for the sake of glory, Mr. Pischke undertook his task, not for personal gain, but for a truly noble cause. His suffering and sacrifice on the road was willingly made on behalf of the defenceless and the most vulnerable in our society, the children, a most worthy cause indeed.

On behalf of the Government and the children of this province, I congratulate and sincerely thank Mr. Pischke for his efforts. Anyone wishing to make a donation can call 1-877-491-Dave. Thank you, Mr. Speaker.

## **ORDERS OF THE DAY**

### **House Business**

**Hon. Gord Mackintosh (Government House Leader):** I would like to announce that the Standing Committee on Municipal Affairs will meet on Monday, August 14, at 10 a.m., to consider the Consolidated Financial Statements of the North Portage Development Corporation, operating as The Forks North Portage Partnership, for the fiscal years ending March 31, 1999 and March 31, 2000.

**Mr. Speaker:** It has been announced that the Standing Committee on Municipal Affairs will

meet on Monday, August 14, 2000, at 10 a.m., to consider the consolidated financial statements of the North Portage Development Corporation, operating as The Forks North Portage Partnership, for the fiscal years ending March 31, 1999 and March 31, 2000.

**Mr. Mackintosh:** Mr. Speaker, would you please call debate on second readings, Bill 44.

## DEBATE ON SECOND READINGS

### Bill 44—The Labour Relations Amendment Act (2)

**Mr. Speaker:** To resume debate on second readings, on the proposed motion of the Honourable Minister of Labour (Ms. Barrett), Bill 44, The Labour Relations Amendment Act (2) (Loi no 2 modifiant la Loi sur les relations du travail), standing in the name of the Honourable Member for Southdale, who has 15 minutes remaining.

**Mr. Jack Reimer (Southdale):** Mr. Speaker, I feel that I rise, in a sense, under false pretences because what I am doing and what I have been talking about is Bill 44 under its present format. In today's Question Period we learned that there are amendments coming forth and there are going to be changes to this bill. I would think that the assumptions I am making as to the composition of this bill are totally changed by the time we get to committee. So I would ask the Minister of Labour, if she does have amendments, that possibly she might even consider tabling them now, so that we can have a chance to see them and the public can have a chance to see them, because at that time, when we go into committee, we will have the opportunity to make presentations on the final bill.

The Bill that we are debating right now in its composition may be totally different than what is brought forth at committee stage, but that is not unusual for this government, because we have seen that with numerous bills that have been brought forth under the concept of what was presented to the House, what was debated in the House, when they went to the Committee with amendments that were brought forth, a lot of the bills were totally changed. A good example was

Bill 5. Bill 5 came to the committee for hearings and it was under one concept. By the time the Minister of Conservation (Mr. Lathlin) brought in the amendments, the whole direction of it was changed. We saw the Minister of Highways (Mr. Ashton) bringing in amendments to, I believe it was the railway bill, where I believe there were 15 or 16 different amendments on that to change the difference on that bill.

We went into committee the other day in regard to Bill 4 and Bill 12, I believe it was, The Elections Finances Act, and 17, pardon me, and we saw the First Minister (Mr. Doer) bring in amendments to change the direction and the scope of the bill. These are not uncommon for a government that is not prepared to govern. They have to rely on the Opposition to bring out the flaws, the misdirection that they are going. Now, today, we find that one of the most important bills that they brought forth, Bill 44, in what we are debating right now and under the concepts that were tabled to the members here, is totally different than what is going to be finally presented at the committee stage.

I would say that if the Member for St. James (Ms. Korzeniowski) has mentioned that there are amendments that she is aware of already, that they are aware of the amendments that are coming forth to change this bill, but we in the Opposition should have access to those same amendments so that we can truly debate this bill in the way that it is intended to be, truthfully and honestly as to what the Government's position is.

*Mr. Conrad Santos, Deputy Speaker, in the Chair*

I feel that this is totally misleading for the Government to introduce bills, have this opposition debate them under the assumption that this is the final copy, and then when we get to committee, it is totally changed by amendments or add-ons or different directions and deletions of clauses in the bill. When the public, the opposition is brought forth with one set of circumstances and then the Government does not listen.

But, as I say, that is because of the ill-prepared government that we have now, a government that is working on the whims and

the directions of interest groups that are trying to direct their points of view on the Government policy. The Government runs holus-bolus to bring in legislation that is flawed, that is misinterpreted, that is not complete, and now they have to backtrack on this. They say they are there to govern, but we in the Opposition see the flaws in it. We point it out to them. It comes to a number of amendments that have to be brought forth.

So I would suggest, Mr. Deputy Speaker, that if the Minister of Labour does have amendments to this government bill, Bill 44, and we are going to committee on Monday evening, that we should have those amendments possibly even this afternoon. We would then have a chance to digest and see what it is going to do with this Bill 44 or how it is going to be changed.

She knows that there is a lot of dissent out there in the general public as to a lot of the clauses that are in this bill. If she is planning on changing them, we should know about that as soon as possible. It is only just a matter of courtesy and good common sense and good government practice to keep the public informed as to what their directions are.

I find that this is not unusual for this government in what they are trying to do with this bill, how they are trying to ram it through, how they are trying to gag the public, how they are trying to put a muzzle on constructive criticism of this bill. At the same time, they will bring in some sort of possibly just house dressing or window dressing amendments and say, well, we listened to the public. We consulted with the public. We made amendments. But, in theory, it is the same old, same old that we are going to be seeing from this government.

So, with those short words, I will wait for the Minister of Labour (Ms. Barrett) to bring these amendments so that we can have a look at them. I am sure, in the essence of good government and good policy and practice that this government is trying to initiate, we will see those amendments by the end of today so that we can vote on them, and we can pass this on to

committee. Thank you, very, very much, Mr. Deputy Speaker.

\* (15:30)

**Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition):** I am pleased to stand today in this House and put some comments on the record on Bill 44.

I want to say at the outset that I am not quite as optimistic as my colleague from Southdale might be about significant amendments to Bill 44, because I tend to be a little more skeptical based on past performance of this government and what we are seeing today.

You know, Mr. Deputy Speaker, many of the amendments that have been brought in to other pieces of legislation by this government have been amendments that really have been, well, I guess I could use the word "fluff." They are amendments that have tried to appease groups and organizations under the guise of listening to Manitobans through the public hearing process. Then we have a government that stands up and says: Well, we listened and we have made significant amendments that have changed the bills. Well, we have not seen that happen in any of the bills that we have had concerns over.

I know one of the bills that we had some difficulty with and many Manitobans had difficulty with was Bill 5, that was brought in, very ill thought out, without consultation. As a matter of fact, public consultations were cancelled on Bill 5 midstream. I do not think one got underway before they were cancelled. So the public was not consulted. The Bill was amended at committee. I know many of us were confused by the amendments. I do not think the Government knew what the amendments meant when all was said and done, and I am not sure they understand the Bill today.

We saw yesterday a prime example of what happened with Bill 12, the home-schooling legislation, changes to the education bill. We saw a government that voted down amendment after amendment that was put forward by the home schoolers. Then when they had to face them yesterday here in this Legislature, when

they filled the galleries, wanting to send a message to this government and this minister, he went out and spoke to them and said, oh, we are listening now. We voted against your amendments; we were not prepared to support you, but we will sit back now because we are afraid to have you protest. So we will take some time and sit back and look at what you are proposing.

Well, the Government had time to look at their proposals. Those amendments were presented to government over two weeks ago. If the Minister of Education (Mr. Caldwell) had been serious about listening to home schoolers, he would indeed have taken a look at the amendments and had some sort of an informed decision on whether or whether or not he might accept those yesterday. But, no, he preferred to put them off, to stall them, and to ensure that they were not sitting here in this House when he voted against them again. So we have not seen much co-operation from this government, and we have heard all kinds of lip service on bills like Bill 4, and I know, again, on Bill 44, the bill that is in front of us today.

Mr. Deputy Speaker, I am really distressed and disturbed to think that we have a government that during the election campaign and during the economic summit they had indicated that this was a new era of co-operation and good relationship with the business community. We know that this Premier (Mr. Doer) says one thing and does exactly another. Without any warning around the kinds of amendments that would be introduced with Bill 44, the Bill we see in front of us, the Premier and this Minister of Labour (Ms. Barrett) brought in some of the most regressive labour legislation that has moved us back many, many years in our province.

When we look to the hard work that has been done over the last almost decade in trying to create a climate in Manitoba that would encourage business to come and to invest, we looked at creating balanced budget laws to ensure that government lived within its means. We changed some labour legislation. We were a government when we were in power that believed that business was the job creator in our province and that government's role was to facilitate business coming and investing and

creating jobs in our province. Because of that, we saw business and our province grow and flourish. We have seen unprecedented growth, unprecedented job creation, and very low unemployment rates as a result, because there was that era of co-operation between business and government, business, the people that create jobs. Governments do not create jobs. We create a climate as government and as legislators for business to flourish.

Mr. Deputy Speaker, what we have seen with the introduction of Bill 44 is something, I am sad to say, has set us back considerably. When you get the unprecedented coalition of 16 000 businesses in Manitoba coming forward and saying to this government: Will you listen to us? What you are doing is going to hurt us. It is going to hurt the economy. I wish you had talked to us before you introduced this kind of legislation.

Well, we know that that did not happen. We know that this government, without any warning, introduced Bill 44 in the heat of the summer without any consultation or any warning to business, hoping that business would be asleep, hoping that Manitobans would not be paying any attention to what was going on and they could just slip it through or ram it through, whatever the case may be, and have their way. It definitely is a bill that is payback to the union bosses that helped get this government elected.

So we have no question in our minds, and the business community has no question in their minds, what the agenda, the real agenda of this government is. I guess, you know, we look at what the business community has had to say, and we have many, many quotes from the business community. But I think what we are seeing here is, you know, even the media—and I might say all three major media outlets, print outlets in the province of Manitoba have condemned this Premier and this government for the deceitful, ill-thought-out legislation that has been introduced through Bill 44.

Mr. Deputy Speaker, when you see headlines in the newspapers—and I cannot even count on both hands the number of headlines and articles, editorials that have been in the newspaper on Bill 44. *The Winnipeg Sun* says:

Doer's labour pains. I am not using a name, Mr. Deputy Speaker, I am quoting from a newspaper article. When we see the *Winnipeg Free Press* saying that this bill is bad all around—

**Mr. Deputy Speaker:** You have to refer to the title even if you are reading from other sources.

**Mrs. Mitchelson:** I do apologize for that. I will try to be very careful in my comments.

I will take a moment to read from some of these articles because this is not the Opposition speaking. This is a reflection of what Manitobans are thinking. You would think that the governing party of the day would take some heed and some notice of what is being said and think twice, maybe withdraw the Bill, take a bit more time to look and consult and try to find out what Manitobans really want rather than trying to ram something through in the manner that they have brought this bill in and would like to see it passed.

\* (15:40)

I will quote from the *Free Press* on Saturday, July 8. It says: "The NDP government gave a sop to its traditional constituency on Thursday, introducing proposed amendments to the Labour Relations Act.

"This announcement was greeted by the province's labour federation as 'a small step in the right direction.' The middling praise from customary NDP supporters, coupled with the protest from the province's business community, would indicate that neither labour nor management is happy with the result. Labour law, however, should not be written"—

**An Honourable Member:** It is called balance.

**Mrs. Mitchelson:** Well, Mr. Deputy Speaker, I hear the word "balance" so very often from the Government today, but this is not what other Manitobans are saying. I think, if members opposite listened very carefully, they would understand the point of not the Opposition here in the Legislature but Manitobans that are feeling that they have been hoodwinked by this government.

