



First Session - Thirty-Seventh Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Law Amendments

Chairperson
Mr. Doug Martindale
Constituency of Burrows



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

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

THE STANDING COMMITTEE ON LAW AMENDMENTS

Wednesday, July 26, 2000

TIME – 6:30 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Doug Martindale
(Burrows)**

**VICE-CHAIRPERSON – Mr. Scott Smith
(Brandon West)**

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Mr. Caldwell

Ms. Allan, Ms. Asper, Mrs. Dacquay,
Messrs. Faurichou, Martindale, Ms.
McGifford, Messrs. Schuler, Smith, Mrs.
Smith, Mr. Struthers

APPEARING:

Mr. Leonard Derkach, MLA for Russell
Mr. Harry Enns, MLA for Lakeside
Mr. Jack Penner, MLA for Emerson

WITNESSES:

Bill 12–The Public Schools Amendment Act

Mr. Abe Janzen, Private Citizen
Dr. Terry Lewis, Private Citizen
Ms. Marion Hart, Private Citizen

Bill 42–The Public Schools Amendment and
Consequential Amendments Act

Ms. Ruth Ann Furgala, Trustee, Evergreen
School Division
Ms. Vivian Leduchowski, Trustee,
Evergreen School Division
Ms. Betty Green, Chairperson, Board of
Trustees, Lakeshore School Division

Ms. Kelly Decker, Vice-Chairperson,
Board of Trustees, Lakeshore School
Division

Mr. Neil Whitley, Superintendent of
Schools, Rolling River School Division

Ms. Pam Stinson, Private Citizen

Ms. Jan Speelman, President, Manitoba
Teachers' Society

Mr. Art Reimer, General Secretary,
Manitoba Teachers' Society

Mr. Ric Dela Cruz, Vice-Chairperson,
Board of Trustees, Seven Oaks School
Division

Ms. Wendy Moroz, Chairperson, Board
of Trustees, Assiniboine South School
Division

Mr. Howard Holtman, Superintendent,
Assiniboine South School Division

Mr. Paul Moist, Manitoba Federation of
Labour

Mr. Graham Starmer, President,
Manitoba Chambers of Commerce

Mr. Dave Angus, President and Chief
Executive Officer, Winnipeg Chamber
of Commerce

Ms. Susan Popeski, Seven Oaks
Teachers' Association

Mr. Dan Kelly, Director, Canadian
Federation of Independent Business

Ms. Marijka Spytrowsky, President,
Transcona-Springfield Teachers' Asso-
ciation

Ms. Chris Pammeter, Private Citizen

Mr. Victor Vrsnik, Provincial Director,
Canadian Taxpayers Federation-
Manitoba

Mr. Barry Wittevrongel, Private Citizen

Ms. Rachel Ouimet, Vice-President, St.
Vital Teachers' Association

Mr. Albert Cerilli, Private Citizen

Mr. Bob Land, Private Citizen

Ms. Wendy Land, Private Citizen

Mr. Henry Pauls, President, Winnipeg
Teachers' Association

Mr. Roland Stankevicius, Vice-President,
River East Teachers' Association
Mr. Darrell Rankin, Communist Party of
Canada-Manitoba
Ms. Diane Zuk, Assiniboine South Teachers'
Association
Mr. Rudy Peters, Private Citizen
Mr. Ed Hume, Private Citizen

WRITTEN SUBMISSIONS:

Bill 42—The Public Schools Amendment and
Consequential Amendments Act

Mr. Marvin R. Anderson, Prairie Spirit
School Division
Ms. Susan Boyachek for Ms. Maxine
Plesiuk, Reeve, Rural Municipality of
Ethelbert
Mr. James Bedford, St. Boniface Teachers'
Association

MATTERS UNDER DISCUSSION:

Bill 12—The Public Schools Amendment Act
Bill 42—The Public Schools Amendment and
Consequential Amendments Act

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Madam Clerk Assistant (JoAnn McKerlie-Korol): Good evening. Will the Standing Committee on Law Amendments please come to order. The first order of business is the election of a Chairperson. Are there any nominations?

Mr. Stan Struthers (Dauphin-Roblin): I move that the Member for Burrows take the seat as Chair.

Madam Clerk Assistant: Mr. Martindale has been nominated. Are there any further nominations? Seeing none, Mr. Martindale, would you please take the Chair.

Mr. Chairperson: The next item of business before the Committee is the election of a Vice-Chairperson. Are there any nominations?

Mr. Struthers: I nominate the Member for Brandon West to be the Vice-Chair.

Mr. Chairperson: The Member for Brandon West, Mr. Smith, has been nominated. Are there any further nominations? Hearing none, Mr. Smith, Brandon West, has been appointed Vice-Chair.

This evening the Committee will be resuming consideration of the following bills: No. 12, The Public Schools Amendment Act; No. 42, The Public Schools Amendment and Consequential Amendments Act; and Bill No. 45, The Teachers' Pensions Amendment Act.

At the meeting held on July 25, the following agreements had been reached. A time limit of 15 minutes for presentations and 5 for questions and answers had been agreed to. It had been agreed to hear out-of-town presenters first. It was agreed that presenters who were not in attendance but had their names called would be dropped to the bottom of the list. Therefore, those presenters from out of town not in attendance last evening were dropped to the bottom of the list.

It was further agreed that the names would then be dropped from the list after being called twice. As a courtesy to persons waiting to give a presentation, did the Committee wish to indicate how late it is wishing to sit this evening?

Ms. Nancy Allan (St. Vital): I would like to suggest that we proceed with presentations and then we can canvass after we have the out-of-town presentations first and then as many as possible, and we will canvass around midnight.

Mr. Chairperson: It has been suggested that we hear presentations and canvass the Committee around midnight. Agreed? [*Agreed*]

I would also like to inform the Committee that a written submission from Susan Boyachek, Rural Municipality of Ethelbert, has been received. Copies of this brief have been made for committee members and were distributed at the start of the meeting. Does the Committee grant its consent to have this written submission appear in the Committee transcript for this meeting? Agreed? [*Agreed*]

I will read the names of those persons registered to speak this evening. Bill 12: Abe Janzen, Dr. Terry Lewis, Marion Hart.

Bill 42, Jan Speelman, Ric Dela Cruz, Wendy Moroz, Paul Moist, Dan Overall, Susan Popeski, Dan Kelly, Marijka Spytkowski, Chris Pammeter, Victor Vrsnik, Barry Wittevrongel, Linda Brezina, Al Cerilli, Bob Land, James Bedford, Wendy Land, Henry Pauls, Roland Stankevicius, Darrell Rankin, Diane Zuk, Ruth Ann Furgala, Sandra Williams, Betty Green, Colleen Jury, Pam Stinson, Rudy Peters.

Those are the persons and organizations that have registered so far. If there is anybody else in the audience that would like to register or has not yet registered and would like to make a presentation, would you please register at the back of the room. Just a reminder that 20 copies of your presentation are required. If you require assistance with photocopying please see the Clerk of this committee.

We have presenters for Bills 12 and 42. In what order does the Committee wish to hear these presentations?

Floor Comment: Bill 12 first.

Mr. Chairperson: Bill 12 first. Agreed?
[Agreed]

Can I ask those persons in attendance who are speaking in French to please make themselves known to the Clerk of the Committee. Is there leave of the committee to hear those persons making presentations in French after the out-of-town presenters?
[Agreed]

We will now continue with public presentations. I would like to call Mr. Abe Janzen, private citizen, presenting on Bill 12. Is Mr. Janzen present? Please proceed, sir.

Bill 12--The Public Schools Amendment Act

Mr. Abe Janzen (Private Citizen): Good evening, Chairman Martindale, Minister Caldwell and committee members. Wishing to contribute to your understanding of home schoolers in Manitoba, this presentation is intended to help in the education amendment process. Having been involved with home schoolers for the last 13 years at both the provincial and local support group level, I have

observed the variety of people that utilize this educational option to successfully prepare their offspring to become productive citizens of this province.

Although the proposed amendment may be similar to what is presently being done by many home schoolers in regard to registering and reporting, I know of a significant number of families who, in the past, have not registered nor reported, who nevertheless very successfully educated as can be observed by the product that has been produced. The lack of control and regulation has not seemed to hinder the educational process. It is these people's faith-based conviction that parents have sole jurisdiction over the education and training of their offspring. They and I believe that this is a God-given right and responsibility. These families will object and may not comply with the amendment as proposed, as they take full responsibility and assume all costs associated with their method of educating.

* (18:40)

I believe their conviction and educational freedoms need to be taken into account. This conviction does not include the option to not educate or train their children. Bill 12 may therefore be seen as an unnecessary intrusion into their lives by a certain segment of Manitoba home educators. A clause to make registering and recording an option seems necessary. We request you to consider this.

In conclusion, I have appreciated the friendly atmosphere and encouragement from Minister Caldwell and his associates in Manitoba Education and Training. I look forward to working with you in a co-operative manner as we make every effort to raise citizens with good character and productive skills. We appreciate our educational liberties. Respectfully submitted.

Hon. Drew Caldwell (Minister of Education and Training): Thank you, Mr. Janzen, for appearing here this evening. I, too, appreciate my opportunity to meet with you and discuss home-schooling issues. I know that we will continue to meet and discuss home-schooling issues. For my benefit more than yours, I do

appreciate the insight that you have offered me in our discussions. I do take the comments that you make in your presentation to heart. I know that the Department will also take them to heart. I look forward to working with you more in the future.

So thank you, sir, for coming here this evening and presenting. I look forward to continuing to work with you. Thank you.

Mr. Leonard Derkach (Russell): Mr. Janzen, thank you for your presentation. I have just one question. In your discussions with the Minister, are you comfortable with the reasons that have compelled the Minister to move these amendments in the legislation?

Mr. Janzen: We, personally, do not have a great problem because we have been doing as requested, but it has been a courtesy after the law is passed and it would be a requirement. I would be much in favour of the amended proposal as submitted by HSLDA, a different wording and a change of the reporting procedure.