"Labour law, however, should not be written, or, in this case, unwritten, to please labour or management. It should be written for workers. And here, too, it fails."

There are three different areas within this bill that the business community is upset about, and certainly we are upset about, and very fundamental to democracy in this province and in this land. You know, I think it is unheard of or unprecedented to see a democratic right that has been given to individuals or organizations taken away by unilateral decisions by any government. We are talking about the secret ballot that employees, that workers are entitled to right now under law in order for a union to exist in their workplace.

This legislation in fact takes that fundamental right away, that freedom of choice and the right in a democracy to a secret ballot on something as important as unionization of their workplace. Now it is important because, along with benefits that unionization creates, there is a cost to employees. They should have the opportunity to hear all sides of the issue and all of the arguments, and they should be entitled to a secret ballot. I believe employees, workers in Manitoba, do have the intellectual capacity to listen to the arguments and to make their own decisions and their own choices, and they should be able to do that privately.

What this government indeed is doing through this legislation is taking away that freedom of choice, that fundamental, basic democratic right to a secret ballot around unionization or non-unionization.

Mr. Deputy Speaker, we all know that there is a place for unions in our society and there certainly should be a process, a fair and balanced process, to ensure that that takes place when employees do make that choice. I believe and we believe that they have the right to make that choice and they do have the intellectual capacity to make up their own minds and their own decisions and not be coerced by either side.

I find it just absolutely amazing to think that we have a government today that would take away that basic fundamental right. I just look

today to the editorial in the paper that talks about labour's hypocrisy. I will quote from that article too, because I think this says it all: Manitoba's beleaguered union bosses are fighting back in the political scrap over the government's ill-conceived labour law changes.

I want to highlight the word "ill-conceived." After weeks of taking it on the chin from the province's business community, unions using their members hard-earned dues without their permission—now, Mr. Deputy Speaker, I ask: Is that democracy? Is that the NDP's definition of democracy?

I quote again: Using members hard-earned dues without their permission. I wonder whether the unions, in this instance, that belong to the Manitoba Federation of Labour called for a secret ballot by their membership to ask whether their dues could be used for this purpose or in fact did they even get 65 percent of them to sign cards?

I would venture to guess, Mr. Deputy Speaker, that the answer would be no to either one of those questions. No. They did not give the people that pay their hard-earned money to union dues an opportunity to determine whether or not they supported the MFL position that supports this New Democratic Party. I think it is shameful. I honestly cannot believe that we have a government that would support that kind of position and support taking away or not allowing members of a union to have that voice in how their union dues are spent.

So we see now what the real agenda of unions are and we see what the real agenda of this New Democratic Government is.

Mr. Deputy Speaker, the article goes on to say: The real agenda the union bosses claim is that businesses want to deny their employees basic democratic rights and reject fair settlements in long strikes and lockout. We think that unions have exposed their real agenda, which is to line their pockets with a chunk of workers paycheques while trying to hijack the constitutional rights of employers to run their businesses.

Why else would unions reject the most democratic right for all workers to be guaranteed a secret ballot vote to determine union certification? My question or my follow-up question: Why would the NDP Government reject the most democratic right for all workers to be guaranteed a secret ballot vote to determine union certification? I would go on to ask whether this New Democratic Government believes that when they hold their meetings and select their delegates to their annual general meeting or select their candidates to run for election, are they going to treat themselves in the same manner as they are treating workers in the province of Manitoba? Are they just going to ask for a show of hands on who is to be nominated to run for political office or who is to be elected to serve on the executive?

I ask that basic fundamental question. If they believe in democratic rights, should those democratic rights not be there for employees, for workers, in our province? Very simple, very basic question. I think it is one that needs to be asked. If it is good enough for them as a party in their political proceedings, is it not good for the workers in Manitoba? It is something I think the new government must do some soul searching about and must let Manitobans know why there is one set of rules for them and another set of rules for workers in Manitoba.

*Mr. Speaker in the Chair.*

I could read the whole article into the record, but I think it just goes on to indicate how flawed and how regressive this government and this legislation is. We heard from the business coalition this morning that this is an issue that they are not going to let go, and if this government does not withdraw this piece of the legislation, they will not be able to appease them with fluffy little amendments that say nothing and do nothing. The fundamental democratic rights of workers in this province must be respected and must be upheld by this government. We certainly do agree with that fundamental principle, and nothing short of withdrawing this will please the business community, the workers of Manitoba or, certainly, our members on this side of the Legislature.

The other issue of the 60-day binding arbitration clause is another that really provides for a very one-sided approach, giving a veto to unions. It is something that is not acceptable to business, and it is not acceptable to us.

\* (15:50)

The other issue, and one that I want to spend a bit of time on, is the issue of violence on the picket line. I have heard this Minister of Labour stand in this House and defend the fact that there was only one instance of violence on the picket line that happened to be in 1994. There was only one instance. So that is okay. People committed crimes. They were convicted. They were charged, and they were convicted. The issue went to the Labour Board for resolution, and the Labour Board insisted that the employer hire back those convicted criminals into the workforce. That was the reason the legislation needed to be changed in 1996, but the Minister of Labour stands up in this House, and she says: Well, it was only once. Only once did this happen. Well, Mr. Speaker, on this side of the House, once is too often. Abuse is abuse, and it is not tolerated by this side of the House. I say shame on the Minister of Labour for even indicating that one instance of violence and one convicted person was forced to be hired back by an employer. I think that is shameful on behalf of government and this Minister of Labour because, if that is the policy, that abuse once is okay by this government, then I have some difficulty and I know Manitobans have some difficulty with that issue.

You know, we saw something in this Legislature today, in this House, during Question Period that I have not seen often before. Normally speaking, when cabinet assignments are made, there are ministers that are given responsibility for being advocates for certain areas of our province and our community. I know we have raised the issue before about the Department of Natural Resources and the Department of Environment being combined into one department, and how could you be on the one hand the advocate for development of our natural resources and the policeman on the environmental side for that same development? It is very much a conflict, and we have some concern about that. The

reality is that, when a minister is appointed as the Minister of Industry and Trade, that minister is to be there to look at the business climate, to look at how you can promote and develop business and economy in our province.

That minister should be the advocate for business. What we saw here today during Question Period was a minister that should be the advocate for business development in our province stand in her place today and defend legislation that 16 000 businesses are opposed to in the name of advocacy for business. She could not name one business. She did not have the name of one business in the province of Manitoba that said: The labour laws are broken. Fix them. We want Bill 44 because it is going to be better for business in Manitoba.

Mr. Speaker, she was asked time and time again, and she could not give an answer to any of us. I think the business community will be very interested in hearing her responses and in hearing her talk around the issue without once saying how important business was to the viability and the prosperity of our province. Her words will come back to haunt her in the months and the years to come, because I am not sure the business community would agree that any of her answers today in the House showed that she had a care or commitment to business development in our province.

Mr. Speaker, we have legislation before us today that is flawed, legislation that is bad, bad for Manitoba, bad for business, bad for workers. It is not something that we can support or endorse. We have asked many times for this government to stand up for business, to stand up for workers in the province of Manitoba, and withdraw this bill.

The business community has, for the first time ever, come out in full force, because they recognize and realize that they do not want to be back in the Howard Pawley era of the '80s that set Manitoba back on its feet. They have worked too hard over the last decade to try to ensure that the climate is right and positive for investment, for development and for growing jobs right here in Manitoba.

This bill, Mr. Speaker, has set the province back 20 years. I think that the Government today

should take a sober second thought, should listen to the business community. Anything short of addressing these three issues and withdrawing them from the table will mean that Manitoba is poised to go back to the old days where Manitobans had to hold out a tin cup and beg for support because we were a have-not province. If that is what the intention of this government is, and if that is what their mandate is, then so be it. Manitobans will certainly be the losers as a result.

Mr. Speaker, I want to indicate that we will not be supporting this legislation. We will continue to call for its withdrawal. We will listen, as we have, to the business community and to workers in Manitoba. They have told us loudly and clearly, as I know they have told the Government loudly and clearly, that this is ill thought out, that it is a piece of legislation that is going to set Manitoba back, and that it is not good for Manitoba.

I would ask this government to seriously consider withdrawing it and taking a second look at what it means to be a prosperous and growing economy, and put in place the kinds of programs and policies that would see that happen. Thank you.

### Committee Change

**Mr. Peter Dyck (Pembina):** I move, seconded by the Honourable Member for Russell (Mr. Derkach), that the composition of the Standing Committee on Municipal Affairs be amended as follows: Southdale (Mr. Reimer) for Charleswood (Mrs. Driedger).

*Motion agreed to.*

\* \* \*

**Mr. Speaker:** Resume debate.

**Mr. Jon Gerrard (River Heights):** Mr. Speaker, I rise to speak on Bill 44. This bill seeks to make changes to the labour laws in Manitoba. Curiously, this legislation was not mentioned in the election campaign of last year. It was not mentioned in the Throne Speech. It was not brought up as a pressing issue at the economic summit, the so-called Century

Summit, held earlier this year. It has been introduced by the NDP Government with minimal previous consultation. The nature of the changes in Bill 44 speak to the rush with which the NDP have moved.

Bill 44 is a sad testament to the state of disorganization of the Government which began this session late and has been rambling, scrambling through the hot days of summer. It is important to consider this legislation in context. It will likely be increased costs to doing business in Manitoba resulting from Bill 44, and these will undoubtedly be passed on to consumers as increased costs to consumers and the average person in Manitoba. There will likely be fewer jobs in Manitoba if this bill passes as it currently exists and if the status quo continues. We live at a time of major changes, a time when the Internet and e-commerce are changing the way we do business and the way customers access products, both inside and outside Manitoba. It is a lot easier to do business outside Manitoba than it was before if conditions are not right here, and so we had better be sure that we get conditions right in Manitoba.

\* (16:00)

The processes of globalization which are at work today and the forces present in the marketplace mean that we must be very careful in adjusting our labour laws. Our goal should be to put Manitoba companies and Manitoba employees at an advantage in the global world. Our goal needs to be to position the laws and the procedures in Manitoba in a way that will increase employment in Manitoba and, in particular, increase the employment in high-paying jobs in Manitoba. Achieving this goal is not easy, and the NDP Government would do well to take its time in considering this legislation. I speak here today as the MLA for River Heights and the Leader of the Liberal Party in Manitoba. The Liberal Party stands in the middle of the political spectrum. The Liberal Party receives support from workers as well as from entrepreneurs. The Liberal Party receives support from labour unions as well as from business, and Liberals can provide a balanced, middle-of-the-road perspective on legislation like this.

Today I will argue that the NDP Government is making a mistake to rush through legislation which is poorly thought through and without considering the realities of the world in which we live today. The very last thing that we want is to pass legislation which will put Manitoba employers and employees at a disadvantage relative to those in other jurisdictions. In contrast, when employers and employees work together, we can put Manitoba in a position of advantage compared to other jurisdictions. That should be our goal.

Bill 44 has a number of major flaws. First of all, the Bill introduces an unbalanced approach to settling labour disputes. While there may be some legitimate rationale in today's world to efforts to decrease the need for strikes and for lost days at work, it is very important that any alternative dispute resolution mechanism be absolutely fair in how management and labour are treated and that any alternative dispute resolution mechanism be very carefully considered and agreed to by both labour and management. In the present bill, after 60 days of a strike or lockout, there is a process whereby union members vote to decide whether the issue will move to binding arbitration, but, at the same time, there is no comparable approval process or veto process for the employer. This is clearly a one-sided situation. It is clearly inappropriate.

I oppose this approach. A real fear with the approach that is being taken is that unions may simply place their demands on the table knowing that, after 60 days of strike, the matter will be referred to arbitration. It is likely that we will see both sides becoming more intractable under such conditions. It is likely that we will have, on average, longer strikes than before because labour unions will choose to strike and choose to strike for 60 days, rather than settling the matter without striking or settling the matter quickly after the start of a strike or a lockout. The Government's stated goal is to decrease the time lost to strikes, but this legislation may well increase time lost to strikes and so disadvantage both companies and their employees.

Second, Bill 44 introduces changes which provide for automatic certification of a union where more than 65 percent of workers are signed up to join the union. This change is made,

rather than continuing the present practice of a secret ballot. While I appreciate that some other provinces may use an approach similar to the 65% rule in Bill 44, the change proposed here is fundamentally an undemocratic one. Furthermore, Alberta and Ontario both have a secret ballot, and I suggest we should not position Manitoba to be less democratic than Alberta and Ontario. We should not be moving to a situation of less democracy. We should be moving, if we were to move, toward a situation of more democracy, and so I oppose this change.

At the present time, during a certification drive, unions and employees go through a two-step process. Employees who obtain a card then have time to consider the options and in a fair way move to the next step which is the secret ballot. Those who have experience in this environment, including academics who specialize in the field, know that the secret ballot is the fairest way to allow workers to arrive at a decision. The process allows both the employer and the union to make their respective cases in a fair and balanced way while allowing the employee to make a decision through an unencumbered secret ballot.

I think it is important to note that I have heard from Liberals who have concerns about employers putting what is felt to be undue pressure at the time of a union certification vote, and it may be similar demands which are behind the NDP bringing this legislation. But to the extent that this is a broad concern, it should be considered more carefully, and various other options may be possible to address this situation should there need to be a need to address it, rather than to move in an anti-democratic way as this bill does.

At the moment, it should be noted, there is little evidence that the secret-ballot process limits union certification. The Premier (Mr. Doer) himself has quoted statistics that union certification votes have not failed when there are more than 65 percent of workers signed up. Certainly, the number of unions newly certified in Manitoba has not decreased in the last few years under the existing legislation. Thus, to move Manitoba to a less democratic circumstance is to poison the waters. It is important that

we do not become less democratic in this province.

Thirdly, Bill 44 provides for reinstatement of individuals who may have used violent or criminal approaches on a picket line. This is also clearly inappropriate and should be changed. If employers are required to reinstate employees who have been found guilty of picket line violence, this will poison the workplace, promote discord among workers, and promote irresponsible behaviour.

Fourthly, the legislation contains a provision which would repeal the requirements for unions to file audited financial statements and compensation statements with the Labour Board. This repeal, notwithstanding the requirement of the union to give its members a financial statement on request, may have the effect of diluting accountability of the union. It is worthwhile listening carefully to presentations at committee for a perspective on this area.

The elimination of provisions which require unions to consult with each employee in the unit about whether they wish their union dues to be used for political purposes, they are appropriate if Bill 4 is passed for provincial political contributions, but elimination of these provisions is not appropriate for municipal or federal election contributions.

We have to ask why the NDP are moving in this direction when these clauses are still needed.

I want to mention briefly the disturbing trend that we are seeing under the present NDP Government. Quite a variety of the bills which are coming before this Legislature have clauses which are clearly anti-small business. These include Bill 20, the farm machinery act. We have heard carefully and distinctly the presentations by small-business people who work in this area who are opposed to measures within this and feel that it will harm small business in Manitoba.

Bill 5, The Wildlife Amendment Act, is another bill where we heard at committee stage, and I continue to get calls, from entrepreneurs concerned about their future and their livelihood

when they have staked a lot on their small business.

\* (16:10)

Bill 4, The Elections Finances Amendment Act, Bill 18, The Labour Relations Amendment Act, these and others, yet have detrimental effects on small business and entrepreneurs in Manitoba. This is a very disturbing trend. Step by step the NDP Government is waving their wand to hurt the prospects of small business and entrepreneurs in Manitoba. The concerns I spoke to during the election last year are now materializing.

This government, often in careful and subtle ways, is harming the business environment in the province. Hurting entrepreneurs also hurts employees for Manitoba will lose jobs and opportunities. Hurting entrepreneurs hurts all taxpayers in Manitoba, because this will mean higher taxes and higher costs. As retailers indicate, Bill 44 may well mean higher cost to consumers. All this is bad news for Manitobans.

In Question Period earlier today, I must say I was astonished that the Minister of Industry, Trade and Mines (Ms. Mihychuk) could not name a single business who supports Bill 44. The Minister was questioned repeatedly, and repeatedly the Minister dodged the question and was unable to answer, unable to provide the name of a single business which supports Bill 44.

I suggest, Mr. Speaker, that this legislation is an example of the swings of the pendulum in Manitoba from one side to the other without achieving a solid balance in our structure in the middle. When the Tories were in power, the balance swung far to the right and now with the NDP, one of the first moves is to impose legislation which tilts the balance far to the left.

This bill indeed is one of but a number which are tilting the balance far to the left. We have these big swings in the pendulum, and I suggest that what this province needs is not the wide swings we have seen under Tory and NDP governments but a balanced Liberal approach which is fair to both sides.

I suggest at the same time that one of the critical needs here is not to move backwards but to move forwards. We have a very different environment coming in the years ahead, indeed emerging now with electronic commerce, with the Internet, with all sorts of things possible, for Manitoba small entrepreneurs, if we position the laws and the regulations to the advantage of entrepreneurs and employees in Manitoba.

There was an opportunity earlier this year to build on the economic summit, and to build that kind of consensus. The NDP are, indeed, to be congratulated for bringing labour and business together at the Century Summit, but it is very disheartening to see that the NDP completely failed to be able to build on the ideas and the momentum coming from this summit, and indeed, have turned leftward away from the ideas and the concepts that were presented there, and are picking up alternate ideas that were not even presented there, that did not come from the summit, from the meeting of minds that was the Century Summit earlier this year. It is a sad testament for the failure of the NDP to listen to good solid advice. It is a disturbing trend here in this province.

I speak today very concerned about what is happening. I speak today to indicate that I will be listening very carefully to presentations at committee, and I hope we are able to take advantage of good suggestions at committee stage from the many presenters who have lined up and indicated that they want to present. At last count, I think it is something in the neighbourhood of about 60, and certainly, these are Manitoba citizens, Manitoba organizations, Manitoba business, Manitoba coalitions, and indeed, some from outside of the province coming here to give us their advice. We need to listen carefully to that advice; try to create the best possible environment for employers and for employees in this province. Let us try to do that rather than rushing through something which is poorly thought out, in the heat of summer, before we are able to harness the benefits of the best possible advice that we can get.

**Mr. Dyck:** I, too, am pleased to be able to put a few comments on the record this afternoon specific to Bill 44. I want to elaborate just a little bit for a moment on the Question Period that we

had this afternoon, and the question that was posed of the Minister about businesses leaving communities or, in fact, wanting to have this bill imposed upon them within the communities. I am in touch with the community that I represent. I have opportunity to speak to and to meet with business leaders, but not only business leaders. I would like to draw in employees as well, people who are working and who specifically I see this bill targeted to.

In the constituency of Pembina, I have to confess, I have not met any of the employees who are looking for this bill to be imposed upon them, that is meeting with the local health care people, meeting with the local business people, but what in fact they are looking for and what they do have within their own jurisdictions, they have associations that meet on an ongoing basis to deal with issues that are relative to labour. I have had the opportunity to employ numerous people over my short lifetime, and I believe, as my colleague from Steinbach indicated when he spoke to Bill 44, that it is imperative that as employers we have good working relationships with employees. I certainly would want to have my employees feel that I am treating them fairly, and I know that the vast majority of employers feel that way.

So, coming back to the original comment that I made, how many businesses out there have in fact been requesting that the Minister of Labour, first of all, draft Bill 44, and then impose it upon them without giving proper consultation opportunities to them. So I cannot support this, again, because of the fact that consultation has not taken place.

Yesterday, I had the opportunity to speak to Bill 42, which is one that is repealing a lot of the issues that are in Bill 72. Again, I state, consultation has not taken place. Consultation has taken place, but I would submit to you, Mr. Speaker, that it has been very one-sided. You know, possibly the question should have been asked this afternoon: So how many unions asked for Bill 44? Maybe the Minister could have got up and in fact given a number of the union leaders who have been pounding at the door asking for this bill to be put in place.

The NDP also talk about having a balanced approach. So I submit to you that it has been a

very, very unbalanced approach. It has been a very undemocratic approach in meeting with communities, leaders, with employees and employers. I would also submit to you that this legislation has drawn remarkable attention within Manitoba and across Canada.

The *National Post* has commented that Manitoba's NDP Government, having learned nothing from the inexperience of Bob Rae, Ontario's, and Glen Clarke of British Columbia, is setting the province up as the next candidate for job destruction capital of Canada. Can you imagine businesspeople across this country waking up to read these articles, businesspeople who may be looking to start new enterprises or relocate existing operations, businesspeople who want to hire individuals, perhaps Manitobans? They must be shaking their heads and wondering, after a decade of growth, what is going on in Manitoba.

\* (16:20)

Here at home, what has been the reaction? Well, I would like to take a letter that in fact was copied to us but also it was sent to the Premier (Mr. Doer) and to all ministers and MLAs. It comes from the restaurateur. He is a small business person with 400 employees; 85 percent of the employees are under the age of 25.

He says: I am writing to express my objections to the proposed changes to The Labour Relations Act. This legislation expands the power of unions but not the rights of individual employees. In fact, it denies employees their democratic right to vote whether or not they want to be part of a union. The collective bargaining process is undermined without a secret ballot vote because significant doubt remains whether employees really want to be represented by a union. This pertains to interim certification orders as well, where employees are required to begin collective bargaining before the bargaining unit is even determined.

Mr. Speaker, this is only one letter. There are many letters that we have received which are specifically stating the concern that they have. The First Minister came into office with the talk of bringing business together, uniting people for

a common cause. Well, I must say that in less than a year he has achieved that goal. Business has come together like never before in Manitoba. Under the umbrella of the Coalition of Manitoba Businesses to fight Bill 44.

I wonder when Today's NDP talked during the election of working with business if their plan included having a coalition of businesses taking out full-page ads in newspapers stating that Bill 44 will harm this province. I wonder when the First Minister was putting on his much-publicized Century Summit if he was already putting into action this legislation which will harm all Manitobans. I think the NDP are thinking that this will only harm a small segment of the province. I submit to you that this will harm all Manitobans.

It is ironic that the same government that stated: We will keep the things that the former government did right, now is ignoring full-page ads and faxes and phone calls from Manitobans that say: If it ain't broke, don't fix it.

Mr. Speaker, one of the most startling aspects of this bill is the stripping away of the democratic rights of the workers who have secret ballot before union certification. I would say that this piece of bill is perhaps the most stunning and perhaps the most indefensible. To have a government introduce a law that will limit the democratic right of workers, that will subject employees to unnecessary but inevitable intimidation is almost unbelievable. It is one of those things that happen in the life of government that forever marks it. It is one of those decisions that never find adequate justification in the minds of ordinary Manitobans.

When the residents of Pembina ask me what possible defence the Government has for taking away such a basic principle of democracy, I can only tell them that I have not yet heard any real defence. Of course, the Minister of Labour (Ms. Barrett) stands up during Question Period and throws out the line that this is the way things were 50 years ago, and if it was good enough 50 years ago, it is good enough today. So here again we have an incredible irony. We have a government that ran on the slogan Today's NDP hiding behind the defence that this legislation started 50 years ago.