Mr. Derkach: That would be that there would be more flexibility in the structure of the reporting to the Department, is that correct?

Mr. Janzen: Right. What was proposed was that reporting would only be necessary when Department of Education officials felt a need, and we would then respond within two weeks.

Mr. Derkach: Thank you very much, Mr. Janzen.

Mr. Janzen: Your welcome.

Mr. Chairperson: Thank you, Mr. Janzen, for your presentation.

Mr. Janzen: Thank you.

Mr. Chairperson: The next presenter is Dr. Terry Lewis, private citizen.

Mr. Terry Lewis (Private Citizen): Thank you, ladies and gentlemen, respected members of government, members of committee, Minister. Actually, I was going to present last night but

could not. It was late yesterday morning that I became aware of this hearing with respect to Bill 12, and forgive me if this presentation lacks some of the qualities and diplomacy additional time would have provided. I am not aware of the steps that the Committee took to insure the broadest possible consultation with affected individuals to enable the greatest wisdom to be applied to such a sensitive matter.

I must also caution the Committee to move slowly on this matter to remove the fears of many home schoolers that the legislation proposed will be used to disregard their religious rights and freedoms. Although home schoolers have nothing to hide with respect to the quality of education that they give to their children, nevertheless the open-ended dimensions of the Bill leave to the imagination, based upon experience in other jurisdictions and in the past within this province, high suspect of what will follow. Speaking plainly, the New Democratic Government is also viewed at times as an extension of the agendas of unions that seek to impose their interest upon the populace. In this case, the Manitoba teachers' union would be viewed by many home schoolers as hostile towards home schooling, as it has a vested interest in eliminating alternative schooling within the province. This is especially true in rural communities, where small schools are facing closure.

With respect to the requirement of the new bill in registering their children, there are many home-school parents that would resist this requirement with all that they have, because they believe that the Scripture gives parents and not the State the authority to educate their children. When the State of Michigan sought to enforce a similar control among the Amish, whose children were never unemployed nor in trouble with the laws, the news and media captured the police driving up in force and apprehending the children of these God-fearing people and taking their children away. Such a home invasion is not outside the fears of these parents who are diligently teaching their children at home. A simple notification of the fact that the parents are home-schooling their children would sufficiently satisfy the needs of the Government. These parents are connected to a national legal insurance organization that would not hesitate to

defend them all the way to the Supreme Court. Without getting into case history, both nationally and internationally, it is a case the Government would lose both legally and politically.

With respect to the requirement to reporting, the requirements to report in Bill 12 is too open-ended. It reminds me of the home-school case late in the 1970s, the *Andryshen [phonetic]* case, '77, where a certified teacher and principal of a school in Springfield school district decided to home-school their children. The number of visits by the Government and the request for materials were never ending. The Bill gives the Government blank cheques to fill in as often as they want and as much as they want.

With respect to the rights of parents, what is missing from the Bill, at least in Bill 12, is an indication of the rights of parents while it strongly stipulates the responsibility of parents. There are national and international laws that speak to the rights of parents regarding their ability to determine the type of education they desire for their children. This is the very concern that many home schoolers have with respect to the open-end of the legislation.

I am sorry. I did not give you some of these. I will leave them at the table.

Back in the days when Jim Keegstra was teaching social studies in Alberta public school, the question was raised in the concern to home schoolers about how government can prevent parents who are intolerant of other people's views from passing on to their children their bigoted perspectives. The *Alberta Report* responded with the following quote: The principle is simple. Where there is a conflict between what the parent wants taught to his child and what the community as a whole wants taught to the child, the view of the community must prevail. If a parent wants race hatred taught to the child, then the community as a whole is going to have the power to overrule the parent.

Now notice in this example, the Government automatically stands for tolerance and the parent for bigotry.

I wonder what happens if we turn around that principle. The principle is simple: When

there is a conflict between what a parent wants taught and the view of the community taught, the view of the community must prevail. If the community wants race hatred taught, and the parent objects, then the community as a whole is going to have to have the power to overrule the parent. This, of course, is simply another way of stating the same principle, though somehow it has lost its appeal.

The point is this. Governments are not always right, and the rights of individual parents need to be protected. The Government should have to prove that there is substantial evidence to indicate that there is a need for intervention into a home school. Such intervention should have due process under the law with appeal mechanisms in place that this bill does not address.

As to the rights of government, whether or not the Government has a right to have an educated citizenry is an issue for lawyers and politicians to debate. But the need for a person to have communication skills and numeracy skills in our society seems self-evident. That should be the Government's primary concern. To go beyond that could lead to social engineering based on the ideology of the government of the time. The bottom line should not be who controls education, but that the children are receiving an education.

Also, the law should not be enforced in a prejudicial manner that would treat inner city or northern communities in one type of schooling differently than students in a different type of schooling in the suburbs or southern communities. Expectations and enforcements should not violate the equality rights of parents and students regardless of race or location. Research indicates that home-taught students are receiving an excellent education. The Government needs to focus on institutions and locations where there are record numbers of students not completing their education or doing poorly at it.

Sorry, I could not put that more diplomatically, but it is somewhat straight to the point in speaking plainly. Thank you for your time.

Mr. Chairperson: Thank you, Doctor Lewis.

Mr. Caldwell: Thank you, Doctor Lewis. for coming in this evening and presenting. I understand it is your anniversary. So happy anniversary.

Mr. Lewis: Well, thank you. I am here on just special dispensation from my wife.

Mr. Caldwell: I believe that is the case. Thank you very much for taking the time out. I am glad that you were able to come back this evening to present this. I think you present some interesting comments in your brief to the Committee, and certainly some of the points you make will be taken under advisement as we deliberate this bill. Thank you, sir.

* (18:50)

Mr. David Faurschou (Portage la Prairie): Thank you for your attendance here this evening. As your communications have gone on this topic with the Minister and your organization, are you satisfied that the end justifies the means? In other words, of this particular piece of legislation, do you see the value in it? Has that been communicated to you? Are you fully understanding of the purpose of the legislation?

Mr. Lewis: Basically, as I look at the legislation as I have it here before me I am somewhat concerned, as I have mentioned in my brief, at the open-endedness which leaves the purpose in question. I am not too sure what ends we are trying to meet with what means. I am concerned that if this legislation were to go forth and be enforced the way it is, it could lead to individuals within the Department that are somewhat overly zealous in pursuing these ends, that could create a lot of problems, not only for home schoolers, but for home schooling in general and the Government itself. So I am not too sure, other than the fact that there is a desire to have a co-operative spirit. This is more of a legislative spirit rather than a co-operative spirit that we have had before. I think that if we can continue the means that we have had in the past, we can accomplish the same things without what would appear to be coercive.

Mr. Derkach: Mr. Lewis, a long time ago we had some deliberations about home schooling as home schooling was just getting off the ground

and was becoming more popular, I guess, in the province with parents across Manitoba. My question to you is: In your mind, how has this home-schooling process worked in the province to date?

Mr. Lewis: We have seen progress in many, many ways. I have been at this since 1977, and so I have been at this for 23 years, and have sat down with I think every Minister of Education except one since the days of Keith Cosens. We have seen progress. We have seen where the Government has had to intervene in situations where you have had an overzealous superintendent or an overzealous representative within the Department, and there has always been a spirit where we have always tried to move towards communication and co-operation rather than confrontation. So I have seen progress over the years. You are right, we do go back a long way. There were many discussions back then, and I think there is a very positive spirit between the Department of Education at this point and home schoolers, and we want to keep it that way.

Mr. Derkach: Do you see that amendments to this bill at this time are going to enhance the co-operation, or is this indeed going to cause an impediment to the spirit that exists today between the home schoolers and the Department?

Mr. Lewis: If I understood your question right, Mr. Derkach, the amendments or the Bill?

Floor Comment: The amendments, sorry.

Mr. Lewis: I think with the amendments that have been proposed and set forth by Gerald Huebner and others, the home-school legal defence, I think that will go a long way to alleviate some of the fears that are out there. This bill, the way it stands at this point, has generated a lot of fear and a lot of concern, and sometimes the fear of the unknown is greater than known. When you hear about situations in other jurisdictions and hear about past situations, all those fears come to bear. So, with the amendments, I think that would go a long way to alleviate the fears, and with those amendments I think you would substantiate that co-operative spirit and good relationship that has been there in the last 20 years.

Mr. Chairperson: Thank you, Doctor Lewis. The next presenter is Marion Hart, private citizen. Please proceed.

Ms. Marion Hart (Private Citizen): Mr. Chairperson, Honourable Minister, Honourable Members, ladies and gentlemen. My husband and I have made the decision to take full responsibility for the education of our children, including all costs involved, according to our rights as stated in section 26.3 of the United Nations Universal Declaration of Human Rights that parents have the prior right to choose the kind of education that shall be given to their children. We are concerned about the amendments proposed to Bill 12 because of the undefined nature of the provisions for registration and reporting.

I have taught for nine years in the public school system for two different school boards and have networked with teachers from across the province. Reporting styles and frequency have been developed to reflect a variety of assessment techniques. I have used portfolios, letter grades, percentages, terms such as very good, good, satisfactory, unsatisfactory. These have not only varied from school division to school division but from school to school and even course to course. There certainly has been a need for such diversity of reporting due to a variety of student needs. Home-school families have, up to this point, been reporting in a variety of styles as well. Why would the Minister see a need to introduce a change to the current practice in section 260.1(4) by requiring reporting and even discussing a need to develop a form?

Parents are allowed to send their children to any school they elect because of the provision of school of choice. Having the option of school of choice, does providing "the name of the school or school division each pupil would otherwise attend" as in section 260.1(3) become a relevant requirement?

Teachers know that in any given classroom approximately one-third of the students will be at grade level, one-third higher and one-third lower. They are given the task of developing programs which will best encourage all to progress, knowing that they will all progress at different speeds of learning in different subject

areas. Teachers do a great job of providing learning opportunities for students at varying learning readiness regardless of specified grade level. Many K to Grade 8 schools practise a no-fail policy except for extreme cases. Home schooling allows for progress at the pace of the student. In a national study conducted in 1994, home-educated students scored in the 82nd percentile in standardized tests in comparison to the national norm of the 50th percentile. Mr. Huebner attached this study to his brief yesterday. The standards are being met and often exceeded, so does providing "the grade level for each pupil" as in section 260.1(3) become a relevant requirement?