Again I refer to Bill 42. When we took and we looked at the 40-year agreement that had been in place in education and said, listen, it needs to be reviewed, but let us go out to the public and ask them what they think, we got tremendous feedback. We got presentations from all over Manitoba. They were from all involved in education, that is parents, that is teachers, that is grandparents, that is school board trustees, that is business leaders, all those who were involved in any way, shape or form, and all had an opportunity to give presentations. Upon that is what we formulated our bill.

*Mr. Conrad Santos, Deputy Speaker, in the Chair*

Now here we have a government that says they have been consulting, but we know they have not. Yet they put forth a bill, this Bill 44, and they impose it upon the communities, upon the business people. I submit to you it is the wrong way to do things. Certainly it does not speak to the needs of the community that is out there. One wonders, Mr. Deputy Speaker, how far this government is willing to carry forward this logic. Fifty years ago we had governments who gave no consideration to environmental damage or concerns. I wonder if returning to that type of thought is on the agenda for this government. After all, it worked 50 years ago, why not today?

The reason the former government, under the leadership of the Member for Tuxedo (Mr. Filmon), made changes to the legislation was because times had changed. Businesses are not the same as they were 50 years ago. Their needs are different, and their operations are different. In the same way, unions are not the same as they were 50 years ago. Their needs, too, are different and their operations are much different. The changes were made because the previous government recognized that the expectations of individuals, businesses and unions are different today than they were 50 years ago, and it was time for legislation to reflect that.

Members of this Chamber need only to look at the results. In the past years we have seen record growth, record employment, record opportunity.

**An Honourable Member:** And it is continuing today.

**Mr. Dyck:** All levels have shared in this harvest. Young people are staying in Manitoba; others across Canada are coming to Manitoba. I hear a member from across the way saying "and it is continuing" that way. Well, I certainly hope it will. The reason that I am speaking against this legislation, this Bill 44, is specific to that. I come from an area that wants business to flourish, wants business to do well but also wants the employees to do well. I think very often members opposite forget that it has a mushrooming, a rippling effect.

Let us talk a little bit about agriculture. When we see agriculture doing well, for every job that agriculture produces, it gives a ripple effect of nine extra jobs, in total, ten jobs in the province. That is what I am concerned about, that this progress that we are seeing will stop.

Again, we met with the coalition this morning, and there are businesses who will not expand. In fact, they are looking seriously at moving from the province. I ask the members opposite, in fact the Minister of Agriculture is here, what is happening to Feed-Rite and their head office? Have they any idea what has taken place there? I would suggest that maybe they take a look at this.

These are the concerns that we have. Why is this taking place? They do not see that the environment in the province of Manitoba is friendly. It is a global economy. We live in a global community and they do need to compete. They will go wherever they need to in order to compete.

And so I would challenge members opposite to think very, very seriously about what they are doing here. What has this government decided to do upon inheriting this momentum of growth? It steps back into its "back-to-the-future" time machine, pulls a lever and tries to go back to the good old days of Howard Pawley and the 1950s legislation.

Here we have a government that puts forward this mentality to the people of Manitoba, if it was good enough 50 years ago, it

is good enough today. It is a mentality which is out of step with business, with workers and with every-day Manitobans.

\* (16:30)

Mr. Speaker, members opposite have to rethink their ill-fated strategy. I wonder, by taking away the right to secret ballot, whose interests this government is trying to serve? Clearly, the business community did not ask for this change to take place. What about the workers? I have yet to hear from one labourer who has come and asked the Government to take away their right to the secret ballot, one worker, and I have met with a number of people within my community. I have not found one worker who is asking for that. To the contrary, one wonders why this government would place people in the workplace in such an awkward position as to have to publicly declare their intentions.

I had an opportunity to meet with friends of mine who just came back from Czechoslovakia and the parallels that they are drawing with some of the legislation that is coming into place in this province are scary. I would hope that this socialist party is not planning to do to Manitoba what has happened in many of the other countries. They came back and they just said they are trying to rebuild, but it is very, very difficult for them to do that, again, because of the socialist mentality, and that is the socialist mentality that we see across the way.

I see a little bit of smiling taking place, and I fear that is the smile of saying, yes, we are going to take you in that direction. That is what our present government is looking at. When you look—yes, a little bit of chirping out there again. When you look at some of the things that have taken place within the last several weeks in the introduction of bills, just look at it, in every case, taking away the democratic right of people to make a decision. Why did people come to Canada? Why did they come to Manitoba? They wanted their freedom of democracy. I hear someone chirping out there. Maybe you would like to speak to the Bill as well.

My forefathers came to Canada, to Manitoba, because of the freedoms and the

democracy that they enjoyed here. That is why they came here. The members that we met yesterday, the home schoolers, why are they so concerned about the direction that this government is going?

**An Honourable Member: Why?**

**Mr. Dyck:** That is a very good question. Because of the freedoms that are taken away that they enjoy. Many of them—again, their ancestors moved to a different country because of that. Again, we see we are going back in the same direction, and this government is one that appears to be heading in that direction. Again, look at a number of the bills that have been put into legislation. I have a real concern with the direction that they are heading.

Some members opposite may wonder what all this means to the residents of my area. Despite being one of the most industrious regions within many, many large companies, the Pembina constituency does not have a tremendously strong union presence. Yet this bill is very important to my area for one simple reason, and that is that every business in my area relies on a healthy economic climate, and this bill puts it in jeopardy.

Mr. Deputy Speaker, there is another aspect of this bill which is important and has not to date gotten the attention that it deserves. Under the proposed legislation, workers who violate the laws of the land while conducting a strike would be reinstated to the employer against the will of management and possibly fellow workers. This was a significant change that was made to the legislation under the previous administration, and it is difficult to understand why this government would work to reinstate this type of immunity to lawbreakers.

Manitobans know well of the types of things that can happen on a picket line when two sides are in a disagreement. While I think most Manitobans generally respect the ability of workers to engage in labour action, I do not believe they condone the breaking of laws as part of this action. But today, we have a government which seems poised to bring in legislation which says okay, you broke the law, but we forgive you and here is your job back.

What a signal to send to young and impressionable residents of this province.

Of course, Mr. Deputy Speaker, I think all members of this Chamber would agree that the type of individuals who would participate in this kind of activity are few and far between and do not typify the majority of workers in Manitoba. But we have seen in recent memory acts of vandalism—*[interjection]* Oh, the Member opposite is talking about death to employees. Well, my goodness, this is very interesting. Maybe we need to debate that a little bit. Is this what he is advocating? I just sort of saw this as a part of it or heard this as a part of it. But if he wants to put stuff on the record, he can do that. *[interjection]* Oh, okay. But anyway, it appears that they are advocating violence on the picket line, so this is interesting. But we have seen in recent memory acts of vandalism, assault, harassment and break and entry that had taken place as a result of a work action.

Mr. Deputy Speaker, I just want to relate an incident. A brother-in-law of mine who was working for one of the companies in the city of Winnipeg, and, yes, it was a unionized company, and they were asked for a vote and it was not on labour, but it was something else dealing with policy within the company. When he put up his hand and opposed the vote, it was later on that the union leaders were, first of all, at the back of the room watching him. Later on, they came to his house, and they intimidated and threatened him. These were the union leaders. Anyway, we are talking about balance here. Also, what I see is that this group across the way here, the NDP, are in fact condoning that kind of activity, and I cannot understand it. Despite reams of news releases filled with tough talk on justice from this government, they introduced legislation that will, at best, condone this type of criminal behaviour and, at worst, encourage more of it.

My opposition to this bill rests rather largely with the fact that it will limit the opportunity for employees. It will reduce payrolls in Manitoba and will provide less incentives for our young people to stay in Manitoba. We need to continue the path of the past decade and to open the door to business around the world and say we have a government that understands the needs of today's business. We have a province that can succeed

in, and most of all we have residents who can grow and succeed in our company. That is the kind of Manitoba that will benefit our young people, and it is the kind of Manitoba that will benefit our labour force.

Again, the Member across the way shouts out gloom and doom. Well, my goodness, businesses are seeing this as a real problem—and it is sort of a glib comment that is made across the way—or if in fact they do not see it, then I would suggest that they open their eyes and find out what is taking place. Certainly, the telltale of this bill will come into place within the next few years. We will see what will happen. But I think what we are trying to do is warn this government and say that Bill 44 is not the right bill for this province of Manitoba, not the right bill for this province to be able to succeed. This government should do everything in its power to ensure that the economic momentum continues to grow and that our residents find opportunity and find fulfilment in Manitoba, and it should set aside any political debts it feels it owes union organizations for the betterment of our province.

Mr. Deputy Speaker, many people consider the changes to the Act to allow unions to end strikes or lockouts after just 60 days and request the imposition of binding arbitration to be the Achilles' heel of this bill. Under this proposed legislation, unions will have what is essentially unilateral right to end strikes and lockouts in favour of binding arbitration and thereby shutting employers out of the process. Here is a provision that puts the hammer of labour negotiation squarely in the hands of the union and will serve to encourage prolonged work disruptions as unions simply wait out the 60-day period in an effort to get to binding arbitration.

What incentive is there for meaningful negotiation if the union feels they can get better results in arbitration or from the Labour Board? *[interjection]* It again appears the Member has all kinds of—

**An Honourable Member:** He wants to speak on it.

**Mr. Dyck:** Yes, he wants to speak to it.

What happens if the economy in fact, and these things do happen and this is possibly

contrary and something new to the members opposite, but if there is a downturn in the economy? What happens if prices decrease?

**An Honourable Member:** Oh, it will never happen.

**Mr. Dyck:** Oh, it will never happen. Well, my goodness, things like this do happen. Maybe we need to just talk a little while about the farming economy with prices going down. Right now, you haul a bushel of barley to the elevator, you get 65 cents a bushel. Now, if you relate that to wages, you would be earning I believe it is 75 cents an hour. Now, here you have a group, you have a government, you have labour unions who are imposing mandatory salaries, yet, though, are not reflecting what in fact the employer is getting for his commodity. Remember, we are in a global economy, and you have to be competitive.

It is legislation which is crafted to tip the scale of power when it comes to the bargaining process in favour of union negotiations. It has become clear that this government has rushed through the piece of legislation without giving it proper thought or consultation a bill of its effect deserves.

Mr. Deputy Speaker, I am willing to accept the fact that a mistake has been made by this new government in haste to pay favours it feels it owes. It is clear from what we have heard in this House and beyond that it did not receive the kind of hearing that it should have at the Labour Management Review Committee level, and it is clear that it does not enjoy the majority support of Manitoba business or the average Manitoba labourers.

\* (16:40)

Certainly, having listened to my own constituents, I am prepared to say that I do not believe this bill has support among the residents and the employers of my region that I represent. So I say to the Minister of Labour (Ms. Barrett) and the First Minister (Mr. Doer), there is no shame in taking the necessary step back from this bill. I would venture to say that there are some members across the way who are themselves uncomfortable with this bill and the

reaction it is receiving, and would be happy to see it just sort of fade away.

So, at the end of the day, we are all elected to do what is in the best interests of Manitobans and for the future of Manitoba. I believe, as do my colleagues and the majority of Manitobans, that this bill will harm our province and the advances that have been made, and we would urge the Government to rethink its position.

So, Mr. Deputy Speaker, as I conclude my remarks, I just want to say that I would encourage the Government to withdraw Bill 44. I do not believe it is beneficial to Manitobans.

**An Honourable Member:** Never.

**Mr. Dyck:** Well, the Member here has just said never. So I guess, as another member has said, the hammer is down. If that is the way it is, if that is the way they operate, we do not listen to people, so again, ah, here we heard they were going to be bringing amendments in, but I also hear the hammer is down and we will never withdraw this bill. So, again, we hear very clearly the direction that this government is going. They will not listen to the people. They will not listen to the people in their presentations. They have already made up their mind the direction that they are planning to go, and they are going to impose this upon the people of Manitoba. I say shame to you. You should not do that.