As a home-school family, we were informed that the Minister of Education (Mr. Caldwell) met with Gerald Huebner of the Manitoba Association of Christian Home Schools and assured MACHS that the Government was committed to protecting the rights of parents to home school, that the Government did not have a problem with home schooling and that the Government was committed to co-operation and communication with home schoolers before any changes were made. Our organization is committed to working with the Government on issues pertaining to home schooling. In the one meeting MACHS did have with the Minister of Education, we were informed that any changes would be mere "housekeeping" and that the present mode of regulation and procedure would not change to any great extent. We were frustrated that changes were being introduced to The Public Schools Act that directly affect home-schooling families in the province without any further consultation with MACHS. Bill 12, The Public Schools Amendment Act, in our opinion, is more than mere "housekeeping."

Yesterday, on July 25, Mr. Minister, you stated that you desired to work in consultation with home schoolers. We look forward to the opportunity to help with the amendments to this bill, and encourage your support of Manitoba home-educating families.

Mrs. Joy Smith (Fort Garry): Thank you so much for your presentation. It was very insightful and we can tell the dedication that you do have to the education of your children. My question to you is: In the event this Bill 12 goes

through in its present form, would the home schoolers feel threatened in any way if that did occur?

* (19:00)

Ms. Hart: Yes, I think, without the amendments that we have recommended, we would certainly feel that way. With there not being anything concrete, say, for example, in the style of the form of reporting, with not being a participant in how that form would be developed, that would worry some people and would certainly stifle the way they would want to teach their children.

Mr. Caldwell: I, too, appreciate the report that you presented, Ms. Hart. Thank you very much for taking the time to come out this evening. I just want to address a couple of issues. The forum that is referred to, it is that forum in the sense of a forum, like a piece of paper, but a forum of reporting that is to be articulated, not a form as in a report card or something like that. I just wanted to clarify that, because I know there was some confusion last night about that as well.

Can I draw out from you a little bit in terms of the amendments that you would suggest in terms of making this bill more amenable or more suitable? Could you expand a little bit on that for me beyond what you have in the paper in terms of what you would like to see or what sort of amendments specifically in detail a little bit more for me please?

Ms. Hart: I believe the way that we have operated in the past has been satisfactory. I question why this needs to be changed. I believe this has been a method that has been working. My fellow home schoolers have not felt threatened, that they have felt that it was their duty to allow the Department of Education to know they were home-schooling their children and they were taking the onus upon themselves as a family unit to make sure that they do their best using their God-given talents to train their children. So I feel that home schoolers would not be comfortable with the amendment act.

Mr. Derkach: Thank you very much for your presentation, Ms. Hart. I am wondering, you raise several questions throughout your presentation, as a matter of fact, a question at the end

of each section. Has there ever been an expression from authorities in the Department of Education and Training in the course of the last year or two with regard to shortcomings or concerns regarding regulations with home schooling?

Ms. Hart: As far as I am aware as a parent, obviously I cannot represent all of home schoolers. I am not personally aware of any problems, so I question why the Department of Education feels that they need to develop something when there was not anything to worry about in the first place.

Mrs. Smith: One part of the Bill, Ms. Hart, I think I commend you for addressing and meeting with Mr. Huebner, the part that if there are any concerns from Manitoba Education and Training, then you would recommend the Minister indeed would have the authority to check into that. I think that is one thing the Minister probably did have some concerns about, because it was written into the Bill. The spirit of co-operation that you are talking about, I commend you for that because, correct me if I am wrong, but what you really want is the ability to make your own choice in a democratic society?

Ms. Hart: Yes, that is exactly how I believe that the home schoolers in the province of Manitoba feel, that they would like to retain their right to educate according to their personal beliefs.

Mr. Chairperson: Thank you, Ms. Hart. The time has expired. Is there anyone else who wishes to present on Bill 12? If so, please come to the podium. Seeing none, we will go on to Bill 42.

Bill 42—The Public Schools Amendment and Consequential Amendments Act

Mr. Chairperson: We are going to out-of-town presenters on Bill 42, starting with Ruth Ann Furgala or Vivian Leduchowski from Evergreen School Division. We have both of them. Good. Please proceed.

Ms. Ruth Ann Furgala (Trustee, Evergreen School Division): Mr. Chairman, Honourable Minister, Evergreen School Division would like

to thank the Law Amendments review committee for providing us with the opportunity to present our concerns in regard to Bill 42.

Our school division is very concerned about the implementation of Bill 42 as it will take away the local elective school board's ability to provide educational services for our children in their communities. Bill 42 moves the onus of education away from the best interests of kids to labour relations issues. We feel that the best place to determine the best interests of kids is at the local level and that any legislation that impedes the ability to make those decisions in the best interests of kids at the local level should be revised or deleted.

It is our position that the present bill adequately provided the structures to deal with labour relations issues. We would like to reinforce the brief of the Manitoba Association of School Trustees to the Law Amendments review committee on Bill 42. The following are the critical points that we would endorse in their presentation.

Ms. Vivian Leduchowski (Trustee, Evergreen School Division): To the extent that this bill shifts decision-making authority away from elected community representatives and to the teachers' union and arbitrators, this bill compromises the educational interests of Manitoba children. School boards have existed to translate its community hopes and aspirations to its young people into a soundly sustainable educational system.

Evergreen School Division has a track record of providing a very quality education with limited resources. We have one of the lowest costs per pupil as well. We have one of lowest mill rates in the province. We have accomplished all of this with declining revenue from the Province. We presently now only receive approximately 56 percent of our revenue from the Province. We are the second lowest in the province.

We are concerned that the items in Bill 42 will increase the amount that our local taxpayers will have to pay to maintain our present education system. We have managed to balance the responsibility of providing the best possible

education for our students with the responsibility to manage our resources effectively and efficiently and to honour the concerns that our local taxpayers had expressed in regard to the taxes they pay. If Bill 42 affirms that democratic local school divisions and districts play an important role in providing public education that is responsive to the needs and conditions of its local constituents, then the legislation should provide school boards with the ability to fulfil this very important responsibility.

We believe that collective bargaining is a very important part of our organization. We bargain in good faith with both of our unions. Arbitration is not an unbiased means of resolving dispute. It has historically resulted in increased costs for school boards. The place to work through the issues around collective bargaining is at the local table. Our school board was prepared to accept the present arbitration structure and mediation structure. However, the one proposed here provides great concern for us.

Arbitrators are not elected school boards. School boards are. School boards are accountable to their constituents around taxation. Often, the decision of arbitrators do not have to suffer the wrath of the taxpayer. Clearly, this is a flaw in the arbitration system.

Ms. Furgala: We support the MAST position that states that they support the existing Public Schools Act which provides for reasonable limitations and arbitrators in areas of management rights and requires arbitrators to consider the ability for school boards to pay in making awards. The existing legislation balances this limitation by giving teachers the right to grieve school board decisions in areas precluded from the arbitrations.

* (19:10)

The legislation introduced through Bill 72 in 1996 sought to rectify the deterioration that had become increasingly evident in the collective bargaining process. There was, in our estimation, a fair balance between the needs of both parties. We would like to retain the section of Bill 72 that says: The selection, appointment, assignment and transfer of teachers and principals, the method of evaluating the performance of

teachers and principals, the sizes of classes, and the scheduling of recesses and midday breaks be maintained as management rights.

School divisions need the flexibility to manage human resources in a manner that best serves the interests of their students. In some instances, this may entail signing or transferring teachers to different schools. It may also mean decisions about the allocation of resources. School boards have an additional responsibility in assuring that the teachers and principals that they employ perform their duties in a competent manner. Boards are responsible for the safety of their students and their school. Supervision of students is essential with this responsibility.

The Minister of Education has stated that the current collective bargaining provision was designed to disadvantage teachers. We disagree with this statement. Current legislation balances the rights of employer and employees by requiring that they both act in a fair manner. Should a school board not act fairly, the legislation gives the teachers the right to launch a grievance.

Ms. Leduchowski: Bill 42 will accelerate the rise in educational costs and will drive up property taxes significantly for years to come. In the spring Manitoba Education and Training announced increased funding to public school system. Evergreen School Division did not receive any of this increased funding. It is our understanding that as many as 40 school divisions did not receive an increase in funding.

The rising costs that are associated with education will require that school boards make very wise use of the limited resources they have and balance the best interests of kids and taxes on an equal playing field. Many of the issues that have been forwarded publicly require a better look at the data. For the most part, Evergreen School Division's average class size is around 17 pupils per classroom. Our educational ratio is just over 17. We have one of the highest ratios in the province. Yet, the majority of our classes have 22 or less kids. We feel that we have truly balanced the needs of students with our ability to pay. We have honoured both class sizes and taxpayers' concerns on equal playing fields.

We would not like a bill that is passed that will further erode the ability for us to make those important decisions and increase the instability of school divisions based on disgruntled taxpayers. We are therefore finally opposed to the principles presented in Bill 42. If Bill 42 goes ahead, the right to strike must go with it. Otherwise, the fairness and equity that is promoted in Bill 42 is a fairness and equity only to the teachers' union. Other than treating teachers like all other employees, Bill 42 ensures that teachers will be treated like no other employee group. It would be hard to defend fairness and equity based on this premise.

The definition of teacher also is problematic. The current legislation requires a teacher to hold an individual form of contract. All that the new definition requires is to be employed by a school board and hold a valid and existing teacher's certificate. This definition could apply to substitute teachers. This also creates problems on form 2A contracts. This is an area of Bill 42 that requires extensive consultation before it moves forward.

The inclusion of principals in the bargaining unit is a concern to our board. Inclusion of management personnel is more properly a matter for the Manitoba Labour Board to decide, as is the case with employers and unions under The Labour Relations Act. School boards should have the same right and opportunity as other employers to have this matter addressed through this mechanism. The arbitration process and timelines have concerns that have been expressed by the Manitoba Association of School Trustees. We would like to reinforce the concerns that are expressed in their presentation. Several provisions of Bill 42 make reference to The Labour Relations Act. As The Labour Relations Act is an amendment, the full impact of Bill 42 on school divisions cannot be assessed. We therefore feel that Bill 42 should be tabled until The Labour Relations Act has been amended and passed.

Ms. Furgala: Evergreen School Division is a very efficient and effective school division that attempts to balance the environment of the school division for the best interest of its staff and its students. We feel that the proposed changes in Bill 42 will single out teachers for

preferential treatment and thus destroy the environmental relationship that has been established in our school division. We do not feel that this is in the best interest of our students, of our public, or of our communities. We urge you not to pass Bill 42 or to make significant revisions to Bill 42 that address the concerns that we have identified and those brought in the brief from MAST.

We thank you for your time, and we trust that our concerns and recommendations will be dealt with in revisions or a complete withdrawal of Bill 42.

Mr. Chairperson: Thank you to both of you.

Hon. Drew Caldwell (Minister of Education and Training): Thank you for coming down from Gimli this evening to present to us. I certainly appreciate the remarks you make. We heard many of the similar remarks made last night. As you know, it was a long night and morning last night.

I just want to make mention of a couple of points. The definition of teacher being problematic. I think we have heard that quite consistently, so I want to assure you that I have heard that message quite clearly. So we will take that under advisement. You make a point in page 2, I guess, fourth paragraph, the legislation introduced through Bill 72, in 1996, sought to rectify that deterioration had become increasingly evident in the collective bargaining process.

Could you expand that a little bit about what your experience was in Evergreen and what you mean by that?

Mr. Chairperson: Which one of you would like to answer that? I need to acknowledge your name for Hansard.

Ms. Leduchowski: Leduchowski.

Mr. Chairperson: Okay, Ms. Leduchowski, please.

Ms. Leduchowski: With arbitration, as you know in other school divisions, when an arbitrator brings down a recommendation, it

certainly is effective on the taxpayers. Every time that I have been at the collective bargaining table and arbitration has come forward, it certainly raises the taxpayers' money, and there are less programs that we have to look at for the kids because of an arbitration reward. Point in fact, it is precedent setting, and point in fact would be the noon hour, 55-minute uninterrupted lunch hour. That certainly has cost us a lot in Evergreen School Division because we are a small community. Out in Arborg where I come from, we have a hard time getting supervisors to be able to look after children. We have to do a lot of timetabling to be able to allow teachers to do this. It certainly has cost us a lot of money.

Mrs. Joy Smith (Fort Garry): Thank you for your very clear presentation tonight. It was very succinct and well thought out.

I do have a question. Last night, as you know, we had committee meetings, and we heard many different presentations. You said in your brief that the Minister of Education stated that the current collective bargaining provisions were designed to disadvantage teachers and that you disagreed with that. We also heard last night that teachers also said that the former Bill 72 disadvantaged teachers a great deal, and they felt they were put at a disadvantage in terms of their workplace environment. Could you comment on how we could find some sort of centre between teachers and trustees to ensure that these needs are being met for the teachers? Is this an unrealistic thing that teachers are asking for or they believe that taxes will not rise or not likely to rise? Could you comment on that, please?

Ms. Leduchowski: Actually, in our division we have not had any trouble with our teachers. We were against the duty-free lunch hours. Things were working really well. Since that has been implemented, we find that there is a lot more problem on the schoolyards, the safety of the kids. We have had to look at different issues regarding the safety of our children, and we certainly have dealt with this.

Mr. Stan Struthers (Dauphin-Roblin): Thank you for travelling here this evening and presenting the views of Evergreen School Division. It has always been my view that kids

in school should not be used as pawns in a labour dispute. I notice in your presentation, however, that you seem to be in favour of teachers having the right to strike. Do you also favour management having the right to lock teachers out?

Floor Comment: Absolutely.

Mr. Chairperson: We need to get that on the record.

Ms. Furgala: Yes, with strike or lockout, both sides have the ability to take it to the next step. You know, it puts a concrete end in front of both parties, and they both have to negotiate in good faith.

* (19:20)

Mrs. Smith: In terms of Bill 42, if Bill 42 did go through, in your view, in its present form, how would that impact on the relationship you have with the teachers in your school division and the taxpayers?

Ms. Furgala: I believe that we have a very good relationship with both of our unions, and I would not really want to put a guess on the table at where the position would change.

I can advise you that a number of the articles that have been given by arbitration in different awards were not local initiatives. What happened when we went to the bargaining table is that we were already told it is not a debatable issue anymore, you know they are going to get it if they go to an arbitrator, work on something else. So arbitration awards that are made affect every school division down the line; it is just a matter of fact.

Ms. Leduchowski: Just a point in fact, for instance, the new arbitration award that just came out in regard to maternity, the topping of the 90 percent, I mean we know we are going to meet with our teachers, that is going to be there, and we know it is only a matter of time that they are definitely going to get it, and it is going to cost us big dollars.

Mr. Chairperson: Thank you for your presentation. Just for the benefit of members, I

am keeping a speaker's list based on whose hand goes up first, so if you wish to catch the attention of the Chair, please—

Mr. Enns, on a point of order.

Point of Order

Mr. Harry Enns (Lakeside): On a point of order, I would like to test the generosity of the government members at this stage and ask leave for one question.

Mr. Chairperson: Is there leave for Mr. Enns to ask one question? *[Agreed]*

* * *

Mr. Enns: Thank you very much, and thank you, Mr. Minister. Mr. Chairman. To the presenters, thank you for the presentation. As an MLA for some time and an MLA from the Interlake, a complaint that I all too often hear and regrettably hear about trustees, fairly or unfairly, is they are challenged or accused of not being accountable. That is partly the way our tax structure is. You present your budgets to the municipal authorities; the municipal authorities then have to place it to the taxpayers. That is a fairly common complaint, generally speaking, about trustees throughout the province.

So, if I understood the gist of your presentation here, taking away any of the accountability of trustees lessens the stature or the role of the trustees in our system. If outside bodies, arbitrators, something like that, significantly impact on the budgets that you are then forced to pass on to another taxing authority like the municipality, it, in my opinion, weakens or lessens the role of the trustee.

I just wanted to ask you if I understood your presentation right because that is a major concern with respect to the Bill that you are presenting.

Mr. Chairperson: Ms. Leduchowski or Ms. Furgala?

Ms. Furgala: My name is shorter. Yes, we agree with that.

Mr. Chairperson: Thank you for your presentation.

The next out-of-town presenter is Sandra Williams, Souris Valley School Division No. 42. Is Sandra Williams here? Sandra Williams? That name will be dropped from the list.

The next presenter is Betty Green, Lakeshore School Division No. 23.

Floor Comment: It will come back in the end.

Mr. Chairperson: Just for clarification of members, once a name has been called twice, it is dropped off the list. Her name was called last night, and so tonight was the second time the name was called. I am going by the advice that I am getting here.

Mr. Leonard Derkach (Russell): Just a question, Mr. Chair, for clarification. If the name is called twice in one sitting or twice in the entire sitting?

Mr. Chairperson: My understanding is that we agreed last night that after a name was called twice, it would be dropped from the list. That presenter was not here last night and is not here tonight. We agreed not to call the names twice last night, which would have been unfair at 4:20 in the morning, but it was called the second time tonight. She was not here last night or tonight.

Mr. Derkach: Mr. Chair, with the indulgence of the Committee, if it would not be a great inconvenience, if we do wrap up tonight for the presentations on this committee, if we would call these out-of-town presenters one more time in tonight's sitting. I do believe that some of these are from out of town. I think this one is from Souris and, in fact, could be en route. I do not know that.

Mr. Struthers: Mr. Chairman, my advice to the Committee is that the name has been called twice and, given the agreement that we came to yesterday, I think the name drops off the list now.

Mrs. Smith: I request that if this Sandra Williams does make it in to Winnipeg, because of the distance she is travelling, I think it would

be very discourteous to refuse to let her present. So I am requesting that if Sandra Williams does turn up, she be allowed to present.

Mr. Chairperson: Would it be acceptable to members if we canvassed the room again later for out-of-town presenters, just in case someone is driving in, as was suggested? Is that agreed? *[Agreed]*.

Betty Green, please proceed.

Ms. Betty Green (Chairperson, Board of Trustees, Lakeshore School Division): Good evening. I would like to introduce the Vice-Chair of Lakeshore School Division who will be helping me present this evening, Ms. Kelly Decker. Kelly will be beginning.

Mr. Chairperson: I am sorry. I must make sure I have the right name here. You are Betty Green.

Ms. Green: Yes.

Mr. Chairperson: Okay, and the other person again, sorry, is.

Ms. Green: Kelly Decker.

Mr. Chairperson: Kelly Decker, proceed.

Ms. Kelly Decker (Vice-Chairperson, Board of Trustees, Lakeshore School Division): Thank you. Good evening.

The Board of Trustees of Lakeshore School Division is unanimously opposed to Bill 42. If enacted, this legislation will change the bargaining environment between school boards and our teachers and will negatively impact on our school system and, most importantly, on our students.

In the preamble of Bill 42, government acknowledges the important purpose of the public school system and the role of the democratic local school division in providing public education that is responsive to local needs and conditions. Emphasized in the preamble is the mandate of the public education to serve the best educational interests of the students. It goes on to identify the challenging, complex task we face in working to meet the needs of our diverse

student population. This preamble articulates the essence the school divisions across Manitoba have included in their mission statements. The legislation thereafter proceeds to ignore the truth and the importance of their preamble and proposes changes that will undermine school divisions' abilities to fulfil the Government's statement of principles and their own mandate and mission.

To further complicate the challenge before us, the Government has proceeded to make changes to The Labour Relations Act simultaneously in Bill 44. In both cases, the consultation process was inadequate and provided for little or no meaningful discussion. In addition, the legislation has been introduced during the summer when school divisions, teachers, parent councils, do not normally meet.