Again, Mr. Deputy Speaker, thank you very much for the opportunity to speak to Bill 44. I trust that after they have listened to the hearings and all the presentations next week, they will seriously consider the position that they have taken. I see an honourable member smiling, and I think he is almost convinced that he might go in that direction. So I am somewhat hopeful that they will be listening to—I think for The Maples, right, the Honourable Member for the, oh, no—

**Some Honourable Members:** Burrows.

**Mr. Dyck:** Burrows, pardon me. No, Maples would never go that route, but Burrows could possibly be persuaded. Again, thank you very much for this opportunity, and I will allow my

honourable colleague to continue in the presentation.

**Mr. Larry Maguire (Arthur-Virden):** It is a pleasure for me to rise today to put on the record some comments in regard to the legislation that is before us as well on Bill 44. This labour bill, in regard to The Labour Relations Amendment Act, has been put forward as a compromising piece of legislation with balanced views for all Manitobans.

You know, I think, Mr. Deputy Speaker, there are actually a few of the members of the government who actually believe that is what it will do. But this is far from the approach that is needed in Manitoba to encourage our unions in expanding opportunities in Manitoba, to encourage businesses in providing them with the opportunity to expand and therefore create more of those sound employment jobs that we would have in Manitoba. I rise today with grave concern for where the future of our province is heading.

Mr. Deputy Speaker, it has been said that this is an election promise. I mean they admit it. It is a payback to election time from our friends in the unions. But this bill goes much further than discussing all of the pieces in the labour-management review that the Labour Management Review Committee looked at. This bill goes much further than what I think even the Government had intended to do in the first place, although, I guess, in their zealously to have appeased members of what they felt were the unions that had voted for them in the election, they decided in their wisdom that they would put forward a bill that had many of the features that were being demanded of them by, perhaps, that community. But I would say that there are many union members on the work force today in Manitoba who recognize the faults in some of the pieces of the particular items of legislation that are being brought forward by this government. I am going to talk a little bit about what I see as their concerns from the labour side of this bill.

Certainly, we have heard many presentations from the business community. We have seen their concerns on this kind of action. We have seen their concerns on this kind of a bill. They

have heard and tried to be appeased by this government by saying that, oh, well, when it comes to committee, we will soften it up and we will make it palatable for everybody to chew on in the province of Manitoba.

It is rather doubtful that either the labour or the unions in Manitoba can trust this government in regard to the process that it is going forward with. They have cancelled these open, consultative approaches on so many of the previous bills and so many of the previous activities that they have looked at proceeding with under some of the previous actions of bills that this government has put forward that, you know, it is very hard to look at the Minister who is putting this forward and saying that it is being done in good faith.

I will just quote a few issues. First of all, they said that they were here to help the farmers. Well, we have not seen anything on that, and that was an all-party consultative approach that I had the opportunity to go on with the Government to Ottawa last fall. You know, we have seen nothing come of that whole process. They are still waiting for the federal government to do something. There sometimes comes a time when you really need to just take the bull by the horns and provide some leadership and show that you are really concerned about the citizens of this province. I am not going to belabour the point in southwest Manitoba because I have mentioned it many times in this House, the activities of this government and the inactivity of them in regard to the seriousness of that situation in those communities. That is just one example of why citizens in this province are doubting, whether they are in business or in unions, how they can trust this government that is in power today.

It is also a concern of all of ours that the environment is well looked after in this province and that we do things right the first time, that while we are developing industries we take a look at making sure that they are developed and done in a proper manner and that environmental issues as well as workplace safety and other issues are looked after and taken into consideration as we are developing those industries, as well they have been in the past and should continue to be in the future.

When we are looking at the environment and how we are going to move forward and how the new Ministry of Conservation, being that of the developmental agency in Natural Resources and the regulatory body under the former Environment ministry, are going to work together under one member to co-operate on these issues, how in the world are these two departments going to be compatible? Well, the government has indicated to us time and time again that they will be compatible, that there will be no problem, but the first thing they do is cancel the Manitoba Environmental Council, an advisory group of volunteers to support the Round Table on Sustainable Development, to give this province a sound mechanism, to provide for an opportunity to have input into another sector of government.

The Member for Burrows (Mr. Martindale) may wonder about the relevance of these issues, as he has just pointed out, but clearly it is what is the ability of the consumer and the union people, the workers in this province as well as the businesspeople to trust this government that they will come forward and do the right thing under the legislation that they are putting forward. And trust what? Well, as has been said at least on two occasions in this House by a couple of the ministers that we have one dealing with this particular issue and the other one directly involved in it, they are going to bring forward some amendments. Well, if they are, when, and if they are, what?

People are coming in to make presentations on what they think should be corrected in this bill or what they think should be in the labour act in this province, but we have a government that has already made up their mind that what they have done is wrong. So we are going to bring in amendments to fix it, and, yet, we have not even heard whether they are right or now yet from the people that are going to come in and speak.

\* (16:50)

So are we going to table these before these people speak next week or are we going to listen to them and then table and ram them through afterwards anyway or are we going to have them beforehand, then listen to these people, and then

come back with a bunch more amendments on top of the amendments?

So it is a process that citizens of Manitoba, even though this government has only been in power for 10 months, are being very critical out there in the country and within the Perimeter Highway that I hear from friends, neighbours, and acquaintances around the city as well, that, you know, how can you trust this group? They are not bringing forward legislation that we see as being sound for the further development of this province. That bothers me.

As a representative of this government from as far away as southwest Manitoba, I can tell you that the citizens in the country, I had the opportunity of discussing some of these issues with many of them that approached me yesterday at the Manitoba Summer Games in Virden, as we started off the opening ceremonies last evening on the first day of events yesterday.

A number of folks are really concerned about where the future is going in regard to this bill. They do not normally come and approach you about the kinds of bills and legislation that are going through this House, particularly in the first week of August, because they are either beginning harvest in the rural areas or they are returning from holidays with their families at the lake. They are very, very, very concerned that this government is misleading them and trying to ram something through, as has been coined, the phrase, "in the heat of summer," to try and make sure that the debate on this issue is not too cooled off in the process of moving forward.

This bill was not in either the Throne Speech or the budget this government put forward. This kind of legislation was not talked about at great length by this government publicly before it was tabled in this House by the Minister. So I am going to continue to outline some of the concerns that we have with a few of the items that are of real importance, I think, in regard to where we are at.

I have called upon the Government to table any amendments that they might be putting forward, and I will repeat that again now. Bring it out. There should not be anything to hide. We have all made mistakes. You have admitted one,

so bring forward the corrections. Are you truly listening? Is this an open debate?

Well, if it was, Mr. Deputy Speaker, you would not be bringing in the hard-hearted kinds of parts of this bill that you are bringing in. Certainly, they were not all passed through or agreed upon by the Labour Management Review Committee, and the Minister has certainly sided with the ones that were more controversial that the Labour Management Review Committee did not agree with and did not propose that be done in this province.

It is assuming that the Labour Management Review Committee felt quite satisfied with the previous legislation that was in regard to The Labour Act in this province, felt that it was quite balanced and felt that the industries were developing well in this province under an atmosphere of co-operation between business and workers, but this government brings in a part of a bill that promotes violence in the province of Manitoba between workers and businesses.

Mr. Deputy Speaker, any time you have a situation where, if through some disagreement between management and workers, that they are on strike, that they are locked out or on strike, that the worker and the business owner end up being in a conflict, heated or physically or conversationally during that debate, and there continues to be a personal disagreement between these persons, then this bill will provide the opportunity for the worker to be forced to actually be continued to be an employee of that company after the debate is settled. After the dispute is over, after the strike has been settled, these persons must continue to work for the employer, unless, of course, they decide to quit themselves and leave voluntarily.

The business owner has not got that right. He cannot fire them. He must continue to employ them in the province of Manitoba in their business. I put to you, I do not believe that you think that that would be a sound co-operative effort in developing the future of the businesses in Manitoba. If you could do that, under that kind of work environment, what business, if it had a choice in where it was going to locate, would come here?

Today we have heard a lot about, oh, there are businesses expanding in the province of Manitoba. We know there are businesses that are not expanding. Of course they could not name one after repeated and repeated requests to put the name of one business that they talked to that wanted this labour legislation brought forward in the province of Manitoba, Bill 44. Not one could be named.

Mr. Deputy Speaker, we have great concerns about some of the businesses that are reconsidering either expansion or even reconsidering locating in Manitoba at all. The aerospace industry is one in Manitoba that is a leader in the employment of this province, and we must do everything we possibly can to make sure that it continues to be.

Manitoba is a hub. Winnipeg can be a hub of the transportation sector of all of North America if we just do things to promote and have an opportunity for a good, sound, working business climate, business and working relationship between labour and unions and the people that employ them. We do not see this happening under this bill, or I do not at least, and many constituents that I have talked with do not either.

My colleague from Pembina referred to agriculture in his comments, and I, too, would have to say that what business would not reconsider the opportunity to come to Manitoba, and what person seeking employment someplace in Canada or North America would not reconsider locating in Manitoba, given the fact that they are now faced, if they are an individual citizen with being the highest-taxed province in all of Canada, the highest-taxed individuals anywhere in Canada in coming to Manitoba. What individual would not look at saying: Well, you know, if I come and work in Manitoba, they have just taken away my right to a secret ballot if I am going to work for that particular company. They have taken away my right to say whether or not I can go and work as an individual in this company, and whether we are going to be unionized or not. Whether or not these individuals want to be unionized, they have negated that right in Bill 44, and it is unfortunate for not just the labour people in Manitoba that this is taking place, but for all citizens.

I know that the Government thinks that this is the heavy hand of business that is coming down hard on labour in Manitoba. That is their view. That is what they keep telling us. It is unfortunate that they did not see the balance in the previous legislation that provided for those who are wanting to have a union, to do so on a secret ballot so that there was no coercion, intimidation, processes in place to inhibit them from freedom of speech, really. Part of this bill has been referred to as a gag bill, and other bills have been as well, but this is one that certainly epitomizes the concern that this side of the House has.

I was not here when the previous members of the Conservative Party brought forward the labour legislation that we have today, but I did not hear anybody as I went door-to-door in the election campaign last fall, asking for changes to The Labour Act in Manitoba. I did not hear the teachers asking me that. I did not hear the nurses asking for that. I did not hear the employees in Maple Leaf, Brandon, asking for those kinds of things, and many of the other companies that are in Manitoba today.

Obviously, the union bosses, perhaps, had the ear of the Premier and his colleagues in regard to saying: You know, you owe us this if we put you in there. I think, this government actually thinks that that is who put them in, but I rather doubt it.

These people have more common sense than what the Government gives them credit for. These people who are on the workforce today know that it is not good for Manitobans if we do not attract business to Manitoba in the future. They know that, if we drive business away, they will be taxed harder as citizens of Manitoba, and that has already been a proven fact by this government in their first Throne Speech. So they have a track record to already build on, to happen. So that track record is, I would not say decimating, but it certainly a great concern to all of the citizens of Manitoba, whether or not they are in union or business today.

\* (17:00)

But, of course, I think, the third sector, apart from promoting violence and taking away the

right to a secret ballot in regard to forming a union in Manitoba, is prolonging and undermining the regulatory process through the advent of a 60-day period before arbitration occurs. If you were in a union, or if you were on a side that really had a heavy bent for a demand, a particular issue, whether it is increased wages or whatever, why would you end up being in a situation where you would want to say: Well, we are going to negotiate for 60 days; at the end of that, if nothing is settled, we are going to go to arbitration?

Well, to me, you are doing one of two things. They are prolonging the inevitable, prolonging serious discussions from taking place between these two. Many times we hear the concern about who can afford to go without a paycheque for two months. Well, I want to make it quite clear that many, many citizens in southwest Manitoba have gone without a paycheque for well over a year, never mind two months, and this government did not care about that. So I would say that, if perhaps these citizens who were striking to go for 60 days and then go to arbitration, they may be able to say: Well, our position is one of extremity over here as opposed to extremity over there, and it negates a very sound mechanism of collective free bargaining in this country.

I believe that is seriously what we should have in Manitoba as a mechanism to deal with these issues, because, in the economy of Canada, Manitoba is not a province of extremes. It is not a province that has ever been what is quoted as a "have" province in Canada, and my goal as a member of this Legislature is to make sure that we work hard to make it the fourth province or the next province to become known as a "have" province so that we are less dependent upon our neighbours, if you will, Alberta, Ontario, British Columbia, some of those today. We need to have the ability to make sure that we can provide jobs and equity for our employees in this province.

Mr. Deputy Speaker, those are the three main issues that I feel very, very strongly about in this Bill 44 that the Government is imposing, the government edict that is coming down on this process, that they are restricting the ability to have free collective bargaining in Manitoba

for the trade-off of what they are putting before us in Bill 44 that I have previously outlined.

I talked earlier about how citizens of Manitoba could not trust this government. The NDP do not like the facts. They call us the bearers of doom and gloom, the doom-and-gloomers of Manitoba when in fact the PC government, as I have said many times in this House, the PC government was the one that had to make the tough decisions over the last 10 or 11 years. The tough decisions that the Conservative government made brought a balance of business and labour together to attract more business. The members today in reply in Question Period stood up and expounded on how the growth of Manitoba is taking place, and it is, but my colleague from Pembina forewarned you about a slowdown in the economy of Manitoba. If that ever occurs, then this government is going to have to figure out what they are going to have to do to resurrect and promote the establishment of an economic viability in this province, because it will be very, very tough for them to continue with balanced budget legislation as they have brought forward, even though they did not promise the same balanced budget legislation that the Conservatives had when they were in power as well.

I would say that these tough decisions were made, and I would say that you might refer to the Conservatives, rather than doom-and-gloomers, you could refer to them as broom-and-boomers. They swept away the deficit. The Conservatives swept away the deficit in this province and had five balanced budgets, and they allowed more labour to have sound jobs in Manitoba. If they had not provided an economy in this province that allowed for the attraction of business to this province, I daresay that they would not have the opportunity—

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

**Mr. Deputy Speaker:** Order, please. The Honourable Member for Pembina.

#### Point of Order

**Mr. Dyck:** Thank you, Mr. Deputy Speaker. On a point of order, I am sitting right next to my honourable colleague here, and I cannot hear him because of all the noise coming from across the way. So I would ask that you ask them to

listen carefully to what is taking place here. Thank you.

**Mr. Deputy Speaker:** *[inaudible]*

\* \* \*

**Mr. Maguire:** Mr. Deputy Speaker, I thank you for that ruling. I will speak much softer so that I can be heard in the future.

**Mr. Deputy Speaker:** The Member for Arthur-Virden has the floor.

**Mr. Maguire:** Mr. Deputy Speaker, I want to confirm that the province of Manitoba would be much better off today and the unions, therefore, would be much better off in this province today if the predecessors of the Conservative government in the early '80s had not taken the debt of this province from \$1.4 billion to \$5.2 billion.

This government is always saying we are referring back to the things of the '50s and the things of the '60s and the things of the '40s, Mr. Deputy Speaker, but when you go back to the fact that this is the Government that said we do not have any deficits, but the debt went from \$1.4 billion to \$5.2 billion over a period of four years, and then they are criticizing a Conservative government who turned around the deficit of this province to five deficit-free years when, in fact, there was a \$240-million withdrawal of funds under the transfer payments from the federal government.

It is not easy to manage one's household affairs if those kinds of impacts take place, but that is what was done in this province, Mr. Deputy Speaker. Therefore, there has been an attraction of business to this province, and therefore it has put more people to work, and more of them have had the freedom to unionize and to work in unions if they so choose to do so, if they so choose to do so under secret ballot with no fear of retribution and picket line violence and being able to continue to promote actually a more open bargaining process than what has been recommended under Bill 44.

\* (17:10)

I do not think that the members like hearing these facts. Certainly, the Industry, Trade and Mines Minister today talked about how good

things are in this province. She is right, but it takes time, and it takes a number of years to change the attitude of business to open your doors.

We do not have the vast budgets of a province like Alberta or some of the other attractions that we might use. Actually, it is the function of management there as well in some of the provinces today that have reduced their taxation, not only to their provinces, to their individuals, to unionized workers or to businesses, but these are the things that are, it is just a fact, attracting these businesses to other provinces.

That is why we are concerned about some of the ones that are presently established, and we are also concerned about the kinds of processes that are being put in place by this government in other sectors, whether it is in agriculture, whether it is in the other impacts that take place in taxation in this province, whether it is in finance or labour or the Attorney General's office in law and order. We are concerned about what will make this province safe and sound for workers to be in and to grow a business and to grow a family in this province.

Mr. Deputy Speaker, I am going to turn this over to one of my colleagues to continue the discussion because I know there are others who would like to say a few words about Bill 44 as well, but I want to first put on the record that, even though I have farmed in southwest Manitoba for 30 years and even though the members in government today may not think I have had any experience in dealing with unions throughout my career in agriculture, I want to assure them that I have had some experience in working with them. I have worked side by side with many of those unions in the grain handlers, grain services unions, in the longshoremen's unions at both Thunder Bay and the west coast. I have had the opportunity to work with them as a board member on the Canada Grains Council, where we worked side by side on the executive together and dealt with many of these options that have come forward that we disagreed on to start with, and we were able to sit down and find solutions to many of these issues.

I want to correct the Premier (Mr. Doer) in regard to one of the comments that he made

earlier in the week, or maybe it was last week, where he commented that his government was the only one in Manitoba that was standing up and, during a reply to a question in Question Period, that said he was supporting farms by working with the unions to stop grain strikes and to limit them at the west coast in regard to the handling of grain.

Well, I just put on the record, Mr. Deputy Speaker, that even though the longshoremen and the Grain Services Union have indicated that they would go on strike at the west coast, it has been somewhat removed for a number of years now that they would strike against grain. They would strike against all other products.

For the government members' information today, it was during the term of my presidency as president of Western Canadian Wheat Growers that we were able to work with them and through the Canada Grains Council and through the other sectors to get them to agree. It was in meetings that I had privately with them in Vancouver that we were able to work together. Because actually they indicated that, when they strike on grain, it indicated a problem for them in all the other sectors that they were trying to work with, like coal and sulphur and those other products.

So, Mr. Deputy Speaker, it is with a long history of experience that I talk on the subjects that I have alluded to today and the experience that I have had in regard to Bill 44. Not as much as perhaps the Premier (Mr. Doer), who was a former leader of a union as well in the Province of Manitoba, but with some experience and knowledge from whence I talk and the experience that I have had. It concerns me, without getting into all of the other issues that we had that might impact us in other sectors in Arthur-Virden.

I implore the Government today, in closing, to withdraw Bill 44 and, if they fail to be able to do that, to bring forth the amendments, if not later even today, early on Monday, so that we would have a chance to peruse those before we go to committee, so that the people that are coming in are either coming in dealing with the facts that will either be on the table for them that evening or else, if the amendments were good

enough, that they actually might not even need to appear. But I rather doubt that, given the record of the Government in saying that they were going to make amendments in other bills like education and environment, anything that they are going to do is just going to be tinkering around the edges with this labour bill.

With that, I am going to pass it off to one of my colleagues to continue this discussion and debate on Bill 44. I thank you very much, Mr. Deputy Speaker.

**Mr. Darren Praznik (Lac du Bonnet):** I rise today on behalf of members of this side of the House to essentially close debate on second reading with my remarks. I am very pleased and honoured to have this particular privilege, as a former minister of Labour.

I have to say it is also a very special occasion in my family today. I am joined in the gallery by my aunt, Mrs. Dorothy Purdie of St. Vital, who is accompanying me to a birthday party for my mother today at the conclusion of this speech, and a very sentimental day for my aunt because she was 15 when my mother was born and was there at the birth of my mother. It reminds us of how far our society has advanced with medicare, hospital care, et cetera, from those days in the 1930s. So I am very honoured to have my aunt join us today for this particular remark, and I know she feels very welcome.

I would like to add my comments on this particular piece of legislation because, like so many debates that we have on these issues, often the principles that are so very important get lost in the back and forth between the interested parties. We in this Legislative Assembly, at least in my view, are not here to be siding particularly with the interests of labour or the interests of business. But our role as legislators, I think, in a society and an economy that is going to be productive for all, is to ensure that we have the structures in place in labour relations that are able to accommodate the achievement of collective agreements.

It took the labour movement many decades to fight for the right for free collective bargaining, to bargain collectively. It took them

many decades to fight the battle to achieve the right of free collective bargaining, to achieve by agreement contract relations that govern the terms and conditions of employment. In fact, members of the New Democratic Party, in their history and tradition, their party arose initially out of that labour movement struggle to achieve those rights. I recognize that, as a historian of labour and of economics and as a former minister. But what is important and what is missing I believe in this debate is that the New Democratic Party of the last 30 years has really been captured to some degree by the business of unions.

If I may just explain that for a moment, I think the labour movement has evolved today where many particularly very large unions have become businesses. They are service businesses that are providing a service to the members for which they are paid in the collection of dues. We have seen an interesting phenomena involved, I would think, since the 1970s, where the leadership of those unions have been looking for many means to further their ability to manage their business of representing people, for which, in many cases, they are very handsomely rewarded by the people they provide that service to, but in doing so have forgotten some of the very fundamental principles on which free collective bargaining has been founded.

\* (17:20)

I want to talk a little bit about those principles, because our opposition to this bill is one I believe is based on principle, that principle of maintaining a free collective bargaining structure in our province. Now some members opposite, including the Minister of Labour (Ms. Barrett) have kept talking about restoring balance. Well, I believe, if one does a historical analysis, that the balance was offset when the labour movement in Manitoba, the leaders of organized labour in Manitoba were able to convince the New Democratic Party, after the term of office of Ed Schreyer and the coming into leadership of Howard Pawley, to bring measures into The Labour Relations Act that undermined the principles of free collective bargaining, that did not maintain those principles but gave them an easy tool to avoid their role in the process, to give them an easy out.

Quite frankly, when my party came to office initially in 1988, at that time we were joined on the election campaign by the Liberal Party to return to those fundamental principles and that balance. Now, in the minority government years, the Member for Thompson (Mr. Ashton) I am sure will remember it well, where we saw a very unique situation in this Legislature. The then Liberal Party, who had opposed final offer selection, tried to walk on both sides of the line and came up with what they viewed as a compromise. It really satisfied no one, but they managed to bring that as amendments to the committee. The New Democrats were very wily. They supported it with their 12 votes, and amended the repeal legislation that our party had brought in, my party had brought in. They had amended it into a matter that was acceptable to no one.

When the Bill was reported back to this House and had third reading, we saw a very interesting thing. The New Democrats then changed their vote and said: We have amended it; it is acceptable to no one. We supported the Liberal Party. Then they supported the Conservatives in voting against our own bill to defeat the Bill because it did not achieve what either of us had wanted. It was a very cunning move on the part of New Democrats. I think that will go down in the history of minority governments as some very interesting manoeuvring.