The basic structure of collective bargaining must strike a delicate balance where employees and employers are encouraged to negotiate a mutually agreed to contract. The education system includes a final dispute resolution process of binding arbitration and therefore, in order to avoid serious skewing of the system, we must provide limitations such as management-right clauses and restore the desired balance.

The proposed legislation and recent arbitrated settlements severely limit the ability of boards to effectively manage their division while offering students the best possible education and remaining fiscally responsible to our taxpayers.

* (19:30)

Lakeshore has met with the rural municipalities within our school division, and they share our concerns. The tax burden on our sparsely populated division, with the low assessment, has risen to meet the needs of our students at the expense of infrastructure and taxpayers' needs. The impact of this legislation will raise expenditure beyond the capacity of our taxpayers' ability to pay.

Our primary concern is meeting the needs of our students. School boards are elected to translate the community's wishes and aspirations for their children into an affordable education system. As elected officials, trustees balance

those ideals with the ability to raise the funds needed to provide for that system, either from provincial grants or from our special levy.

The last provincial budget promised adequate funding, but the increases were not sufficient to address the inflationary costs of the Division, let alone the increases faced due to contract and programming costs. This legislation will escalate those costs further. Who is going to pay for the increased salaries and expensive benefits that are arbitrated in the next round of negotiations?

Ms. Green: The operation of a school division is complex and constantly in flux. For rural school divisions, management of personnel and resources is further complicated by transient population, distance, and the unique personality of each community. Our board meets the needs of our students by managing class size, the school day, the assignment and reassignment of personnel and the evaluation of our staff. Management rights, through due process, must allow the movement of staff and resources to meet the ever-changing realities. The removal of section 126(2) is of grave concern to our board.

All employers understand the importance of those management rights that should not be open to arbitration. The Premier (Mr. Doer) himself acknowledged that reality in March when discussing the MGEU contract with regard to casual workers, contracting out and staffing levels. We concur with his position.

Teachers have long argued for the statement of professionalism in a collective agreement. They consider themselves professionals, deserving of autonomy within their classroom. Bill 42 moves them in another direction. If collective bargaining agreements and arbitrators are to define contact time, class size, preparation time, parental contact, et cetera, then the teachers' ability to do what is in the best interests of their students is secondary to the wording of the collective agreement.

We strongly support the existing Public Schools Act which provides for reasonable limitations on what can be arbitrated in the areas of management rights. This has been balanced by giving the teachers the right to grieve school

divisions' decisions in areas precluded from arbitration.

Section 129(3) charged the arbitrator with the responsibility to consider the ability to pay for the contract that is being awarded. It has been suggested that all arbitrators consider ability to pay and that the section is redundant. The startling reality is that some arbitrators and teachers' negotiators deem the ability to pay is only restricted by the Division's ability to raise taxes. In reality, although we have the right to raise taxes, we are restricted by the economic health of our community when considering a tax increase.

Rural municipalities will attest to the times that they have not raised taxes for their needs because of the tax increases imposed by school divisions. Arbitrators must be made to consider the full ramifications of the contracts, of working conditions and wage increases that they award. The removal of section 129(3) directly contradicts the preamble in the Bill, which stresses that local school divisions must make decisions that are responsive to local needs and conditions.

The change to the definition of teacher contained in Bill 42 removes the need for a teacher to hold an individual contract and would therefore include substitute teachers. How should a school division deal with employees who are holding teaching contracts but who have been hired as educational assistants, librarians, et cetera? How does the Government envision the administration of benefits to these within this definition?

Bill 42 includes vice-principals and principals in the bargaining unit. Because of the short time line set out by this government and the lack of opportunity to discuss the ramifications of this, school divisions are faced with many questions about the implementation of this section of the Bill. Although historically principals and vice-principals have been included with teachers, moving collective bargaining under The Labour Relations Act causes significant changes, and therefore the question of principals and vice-principal inclusion should be sent to the Manitoba Labour Board for consideration.

As stated earlier, the flexibility of the rural school division to respond to the ever-changing needs of the schools in our division cannot be compromised. School boards are elected to make decisions regarding class size and composition. They are accountable to local people who elect them. Class size and composition must remain the decision of locally elected trustees and not the decision of outside arbitrators who neither understand the local needs nor feel the long-term impact of their decisions. One has only to look across Canada to see the dramatic and devastating impact of negotiated and arbitrated class size and composition clauses. In rural school divisions, we hope never to see the day that prescriptive clauses and articles would force schools to split or combine classes simply because of numbers.

Ms. Decker: The collective bargaining process is meant to encourage mutually agreed-to contracts. Any changes that increase the likelihood of arbitrated agreements are counter-productive and ill considered. Experience shows that the intermediate step of either conciliation or mediation increases the potential for local settlements. Bill 42 does not expressly contain provisions for conciliation or mediation, thereby removing processes that enhance the potential of mutually agreed-to contracts.

Historically, negotiations between school divisions and teachers are a long process. In part, that is due to the lack of willingness of teachers to negotiate during the summer. For example, our division received notice to open negotiations several months ago. We were told then by the teachers that they would prefer to wait for the first meeting and that they would call when they were ready. We have yet to hear from them, and their contract expired on June 30, almost a month ago. Time lines, as set out by Bill 42, do not recognize this reality and must be changed.

Bill 42 removes the provision for the transfer of information to the arbitrator in a way that clearly articulates to the arbitrator the items in dispute. Lakeshore trustees believe that there should be no question in the arbitrator's mind about what items need to be considered during deliberations. Only items still in dispute should be considered.

The process used to develop this legislation has been flawed from the start. There has been

no meaningful dialogue between school divisions and the Government regarding Bill 42. Extensive public hearings must be conducted, and the time lines need to be longer so that everyone has the opportunity to provide input. Regrettably, our only avenue for dialogue has been through our provincial association, MAST, and sincere attempts to alert the representatives of government to our reservations have not been heard. We are concerned that this legislation has been developed to fulfil an election promise without fully considering the long-term implications of this bill. The long-term implications must be clearly defined and understood before this legislation is passed. Ironically, the legislation provides for a process of consultation that is comprehensive but restricts the mandate to discussions about class size and composition.

In summary, Bill 42 as presented destroys the balance needed within the collective bargaining legislation to ensure both parties come to the table with a common desire to achieve a mutually agreed-to contract. The proposed changes single out teachers for preferential treatment that no other employee group receives. Instead of including teachers under provisions of The Labour Relations Act to offer them the same rights as other employee groups, teachers will have explicit exceptions to The Labour Relations Act that are precedent setting.

* (19:40)

The legislation increases power for the teachers' union, and the school boards are being stripped of their authority to manage resources efficiently. Everyone who deals with education, finance, and management can see the financial impact of this bill. The end result will be arbitrated settlements that taxpayers cannot afford. Financial experts have substantiated this analysis, and their warning was given to the Government prior to the introduction of Bill 42. The Government has decided to proceed and to disregard the cautions. This carelessness will not only put more burden on our saturated tax base, but it more importantly dangerously disregards the needs of our students. Thank you.

Mr. Chairperson: Thank you, Ms. Green and Ms. Decker, for your presentation.

Mr. Caldwell: Thank you for coming down from Lakeshore to make this presentation. I want to commend you for making it. I assume that you are aware that MAST met with the Premier (Mr. Doer) and myself and staff extensively over the last six months. I assume you know that.

Floor Comment: Yes.

Mr. Caldwell: Yes, you do, okay. I take note of your issues around teachers. I know that has been a common thread in this deliberation both last night and earlier with a previous presenter. I note that, because it is a common theme. I assure you that we will look at that. There is a common theme. I know that the Member for Russell (Mr. Derkach) nods at me all the time when that comes up, so I expect we are going to have a discussion vis-à-vis an amendment in that regard.

The main concern, of course, is articulated as property taxation and the ability to manage resources and so forth. I am trying to get an indication, because we have, as you know, gone through a decade of horrendous property tax increases in the past decade, a 63% increase in local property taxation over the last decade. What sort of lobbying or input did your board make when that was occurring?

Ms. Green: Mr. Minister, I was not aware that we were going to be asked to respond to questions, other than those referring to Bill 42. Bill 42 is with regard to labour relations, and that is what I am prepared to respond to.

Mr. Caldwell: I am trying to get an idea of the contacts—

Mr. Chairperson: Excuse me, Mr. Minister, we have a speaking order.

Mrs. Smith: Thank you very much, and going back to Bill 42, you stated in your presentation, as we have heard through quite a few presentations, that the impact of this legislation will raise expenditures beyond the capacity of our taxpayers' ability to pay. We have also heard from some presentations that the ability to pay should be of no concern because this will not get out of hand.

Could you please advise this committee why you think the ability-to-pay clause has to be in there to safeguard the communities?

Ms. Green: The ability-to-pay clause has to be there to respond to the unique realities in each of the school divisions that we have across Manitoba. The previous speaker talked about having a high assessment and a low mill rate. Our division, which is right next door, has just the opposite. We have a very low assessment and a reasonably high mill rate in an area that producers, primarily agricultural producers, really struggle because of economic times from time to time to deal with that burden.

Mr. Caldwell: Okay, to put in context labour relations and how they relate to property tax increases, and that is directly what we are concerned with right now, in terms of arbitrated settlements with teachers and teacher wage settlements and in terms of levels of support for public education, both of which are addressed directly in your report, the largest fiscal impacts upon your division would be generated by settlements with teachers or by absence of provincial funds. If you could give me a rough breakdown about what is the most impact, that would be useful.

Ms. Green: I think, certainly the last few years, the issue that has challenged our board most significantly has been unexpected costs of collective agreements. We are pretty consistent in being able to monitor our budgets and the needs within our schools. From time to time, collective agreements settled elsewhere in the province have left us in a situation. We, of course, have to match those. We have to attract good teachers, but at the same time we are not necessarily prepared to make those provisions through tax increases.

Mr. Derkach: Thank you very much for your presentation, Ms. Green. My question has to do with the impact that this bill would have on a division such as yours which has low assessment and relatively high mill rates. I know divisions like that across the province that are having that same type of struggle. If in fact Bill 42 does go through, there will be, I would say, a ceiling, at which time divisions will have to look at

alternative measures to try and balance their financial affairs.

Can you tell this committee how close your division is to not being able to increase taxes any longer because of the reaction of taxpayers to the increase in tax rates in your division?

Ms. Green: I would suggest we are probably there or have exceeded the tolerance of our taxpayers to tolerate the increases that are before us. Certainly, rural municipalities that we have met within our school division have all indicated there are years and several years where they may not increase taxes because of the need to address educational costs.

Mr. Chairperson: Thank you to both of you for your presentations. Next is Colleen Jury or Neil Whitley, Rolling River School Division. Go ahead, sir.

Mr. Neil Whitley (Superintendent of Schools, Rolling River School Division): Mr. Chairman, Mr. Minister, members, I am reluctant to have my handouts go out before I speak because, being a teacher, I know you will want to get ahead of me. I am representing Rolling River School Division. My name is Neil Whitley, and I am the Superintendent of Schools. Mrs. Jury was here last night, and I am pinch-hitting for her tonight.

Although all proposed changes in Bill 42 are worth commenting on, my brief will focus just on several areas that are of the greatest concern to us, so therefore my brief will indeed be brief.

Section 98(1) applies The Labour Relations Act to teachers where issues such as selection, assignment and transfer of teachers are fundamental responsibilities of school boards who are locally elected and accountable to their communities. This particular decision-making role should not be given out over to unaccountable arbitrators. We firmly believe that the decision and policies that we make are in the best interests of students. To illustrate this, let me take the example of teacher transfer. I would like to quote to you in part a section from our policy. Before I start that, I think it is important to tell you that our teacher transfer policy took approximately three years to develop and was

developed with grassroots support from our teachers.

* (19:50)

The Board believes the professional staff transfers are necessary from time to time in order to support the following principles. Transfers will not be made capriciously. The following guide and principles will be carefully considered in all professional staff transfers. The professional staff complement should reflect a reasonable balance of experience and special competencies. Transfers can form an integral part of professional growth and development. New challenges and a new environment can offer new incentives for growth. Student welfare is of primary importance when transferring teachers, and teaching background and expertise must match the assignment. Transfers are seen as a positive step in professional growth and will not be used as a punitive measure. A teacher's place of residence is not a primary consideration, but will be a factor in determining transfers.

We ask you: How can an arbitration process improve on these guidelines that were developed by all the partners? It is difficult to see how most external arbitrators would have the educational expertise to understand the complexity of school community and the teaching-learning process.

Another major concern is allowing evaluation of teacher performance to be an arbitrable item. Our teacher evaluation policy has had extensive teacher input into its development, and several years of research and field testing before it was implemented. Our policy states that it is the responsibility of the school division to provide the best education possible for our students. Supervision and evaluation are necessary to improve the quality of education and to maintain programs of high standards. The reasons for evaluation are to assist, to encourage, to motivate teachers towards becoming more competent, to provide teachers with ongoing dialogue supporting their strengths and abilities, and to improve areas of weakness and/or neglect. Bill 42 would make teacher evaluation methods an arbitrable item. It is highly improbable that a panel of arbitrators would have the expertise to improve on sophisticated professional growth models that have been

developed by educators. We are concerned with the process and not so much the outcome.

Our third major concern is deeming school administrators appropriate for the collective bargaining unit. Does The Labour Relations Act feel that the supervisors who determine work assignments, supervision, evaluation, and discipline, and recommending on renewal or termination of contracts are deemed appropriate for the collective bargaining unit? We feel that this issue should be dealt with through The Labour Relations Act and not Bill 42.

In conclusion, our mission statement in Rolling River School Division says in part, working in partnership with parents and community, our aim is to graduate students who are academically, intellectually, and vocationally prepared for a changing world. Programs approved for students should teach relevant skills and knowledge. They should also promote emotional, social, and physical well-being in a safe environment. As well, our school should create an atmosphere, which encourages independence, good judgment, and personal excellence with respect and dignity for all people. The Rolling River School Division Board is committed to providing the human resources necessary to support this statement in a manner which reflects practicality, vision, and trusteeship. The mission statement puts children first. Bill 42 proposes a bargaining process which increases power to teacher's unions and strips school boards of their authority to manage their resources effectively. We do not feel that Bill 42 puts children first. Thank you.

Mr. Chairperson: Thank you, Mr. Whitley.

Mr. Caldwell: Thank you, Neil, for coming down to Winnipeg. I appreciate your trip to make this presentation, and I certainly liked the transfer policy in the statements that your division has in terms of mission statements and transfer policies. I think they could be modelled for the province, in those regards. I just want to ask your opinion briefly on the experience in Rolling River previous to 1996 when these items were arbitrable and were proposing to go back to that regime. The items that are now purported to be put back into the availability of arbitration to

take place—what was the experience of the Division previous to 1996 in these areas?

Mr. Whitley: I think we have had a very good relationship with our teachers. Certainly, we have had matters that were proceeding towards arbitration that had been settled before that. And those things will always happen. If a teacher is given an unfair evaluation and wishes to grieve that, whatever process is involved, I am sure is going to be dealt with one way or another. What we are concerned about is a group of arbitrators who do not understand the complexity of teacher evaluations and all those other things making decisions for us. That is our major concern.

Mr. David Faurichou (Portage la Prairie): I was just going to ask almost the same question as the Minister in regard to your feelings on arbitration. However, I would like to ask you, though, in regard to your statement on Labour Relations Act versus Bill 42 involving the involvement of those persons as you deemed in supervisory position, I would assume you are speaking of principals, vice-principals. You have obviously studied this before making this recommendation. Could you perhaps elaborate a little bit further in highlighting pitfalls as they are with the present bill?

Mr. Whitley: If I can be frank with you, it just does not make any sense to me. I am not speaking for the Board now. I am speaking for my own opinion. People who are in a position of authority like that should not be in the same bargaining unit.

Mrs. Smith: I especially appreciated your presentation because you centred on students and the children. Your policy states that it is the responsibility of the school division to provide the best education possible for our students. In previous presentations, we have heard that there are educators who are concerned that if the workplace does not have the kind of environment that makes their job easier, then the education of the students is at risk.

In terms of Bill 42, in your learned opinion and your experience, what would be the ramifications of Bill 42 in your school division if it did go through pretty well as it is stated right now? What would be the impact on the teachers,

on the students and the quality of education for your students?

Mr. Whitley: I think I can sum that up very succinctly. If Bill 42 creates an adversarial environment, that cannot be good for kids.

Mr. Derkach: Mr. Whitley, thank you for your presentation. I find this presentation to be extremely valuable, and I like the comments of the Minister who said that perhaps this is an approach that could be taken up by other divisions and perhaps used as a model by the Department. If in fact, Mr. Whitley, that is the case and the Minister is true to his word, I am hoping he is going to be looking at amendments that will indeed allow for your division to carry on with its policies. As I see it, and correct me if I am wrong, perhaps I can put this in the form of a question, if in fact Bill 42 goes through in its form, it would negate some of the ability for your division to carry out the policies that you have adopted in co-operation with the teachers.

Mr. Whitley: I guess nobody knows what will happen if Bill 42 goes through as is. I guess I am just saying that an arbitrator could impede the progress that we have made in teacher growth and evaluation. Incidentally, we cannot take credit as being the only school division for having this particular model for teacher growth. This is very common now throughout Manitoba.

Mr. Chairperson: Thank you, Mr. Whitley. The next presenter is Pam Stinson, private citizen. Is Pam Stinson here? Yes. Please proceed.

* (20:00)

Ms. Pam Stinson (Private Citizen): Thank you for allowing me this chance to speak. I was not able to stay until 4:19 in the morning, so I have decided that my chances of being a survivor on this series is not probable. Believing in the KISS concept, keep it simple, stupid, I only have one page to share with you. Therefore, I have chosen not to waste any more trees on multiple copies.

My name is Pam Stinson, and I am from Portage la Prairie. As a classroom teacher with 19 years of teaching experience, I come here tonight to speak in favour of Bill 42. The concept of Bill 42 has some positive attributes.

Teachers do not feel that the right to bargain in a fair and equitable manner is preferential treatment. Being a professional means having a say in matters related to my work. I find it ironic when I hear that school boards are concerned about losing control. I have been encouraged as a classroom teacher to include the students in decision making in the classroom, as any decisions made will ultimately affect the learning environment of the classroom. Therefore, why should I not have some say or control through collective bargaining? It only seems fair.

It is disappointing that some school boards and municipalities are misled by the concept that passing Bill 42 will automatically cause property taxes to rise. In reality, the past government's decrease of funding to public schools was the culprit of rising taxes. This new government promised to rescind Bill 72, and by passing Bill 42, a compromise in collective bargaining can be reached between teachers and school boards. Anticipated excessive costs can be kept down through continued support from the new government to increase funding for public education.

My only regret is that class size and composition have not been included in Bill 42. The experience of having a class of 29 junior high students, which included 7 special needs and disruptive students, will never leave my memory.

This past year my class included two special needs students that were level 2 and level 3 funded. Even with some teacher assistant time, the learning environment was greatly affected. It is understandable that you would never probably please everyone in regard to class size. However, classroom composition requires immediate attention as more and more special needs students and disruptive students are fully integrated into classrooms.

In closing, I encourage this committee to pass Bill 42 with consideration to include class composition. Thank you.

Mr. Chairperson: Thank you, Ms. Stinson.

Mr. Caldwell: Thank you, Ms. Stinson, for coming up from Portage. I appreciate it. One of your colleagues was here last night or this morning, I do not know which; it was earlier anyway. Certainly, I do appreciate, personally, I know that the committee does as well, hearing individual perspectives that put more of a subjective face on the issue. I know it provides us with some insight through the eyes of trustees or through the eyes of teachers, as the case may be, so I do appreciate your remarks. Thank you.