When we returned, after the 1990 election, my party had campaigned on repeal of final offer selection and the restoration of free collective bargaining in our province, brought in the legislation to repeal it. It was subsequently passed, opposed by the New Democrats. I cannot remember. I believe the Liberals had returned to their position.

I am not trying to be cruel to the Liberal Party. I think they were trying to find some sort of compromise between two solitudes, but the lesson that all should learn from that was that what we were doing, what the New Democrats had done under the Pawley government, and Mr. Edwards, who I think was the critic who had put this together, what they had all got away from was the principles of free collective bargaining.

After many decades, working men and women who belonged to unions fought for the

right to organize and bargain collectively. The underlying key word is bargain, negotiate, achieve an agreement. A collective agreement is about two parties: The employees operating collectively and the employer coming to terms of agreement about the conditions and terms of employment. It is not about it being imposed. It is not about it being negotiated under some sort of threat from the civil authority. It is about two contractual parties bargaining to achieve an agreement.

Now, there are times and conditions when, at least I believe, state intervention, legislative intervention is in fact warranted. In my view, as a former minister of Labour, that should only be when there is some overriding public interest that would require the Legislature or Parliament to intervene in that bargaining process, that process of agreement, of negotiation. We know that has been accepted in the case of certain issues in the public service because of the essential nature of those services. We have seen it—and the Premier (Mr. Doer) referenced it—in terms of the grain industry where Parliament has legislated back workers on strike because of the national interest and potential damage to the economy. Part of it, of course, is because of almost the monopoly on Canadian ports to export grain. There is not really a free market. But I do not think, Mr. Deputy Speaker, that any truly observant individual in collective bargaining would say that the state should intervene and impose a process—or not a process, but impose a settlement, even a process of settlement, when the public interest is not, in fact, affected.

Mr. Sidney Green, a former member of this Legislature—and I know he is often dismissed by members of the New Democratic Party, because he left and started his own party and was not very successful electorally—but why was he thrown out, pushed out of the New Democratic Party? Because he opposed in the 1970s, while in government, those in the labour movement and the leadership of labour movement who had gotten away from the fundamental principles of free collective bargaining and wanted these legislative and state interventions. His reward within his party for standing for that fundamental principle that had been a principle

of the New Democratic Party and the CCF was to be thrown out by them and ridiculed.

But the principles on which he stood in the 1970s and stands today—and I am sure we will hear from him in committee—are just as valid today as they were in the 1970s because they, like freedom of speech, like principles of voting, like freedom of religion, are timeless. They are timeless in their value, and so I would propose to you, Mr. Deputy Speaker, so is the value of the principle of free collective bargaining, with, of course, the caveats of public interest that I put in place.

So where are we? The section, of course, of this bill that I speak to now, of course, is the proposal to put in place a state-legislated process for settling a dispute, should there be a strike or lockout for 60 days. What is very interesting about this, and it is even more interesting—and I do not think most of the New Democratic Party members even appreciate these principles, because I think they are a new breed of New Democrat. They come from special interest groups. They are far from labour that they tend to serve—not all, there are some who have that background and appreciate it, but I do not think most appreciate this.

It has always usually been a tenet of labour legislation that it is equally applicable to both. The Member for Fort Rouge (Mr. Sale) nods in agreement. Why, then, is this bill proposing that the provisions to bring in binding arbitration to settle strikes or lockouts under the guise of some major problem in days lost to strikes, which I think time has proven and debate has proven is not an issue—and I am not going to rehash that today, but their premise is gone. It really has not stood the test of scrutiny.

But why, then, is this provision to end free collective bargaining? Remember, the most powerful tool in that negotiation, that bargaining to a collective agreement, is the power to withdraw your service and your labour or to withdraw the right to access the workplace and a paycheque. The strike or lockout is the most powerful tool and used, I would suggest, very sparingly by both sides, and we have witnessed many disputes in this province. I recall the one at Manitoba Sugar where everybody faced the

abyss and the New Democrats held off in their questions as we tried to negotiate, but it was that fear of the abyss that drove people to a reasoned solution. That is why strikes or lockouts, although unpleasant, are an extremely effective tool to drive both parties to a reasonable solution that they both can agree to and live with which is our objective here.

But, Mr. Deputy Speaker, this government is now proposing that in all labour disputes, not just those in which there is an overriding public interest or concern that would require a legislative action, but in all labour disputes in this province governed by The Labour Relations Act, that the Legislature will impose a mechanism of settlement without the consent of both parties.

No one on this side of the House has argued against arbitration or binding arbitration or final offer selection if that is the choice of both parties willingly to use that tool to settle their difference. Where we oppose it is when it is unilaterally opposed by one side or imposed by the state without the justification of an overriding public reason. That is what this party, this New Democratic Party of today, is imposing again, like they did in the Pawley government with final offer selection. Their proposal is just another type of unilateral state interference in free collective bargaining.

\* (17:30)

Now I want to come to the point about the one-sided nature of this. Like final offer selection a decade ago, the process is that either the employer or the employee, the union or the employer, can after so many days apply for it, but there is a veto on the employees. Well, if the employees want it and the union wants it, even if the company does not want it, the employer does not want it, they have to have it, but, if the company wants it and the employees do not, it does not happen.

So I say to the Member for Fort Rouge (Mr. Sale) that process is a one-sided process. It is taking out the balance. Now, the members opposite might say, well, the simple solution. We want to reduce any possibility of strikes and lockouts beyond 60 days. We want to have

balance. So why not just amend the legislation to say that there is no veto by the employees, that in fact both sides, either side can request it and it is binding? You could give the veto to employers, but really what you are doing is you are saying you need mutual consent. Quite frankly, they can do that now anyway, and if they want to do it, God bless them. If that is the way they want to settle their dispute, we should all support that, but it is mutual, again, by consent.

If the Government wants to have this balance and proposes that it can be equally binding by both sides, there is still a problem with that. Mr. Deputy Speaker, that problem is most interesting. When I was Minister of Labour in the 1990s and dealt with final offer selection, it escapes me which committee meeting it was particularly held, but I remember sitting through a committee, and there was an individual who was a member of the Manitoba Federation of Labour. I put that question to that presenter, or it was put to that presenter: What about with the case of final offer selection making it equally binding if either party requests it? There is the balance.

Do you know what was their response? It was most telling. They said this to me, and I quote: The most obvious danger in final offer selection—and you could make that today compulsory binding arbitration—is that legislation can easily be altered to make strike action illegal. A government hostile to labour, not necessarily Tory—in the words of this presenter—could remove the workers' veto giving management equal right to demand final offer selection, which is the balance I am talking about. This potential outcome, says the presenter, a member of the Manitoba Federation of Labour, makes the proposed legislation the most insidious and dangerous piece of anti-union legislation in decades. End of quote.

These were not the words of a Conservative supporter. These were the words of someone actively involved, I believe a Mr. Peter Kennedy, with the Manitoba Federation of Labour. The reason they said that is because it then takes away the hard-fought-for right to strike because the employer might say the worst thing that can happen to me is to be on strike. So

my employees go on strike to withdraw their labour, shut me down. They are getting a great deal of public sympathy, and then I can proceed to request binding arbitration. It is going to happen. The strike ends, the public sympathy disappears, and I can make my request to an arbitrator and get a better result.

What it has done is taken away, if that were to be the case, the power and strength of the rights of workers to legally withdraw their labour. That is why it is so insidious. The right to withdraw labour in the collective bargaining process was a fundamental right, the right to strike, a fundamental right that working people and unions fought for, for decades in this province, and today we see a New Democratic Party, just as we did with Howard Pawley, diminishing and threatening and taking away that right, what could be in essence the most effective tool for a union and the members it represents to make their cause and their case, to deny their labour.

Now, if members of the New Democratic Party want to do that, if the union leadership who are out advertising today want to abandon that right and that principle, I have to ask in what appears to be a topsy-turvy world who is standing up for that principle and that right? Howard Pawley did not, and that was why we got final offer selection. Today, Gary Doer, the Premier, the Member for Concordia, to appease a leadership in the labour movement who in essence are lazy, who do not want to have to work in that complete free collective bargaining world, and there is a reason for it.

*Mr. Speaker in the Chair*

Members opposite want to know what that reason is. I will tell you what it is. When a union is undertaking to negotiate on behalf of their employees, there are lots of trade-offs. There are the trade-offs between wages and benefits. There are the trade-offs that are part of what a union has to do internally in preparing their position, and those are very hard decisions to be made from time to time. But thanks to their friends over on that side of the House, if they get themselves into a pickle, they can now have the whole matter go to an arbitrator who will make all those decisions, rather than the kind of

leadership that they should be showing within their union to work with their membership to make those difficult choices. It is a lot easier if you are a union leader to have a third party impose a settlement on you than have to go through the difficult choices with your own members to get an agreement. That is what this is about. That is what final offer selection was about.

Well, I have to tell members opposite, back in the Pawley era the vast majority of unions in this province, and union leaders ignored final offer selection. It was used by very few unions, because quite frankly that leadership of the labour movement did their job. They went and worked with their members and they fought the hard battles at the bargaining table, and they ignored it. Now, will that change or not? I suspect those union leaders who believe in the bargaining process, who believe in free collective bargaining, who do their job, who know that they have to have tough choices made inside that union, they will ignore this piece of legislation.

It is those who are afraid to have to do the tough job that sometimes comes with leadership who will rely on their friends in this government to bail them out. That is what this is about. So these members opposite take away a hard-won right of working people to withdraw their labour legally from the workplace through a strike to make their point in the collective bargaining process, and now members opposite have limited that right to strike. After decades, decades of hard-fought battles to get that right, it takes Conservative members in this House to fight that battle, because New Democratic members will not. Their argument? We do not like to have days lost to strikes or lockouts. Well, maybe members opposite are the people that representative of a decade ago from the Federation of Labour fear, because it is New Democrats who are taking away and limiting that very essential right to strike.

Mr. Speaker, that is what is wrong with that provision of the bill. In this House, we quoted many, many former New Democrats, New Democrats from the days of Ed Schreyer and before, who understood that principle that has

now been lost on the majority of members of the NDP caucus.

We quoted Russ Paulley, a former minister of Labour, one of the longest serving in this province, a person who cut his stripes in the CN shops of Transcona, who understood and fought that battle for the right of working people to legally withdraw their labour through a strike. What did he say when this movement to limit the right to strike, to give these kinds of mechanisms, first emerged in the 1970s? His words are as applicable today as they were in 1976 when he addressed the Canadian Union of Public Employees, and he said, and I quote: Our present Labour Relations Act is very largely founded on the principle that the parties themselves, by their own efforts, actions, and sense of responsibility, should resolve their differences themselves.

\* (17:40)

I further quote: Perhaps some of you in the new union movement disagree. I sympathize with the union, says Mr. Paulley, which finds it lacks the strength to compel an employer to agree to its preferred terms of settlement, but there are great dangers in expecting legislation and governments to deliver the goods. For one thing, governments change. For another, the kind of legislation having any real effect would substitute state control for free collective bargaining, lead to the abolition or reduction of important freedoms in our society and introduce a regimented system of wages, prices, profits and investment decisions.

Finally, and I continue to quote: "It would detract from the strength of the labour movement, the last thing I imagine the labour movement would want."

Russ Paulley, who was in the trenches, who fought that battle, knew that the right to strike was a fundamental right. New Democrats today have forgotten it. Ed Schreyer, whom members opposite like to refer to on many occasions, said the same thing when he addressed the Manitoba Federation of Labour in October of 1972. I remind you of Mr. Schreyer's words: It is our conviction that the parties themselves should have as much freedom of action as possible to

develop their own collective bargaining and dispute settlement procedures. We believe that this approach will produce more acceptable results than would rigid legislation procedures that would inhibit the parties from exercising their own ingenuity in finding, developing and refining ways of resolving the difficulties. End of quote.