Mr. Faurichou: Welcome, Pam. I appreciate the diligence that you have shown here in attending once again to the committee as well as your dedication to the profession and to overcome the challenges that you expressed there in regard to the classroom. It is a case that one is wanting to understand the legislation better and how it would reflect to the Division's operations. I perhaps would like to ask the question once again, as far as concerns and arbitration, are your feelings as a teacher that one enters into arbitration that the experience and understanding of the profession and of the local student requirements is fully appreciated by an individual that is not of the community and not of an elected position. Could you perhaps elaborate on your feelings in that regard? I might just say that I do appreciate your input always, Pam. Thank you.

Ms. Stinson: I am pleased you are so gentle with me, Dave. As far as arbitration, it has been interesting to hear last night and tonight people saying that arbitrators from outside, they do not know anything. They do not know the good of the school board, what they can afford, what teachers need. Too often, at a collective bargaining table, trustees and teachers, the collective bargaining committee, get too passionate, get too emotional, and I think an outside person can come in with a level head and listen to both sides of the table and see what is in the best interests of the children. Sitting on the collective bargaining committee myself the last two years was a new experience.

I know myself sometimes I have felt members got too passionate. But, all in all, when we go back in caucus, we always said what are the best working conditions for the teacher because that is the child's learning condition. So

I really feel an arbitrator is only going to come in for unresolved disputes. I still believe in the bargaining at the table between the teachers and the school board, and then any unresolved issues can be settled by an outsider.

Mrs. Smith: Thank you so much, and I appreciate your presentation and your passion for the teaching profession. I have heard a lot of presentations and a lot of phone calls and letters concerning this particular bill with very passionate ideas about what is right or wrong with it. I do have a concern about the Division that seems to be erupting between teachers and trustees right now because of passionate views. I do not want this bill to come back and bite teachers, to be quite frank. You were talking about class size, and you said also that ability to pay, you did not think, you know, it would be under control. It made a difference, but it would be under control. So the ability-to-pay clause is not in Bill 42 in its present state.

What if Bill 42 went through as it was, and the ability-to-pay clause was gone, and what if school divisions looking at paying teachers and putting programs in had to be faced with bigger class sizes and laying off teachers or not introducing new teachers to the profession, do you think that this could be a possibility and something that in two or three years time might reflect badly on the teachers who are pushing so hard for Bill 42 to go through? I am asking this because of the concern I have for teachers in the profession. I taught for 22 years, and my husband still teaches. I think that we have to really be careful and know in our own hearts and minds what is going to happen in our respective school divisions. You live in a rural area, and rural areas are really feeling the pinch in a lot of areas. I would like your opinion on that.

Ms. Stinson: In regard to the ability to pay, Mrs. Smith, I have never seen the teachers ask for the moon. They ask for cost-of-living rates that are in line with everybody else in town and in the province. They ask for a few improved working conditions. So, as far as ability to pay, I have never seen it. I cannot predict something that is not there yet. With your idea of supporting teachers, I have had a line this year on different occasions to say be careful what you wish for. Maybe teachers will see this different down the

road, but you cannot predict till you try a bill. As we saw what Bill 72 did, it was legislated and now it is being rescinded. That is why I speak in favour of Bill 42, and we will re-evaluate it like we do anything.

Mr. Chairperson: Thank you, Ms. Stinson. The list of out-of-town presenters who have registered has been finished. Is there anyone else from out of town who would like to make a presentation who has not done so yet? Hearing none, are there any presenters who wish to present en français? We still have the translator here. Anyone wishing to present in French who needs a translator? Thank you.

We are now going to go to the in-town presenters starting with No. 1, Jan Speelman, President, Manitoba Teachers' Society. Ms. Speelman, please proceed.

Ms. Jan Speelman (President, Manitoba Teachers' Society): Thank you, Mr. Chair. I do not know if it is good evening. Yes, I think it is good evening, not good morning.

As you said, my name is Jan Speelman. I am president of the Manitoba Teachers' Society. I am very pleased to be here this evening to speak in favour of Bill 42. The Manitoba Teachers' Society represents more than 14 000 public school teachers in the province of Manitoba. We are the only employee group with members working in every part of this province, from remote locales in the North to rural Manitoba, to the urban centres of Brandon, Portage and Winnipeg.

* (20:10)

Throughout the province, teachers are the backbone of the communities in which they live. The priority of our members is providing a quality public education to Manitoba's 180 000 public school students. That is why teachers were so discouraged when the former government passed Bill 72. These changes to our collective bargaining rights ripped through the hearts of our members. Bill 72 left teachers asking: What did we do to deserve this?

Since becoming president of the Manitoba Teachers' Society approximately a year ago,

there has not been a day go by that I do not thank the teachers of Manitoba for giving me this honour, and I think you will understand. The members of the committee will understand after they have heard from the teachers that they heard from last evening or this morning, I guess it was, and will hear from more this evening, the stories from the hearts of those teachers regarding their demoralizing and devastating effects that Bill 72 had on them and their colleagues. But teachers are heartened and they are optimistic. Last night you heard many thank-yous; you even heard a wahoo, because teachers are feeling that they are dealing with a government that is truly committed to doing the best for public schools and the students and realizing the role of teachers in that.

We would like to thank Premier Doer for two things: one thing for the open-door policy that his government has adopted; and secondly, for the appointment of a minister who understands teachers because he is one, and the appointment of a minister who knows what goes on in classrooms because he recently has been in classrooms, not in a classroom, but in many classrooms, in Manitoba.

As I said, teachers were shocked, dismayed, angered, confused when Bill 72 was introduced. Manitoba public schools had experienced 40 years of labour peace, an unprecedented record in Canada. The relationship between school trustees and teachers was based on a historic agreement reached in 1956 between the Government, the school trustees and teachers, an agreement that promised teachers a fair system of collective bargaining if they gave up the right to strike. For more than a generation not one school day has been lost in this province because of a labour dispute. Teachers are proud of this record. Yet, in 1996, The Public Schools Act was amended to strip away the bargaining rights teachers had, bargaining rights which were already less than those enjoyed by other professionals: doctors, nurses, professors and others.

Some people here last night and again today will argue that Bill 42 will cause property taxes to increase. That is nothing more than scare tactics. The problem is, and we all know the problem is, how public schools are funded, not

how teachers negotiate salaries and working conditions. After all, other school division employees, other government employees have full rights under The Labour Relations Act. Bus drivers, caretakers, teachers' aides, secretaries and other support staff who work in schools have had the benefit of the LRA for the last 30 years.

As a teacher shortage grows, Manitoba communities, especially rural and northern communities, are becoming more and more sensitive to the need to retain highly qualified teachers. Manitoba must be able to compete with other jurisdictions to retain teachers and ensure that our young people choose teaching as a profession. This will not happen if working conditions cannot be bargained. Teachers should have the same rights as other Manitoba employees, including other Manitoba professionals.

Even before Bill 72 was enacted, teachers' employment rights were limited. That is why Bill 42 is so important to teachers. In 1956, when teachers were moved from The Labour Relations Act to The Public Schools Act, the LRA was basically transferred to the PSA, except binding arbitration replaced the right to strike or lockout. When it comes to labour relations, the current PSA is a historic artifact, a time capsule. It captures the state of bargaining as it was in the mid-'50s.

Several years ago, we teachers changed our tack. If the PSA could not be changed to be fair to teachers, then teachers would seek inclusion under the LRA. We did not ask for special treatment; we asked for fair treatment. Today, Bill 42 comes close to giving teachers what we have been asking for. It gives teachers many of the rights other employees have under the LRA. Without a question, Bill 42 is a giant leap from the 1950s. It modernizes some of our bargaining rights and eliminates most of the thorns imposed by Bill 72. Bill 42 is a start at levelling the playing field between teachers and school boards, and comes close to restoring that historic deal that the three parties agreed upon back in 1956.

What has Bill 42 changed? For the first time since Bill 72 was passed, teachers will be able to

refer to arbitration issues such as transfer, evaluations and assignment. We are pleased that these amendments give our members rights they did not previously enjoy. When teachers have good working conditions, our students have good learning conditions.

When the Minister proposed to modernize The Public Schools Act, both the Premier (Mr. Doer) and the Minister of Education (Mr. Caldwell) stated publicly their intention to make changes that would stand the test of time. To accomplish this, amendments in Bill 42 must provide certainty to the parties involved. Unfortunately, the preamble in this bill may invite disputes between the parties not based on issues of substance but on the interpretation of the Act. I recall one of the members last night who spoke about clarity in the way the wording is done, and this is what we are referring to here. To be honest, there are already enough matters in dispute between school trustees and teachers. If this act is to stand the test of time, it must avoid creating disputes because of matters of interpretation. At arbitration hearings or even in court, the preamble could be used to undermine what the Legislature intended in enacting Bill 42. Disputes about interpretation of the Act cause delays in arbitration proceedings while the parties argue meaning. Bill 72, for example, has led to protracted hearings and court challenges.

The preamble in The Labour Relations Act has stood the test of time. Teachers could be covered by the same provision; however, if government wants a separate preamble, we suggest that the preamble in the LRA be included in the PSA with the necessary modifications. The part of the preamble dealing with teachers' collective bargaining rights should be separate from the part of the preamble that addresses the management of resources. One deals with the rights of teachers and school boards in the collective bargaining process; the other deals with the responsibility of the Province and school boards to finance public schools and manage them effectively.

We suggest that the ninth and tenth WHEREASes be amended to read as follows: WHEREAS it is in the public interest of the Province of Manitoba to further harmonious relations between teachers and their employers

by encouraging the practice and procedure of collective bargaining between teachers and their employers as the freely designated representatives of employees—that is the wording that would reflect the LRA wording—and WHEREAS the Province of Manitoba and school divisions and districts share responsibility for the financing of the public schools and it is in the public interest that these resources be managed effectively and efficiently.