The Member talks about wage and price controls, but the principle of free collective bargaining, particularly in a time when a state is not facing a major financial crisis, as we were in the '70s. *[interjection]* I am not going to debate that, but it tells me that the members opposite are prepared to abandon a fundamental principle that labour unions spent decades to fight for, and they are prepared to abandon it again.

Mr. Speaker, if they ask, are they really accomplishing anything from working people? Let us look at final offer selection, which is really the twin or the sister or brother of this provision we have today, because it virtually did the same thing. Instead of an arbitrator, in final offer selection you both put in your final offer and the selector selected one. So, other than a few little differences, it is virtually the same.

When you look at the facts of what happened, you find out that in the strikes where unions applied or companies applied for the use of final offer selection, which were few, the average period of that strike was double what those who ignored that method had in their strikes or lockouts. It was double. What you found was in many of the cases, the union applied for final offer selection even before bargaining had begun.

There is no evidence that the old final offer selection reduced strikes in our province, but there is some evidence, and I am not saying it is overwhelming, that it actually probably delayed the settlement of strikes. It certainly was a tool that was used by some unions even before bargaining had begun to hopefully strengthen their position.

In both cases, it took away from what is a fundamental and well-proven principle. Parties can use the withdrawal of labour or employment to test their position, put pressure on the other

side and force parties to a decision that they both can agree on, not be imposed upon them.

Mr. Speaker, as minister of Labour, in the four and a half years I served in that portfolio, as someone who studied this in university and had the opportunity to put it in practice, I always stood on that principle because it worked. It was best for our society. It was best for everyone, and it was a principle on which a strong economy in which working men and women can bargain the best wages and benefits that economy can support can operate. Yet members of the New Democratic Party water down a principle that was fought for by the very people they purport to represent, and they have not even been able to bring about evidence of the reason that they have used to justify what I believe is simply a payoff, one of their hidden election promises, their secret promises to a small group of people who want to have these mechanisms because they really cannot live with doing the job that the system requires.

Mr. Speaker, I want to give just one example. I remember in the worst of the recession in the 1990s where we were facing massive deficits, we were facing huge interest payments, where public debt was spiralling out of control. The economy was in tough shape and tough decisions had to be made. I can remember meeting with some of those leaders who I know are very active in that government today and talking about ways that we can get some handle on our public wage sector bill. Do you know what they said to us? We do not negotiate any reduction. We will not be part of it.

Well, that was abrogating their responsibility to their members. We did not say you have to agree with it. We did not say they had to like it. But if it was going to happen, if it was a necessity for the public good, at least they had some obligation to represent their members' interests in the process. But they would not do it because that was tough.

There are other unions in this province, other union leaders that I worked with over the years, and they did not like wage freezes. They did not like reductions, and they did not like those things, but they were there representing their members' interests at the table, as they

should, and not hiding, to be brought out only when they can announce that times are good. Leadership means leadership in tough times, not just good times.

So, Mr. Speaker, members opposite have abandoned a fundamental right, the right to legally withdraw one's labour as part of the collective bargaining process. They have abandoned it and watered it down to pay off some short-term interests with a small group of people who support and work very hard for their election. That is what this is about.

This is not about reducing the number of days lost to strike or lockout. If it was, the Premier (Mr. Doer), the Minister of Labour (Ms. Barrett), the Minister of Industry (Ms. Mihychuk), would, at the Century Summit, have seen it come out as an issue. Did they? No, because it was not a problem. If it was a problem, the Minister of Industry could have got up today and given us a list of those who said we need to do it. They could not find one company, not one, because this is a payoff to a small group of people. The group of citizens that they are disadvantaging in the long term here are working men and women whose ancestors fought for decades for the right to strike, the right to legally withdraw their labour in support of their negotiations.

Mr. Speaker, there are other parts of this bill that are worthy of a lot of comment, the fact that members opposite want to repeal the right of working men and women to have a secret ballot vote. They ask, well, what is the purpose? Well, I will tell members opposite what is the purpose. The purpose of that secret ballot vote is clarity, that all the world, particularly the employer, knows that their employees want to bargain collectively and want that union. I will tell you, very few of those votes change the result from the cards, but what they do change is the recognition by their employer that those people did, in a secret ballot vote, want that union. That takes away the argument, well, you need first contract legislation. The reason you need first contract, the reason we even maintained it in some modified way when I was minister is because there are many employers who will not accept the fact that their employees want to bargain collectively, want to have a union. They

will not accept it, but when you have a secret ballot vote, it is confirmation to that employer of what employees want.

Members opposite do not trust those people. Why? Because it is an inconvenience to that small group of leaders that do not want to do their job. That is what that is about, Mr. Speaker.

There are other parts of this bill that colleagues of mine have spoken to, and I would love the opportunity. How many minutes, Mr. Speaker, do I have remaining? I have five minutes.

\* (17:50)

I want to talk for a few moments, my remaining moments, about the issue of Criminal Code convictions during the course of a strike or lockout and reinstatement. Mr. Speaker, the Minister of Labour is right. We had a process in this province over many years where it would be adjudicated by the Labour Board where, during the course of a work stoppage, if there were criminal acts that occurred and there were convictions, that whether or not the employer had to take that employee back would be adjudicated by the Labour Board.

You know what? It worked okay. It was not a big issue, but then we had an issue at Trailmobile. We had an issue where a facility was trashed by several of the employees who were on strike, where those employees, I believe, were convicted under the Criminal Code, beyond the normal kind of little pushing and shoving of the picket line, and our Labour Board ordered them reinstated. Well, Mr. Speaker, it was a bad decision of the Labour Board, and the result was the amendments to the Act that this government now wishes to repeal.

These members, in the next week, are going to get to see that Trailmobile film again. They are going to have to defend to the people of Manitoba why they think people who, just because they are on strike, have the right to trash their place of employment, to wreck it and damage it and commit acts of violence and destruction against property and people, Mr. Speaker, that if any other citizen would do that, they would be convicted, and they would be chastized and punished, but because it is in a

labour dispute, according to members opposite, it is not a problem. There is no penalty. Their employer must take them back willingly.

Mr. Speaker, members opposite are going to get a chance to see that Trailmobile film over and over and over again, and they are going to have to explain to their citizens why they support the reinstatement of people who cause that kind of damage.

This bill, whether it be taking away the rights of employees to vote, secret ballot vote, whether it be the taking away the right of members of the union to have the financial statements and access financial records of their union, and there are several unions who deny that information, Mr. Speaker, things like the expense accounts of their leaders, it is their money, should they not have a right in the law, since those people are paying their dues? Many of them may not want to be part of the union, but because we have accepted as society the right of collective bargaining, it is imposed upon them, for good purpose, but should they not have a right, for goodness' sake, to know that information?

Should they not also have a right that money used by the union for political purposes [*interjection*] Well, the member opposite says you cannot use it for political purposes, but you can use it for issues in the community that you may not support. You can use it in civic politics. You can use it. Just because members opposite are proposing, Mr. Speaker, that you cannot use it in a provincial election to support the New Democratic Party does not mean that there are many causes and issues that unions take on that may not be supported by all their members. Given that this Legislature is requiring, and I believe in that, a checkoff, and by right, taking money from those individuals, whether they want to or not, should they not at least have the right to exercise their conscience to have that money not spent on the causes they do not support, the political causes they do not support?

We are not asking that they do not have the support on the operation of the union, the business of the union, the defence fund of the union, the defence fund of the union; we are just saying that, if a union takes on a political cause,

and it does not have to be a partisan cause in Manitoba politics, if an individual objects to it, that share of dollars off their dues can go somewhere else. Why are you so afraid of that? In fact, the reality in Manitoba is that it has been rarely used since the right was given. But do you know what it is? It is an inconvenience to those same few union leaders that members opposite have cast their lot with.

So here the New Democratic Party, Mr. Speaker, in conclusion, is prepared to abandon the right to free collective bargaining. They are prepared to abandon the fundamental principle of working people being able to legally withdraw their labour in strike situation to advance their cause to negotiate an agreement. They are prepared to water that down and abandon that principle. They are prepared to treat working men and women with less of the status of adults by taking away their right to vote and whether they want to be part of a union of free collective agreement by taking—

**Mr. Speaker:** Order. The Honourable Member's time has expired.

Is the House ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 44, The Labour Relations Amendment Act (2).

Is it the pleasure of the House to adopt the motion?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

### Voice Vote

**Mr. Speaker:** All those in favour of the motion, say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Speaker:** In my opinion the Yeas have it.

**An Honourable Member:** Mr. Speaker, on division.

**Mr. Speaker:** On division.

meet on Monday, August 14, 2000, at 6:30 p.m., and also on Tuesday, August 15, 2000, at 10 a.m., and, if necessary, on Tuesday, August 15, 2000, at 6:30 p.m., to consider Bill 18 and Bill 44. *[Agreed]*

### House Business

\* \* \*

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I would like to announce that the Standing Committee on Industrial Relations will meet on Monday, August 14, at 6:30 p.m.; Tuesday, August 15, at 10 a.m.; and, if necessary, Tuesday, August 15, at 6:30 p.m., to consider Bills 18 and 44.

**Mr. Mackintosh:** Is it the will of the House to call it six o'clock?

**Mr. Speaker:** Is it the will of the House to call it 6 p.m.? *[Agreed]*

**Mr. Speaker:** It has been announced that the Standing Committee on Industrial Relations will

The hour being 6 p.m., this House is adjourned and stands adjourned until 1:30 p.m. on Monday.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, August 10, 2000

## CONTENTS

<b>ROUTINE PROCEEDINGS</b>	Schuler; Mihychuk	4970
	Derkach; Barrett	4971
<b>Presenting Petitions</b>	Loewen; Mihychuk; Barrett	4972
	Praznik; Mihychuk; Barrett	4973
Bill 12—The Public Schools Amendment Act	Enns; Mihychuk; Barrett	4975
Schuler	J. Smith; Barrett	4976
Dyck	Dyck; Mihychuk	4978
J. Smith	Jack Penner; Barrett	4978
Jim Penner	Jim Penner; Mihychuk	4978
Helwer	Tweed; Mihychuk	4979
Derkach		
Enns	First Ministers' Conference	
Faurschou	Gerrard; Chomiak; Friesen; Lathlin	4974
Tweed for Pitura		
Dacquay for Rocan	<b>Members' Statements</b>	
	Hudson Bay Mining & Smelting Co.	
<b>Reading and Receiving Petitions</b>	Jennissen	4979
Bill 12—The Public Schools Amendment Act	2000 MTS Manitoba Summer Games	
4966	Maguire	4979
<b>Presenting Reports by Standing and Special Committees</b>	Peacekeeping Day	
Standing Committee on Privileges and Elections	Korzeniowski	4980
Second Report	Downtown Revitalization	
Santos	Loewen	4980
4967	Interlake Constituency Events	
Standing Committee on Industrial Relations	Nevakshonoff	4981
Second Report		
Reid		
4968		
<b>Tabling of Reports</b>	<b>ORDERS OF THE DAY</b>	
Consolidated Financial Statements of the North Portage Development Corporation, operating as The Forks North Portage Partnership, for March 31, 2000, and for March 31, 1999	<b>Debate on Second Readings</b>	
Friesen	Bill 44—The Labour Relations Amendment Act (2)	
4969	Reimer	4982
	Mitchelson	4983
<b>Oral Question Period</b>	Gerrard	4988
Labour Relations Act	Dyck	4991
Mitchelson; Barrett	Maguire	4997
4969	Praznik	5003