Many of the same concerns I have already mentioned regarding wording and clarity with respect to the preamble apply to the definition of "dispute" contained in Bill 42. The definition of "dispute" should be clear and unambiguous and not invite disputes between the parties on interpretation. The definition of "dispute" should also clearly reflect the legislative intent of the Government. MTS believes that the current definition of "dispute" is ambiguous and may not reflect the intention of this government.

These days, modern human resource practices use progressive discipline. Discipline can range from verbal warnings to dismissal. Under the LRA, just cause for dismissal is required and arbitrators are permitted to substitute penalties. The process for dismissal of teachers is unchanged by these amendments. Bill 42 creates a discipline model where the first part of the discipline proceedings is under the LRA and the arbitrator can substitute a penalty. However, for the ultimate sanction, the loss of your teaching job, the loss of your career, the process changes. The standard is cause, not just cause, and the arbitrator can only decide whether or not the school board has cause to dismiss the teacher. The arbitrator has no power to substitute some lesser penalty than dismissal. Mixing two models for discipline creates unnecessary complexity and confusion, is unfair to teachers and does not seem to make any sense that we have a lower standard for dismissal than we have for a penalty.

As it stands, section 101 in Bill 42 is unenforceable. It gives teachers a right with no remedy. The related LRA section cannot apply to teachers because it is tied to those who use the strike-lockout route. Therefore, to make section 101 enforceable, an unfair labour practice should be created to prevent altering terms and

conditions of employment without consent during bargaining and interest arbitrations.

Section 103 establishes the interest arbitration clause that will be deemed to be in all collective agreements if the parties do not bargain their own clause. We have several suggestions related to section 103 that would make the legislation clearer. Point 4 should be amended to require that the statement of matters in dispute be provided to the arbitrator or the arbitration board with a copy to the other party. As currently drafted, there is no requirement that this statement be referred to the arbitrator or the arbitration board. In our view, points 5 and 6 are repetitive and should be combined into one statement. After combining these two points, the intent should be to allow for the modification or withdrawal of matters in dispute during the arbitration hearing and not only prior to the hearing. In addition, section 103 should be amended to add a provision requiring final settlement provisions for interest arbitrations, including those that are negotiated, to include a provision similar to point 7; otherwise, if this were omitted in a negotiated clause the arbitrator or arbitration board would not have the necessary powers to hold a hearing or do much else.

Teachers are disappointed. You have heard from several of our teachers that Bill 42 will not permit them to refer class size or class composition to arbitration. However, this is a temporary prohibition. Soon after the Province's commission completes its work, this provision expires.

* (20:20)

Before Bill 72, teachers were able to negotiate and arbitrate class size and composition provisions. Teachers would prefer an immediate return to being able to arbitrate class size and composition. Our position is that section 104 along with section 7 in the transitional section should be deleted.

Class size and class composition are fundamental to the job that we as teachers do. These critical areas affect the ability of teachers to do their jobs and our students' ability to learn. Improving our working conditions will improve

our students' learning conditions. Class size and class composition are key to the quality of public schooling that Manitoba children get.

Every parent and every child knows that class size matters. Studies prove it too. It makes sense that our students will get more of the attention they need and deserve if they are in smaller classes. Actual face-to-face time with the teacher improves student achievement, especially in the early years and in second language programs. Why would anyone want to jeopardize Manitoba children's potential for success by preventing teachers from talking about class size in a professional manner as equals with their employers and then having the right to take that matter to arbitration?

Teachers do their work in a professional manner and know that their work will be judged accordingly. Surely their professional judgment must be respected. Teachers and school trustees sitting down as equals at the bargaining table should be able to address class size and composition. If they cannot agree, the parties should be able to make their case before an independent arbitrator or arbitration board who will take into consideration whatever relevant factors the parties advance.

The Minister of Education (Mr. Caldwell) himself alluded to this in his comments on the second reading of Bill 42. The Minister quoted from a 1994 arbitration decision of Mr. Paul Teskey: Issues such as comparability in terms of other settlements, ability to pay, general economic conditions, demonstrated need due to existing problems and/or the inherent logic of fairness of a particular request are always to be considered and have been in this instance. Even before Bill 72, arbitrators were considering all relevant issues. Under Bill 42, arbitrators will continue to do that. Arbitrators do not give away the farm.

Although it is our position that section 104 be removed, teachers realize that the government is committed to giving everyone an opportunity for input on class size and composition through the commission it is creating. In the meantime, subsection 104(2) should be amended to require school divisions to have reasonable policies and practices on class size and composition that are

administered in good faith. Currently, school boards are only required to show that they administer their policies and practices fairly, reasonably and in good faith, not that the policies and practices themselves are reasonable and fair.

In conclusion, four years ago Gary Doer told Manitobans that Bill 72 was wrong and that an NDP government would repeal it. Last fall, during the provincial election campaign, the NDP promised to repeal Bill 72. Bill 42 is a fulfilment of that promise. I congratulate the Government on its steadfast commitment to that promise, and I thank you on behalf of our teachers.

Teachers, school boards, students and the people of Manitoba need legislation that will stand the test of time. I believe Bill 42 will do that. It modernizes The Public Schools Act by giving teachers access to many of the provisions of the LRA. Bill 42 begins to level the playing field between school boards and teachers. It gives teachers fair treatment, not special treatment.

The Manitoba Teachers' Society believes that Bill 42 will improve relations between teachers and school boards. The results will benefit the 180 000 public school students in Manitoba. Thank you for the opportunity to present this evening.

Mr. Chairperson: Thank you, Ms. Speelman.

Mr. Caldwell: I know that there are others who want to speak, so I will just thank you for the presentation.

Mr. Faurchou: I know there are dozens of questions I would like to ask of you this evening, but there are many who want to ask. So, to keep it brief, in regard to all of what you propose here, is there a jurisdiction anywhere where we as legislators can go and examine to see whether all of what you propose is in fact there to be analyzed, see if it does stand the test of time? I am asking: Is there any jurisdiction currently in Canada that has all of the provisions which you propose that we can study so that we can see whether it works or does not work?

Ms. Speelman: I do not think I can answer that question. Maybe Art can. He is our historian.

Mr. Chairperson: We need a name, please.

Ms. Speelman: Art Reimer, General Secretary.

Mr. Chairperson: Is there leave of the Committee to let Mr. Reimer respond? *[Agreed]*

Mr. Art Reimer (General Secretary, Manitoba Teachers' Society): Alberta teachers have bargained under their labour relations act forever. They have never had special legislation. They, I might add, include principals and vice-principals in the bargaining unit, have a provision in their public schools act that says so. They do not, however, have the arbitration process. They have strike-lockout and have always used that.

I can tell you though that Prince Edward Island has arbitration and has used it for many years. It is not in legislation. They have bargained it into their collective agreement and have used arbitration for many years. New Brunswick also has that as an option, and so they have used arbitration on occasion but not always because they can choose which way they want to go. Saskatchewan also has the option of choosing strike-lockout or arbitration for collective bargaining.

Mrs. Smith: I thank you for your presentation, Jan. It was very clear and concise. I can tell your passion is certainly there to make the best possible workplace for teachers. You know what my concerns are because I met with you, and I told you I do not want teachers to be put in an awkward spot when taxes go up or things like that occur.

Now you heard earlier tonight that in one presentation that the funding has increased to the school divisions, not as elaborately as we first thought. Forty school divisions have not received the funding that they thought they would have, and there are variables. There are reasons for this. Having said that, quite clearly a lot of the teacher presentations feel very strongly that the ability-to-pay clause being taken away will not have a big impact and that the taxes will not go up.

I was wondering, Jan, if you have had the kind of negotiations with this present government to ensure that given that we do have a balanced budget, given that there is money there, given that the transfer payments have come through in abundance from Ottawa, have you and the Minister spoken about ensuring that the taxes will not go up and funding education to the point so the teachers do not feel a backlash?

I do not know. I cannot predict what is going to happen but you and I have both heard a lot of presentations. We want to ensure that the students get the best possible education. That is what, first of all, we are all concerned about and that the teachers do have a workplace that they feel very comfortable in and can grow and nourish the students academically and socially. So looking at this, there is a lot of concern out there. Are there any safeguards that you have put in or that this minister has reassured you so that would be continued financial support for the teachers at the school division level?

Ms. Speelman: I appreciate your concern about how it might affect teachers. I think teachers have already borne that effect. I think we have lost 700 teachers over the last few years because of the cutbacks in funding to our schools. I think that when we go into a process of bargaining we sit down with school boards. I mean, I have heard over the presentations that I heard this morning, I guess it was, the fact that if this bill passes it sounds like teachers are going to get everything that they want. I do not know what has happened to the bargaining process. Trustees know, we know. We sit down at the table together. It is a fair process. We present our side; they present theirs. We negotiate an agreement.

If we go to an arbitration, then the arbitrator hears the evidence on both sides and makes his decision.

Mr. Chairperson: Thank you, Ms. Speelman. The next presenter is Ric Dela Cruz and Bill McGowan from Seven Oaks School Division. Mr. Dela Cruz, please proceed.

* (20:30)

Mr. Ric Dela Cruz (Vice-Chairperson, Board of Trustees, Seven Oaks School Division): Mr. Chairman, Bill McGowan is not with us tonight

because he is not feeling well, and our assistant superintendent will be with me just in case there are technical questions.

Mr. Chairman, Mr. Minister, members of the Committee, the Seven Oaks School Division No. 10 Board of Trustees appreciate this opportunity to express its views on Bill 42 on the subject of collective bargaining with teachers. Our school division is guided by our mission statement. The Seven Oaks School Division is a community of learners, every one of whom shares the responsibility to assist children in acquiring an education which will enable them to lead fulfilling lives within the world as moral people and contributing members of society.

I cite our mission statement here for a very important reason. As we consider issues such as collective bargaining, we must consider them in the context of our children's needs and the good of our society now and in the future. The Seven Oaks Board supports the Government in its resolve to revise the statute known as Bill 72. We believe it was conceived in an environment of fear, mistrust and disrespect for education, boards and teachers, indeed, even democratic government.

Clearly, its intention, as emphasized by ability to pay and enhanced arbitrariness in dispute resolution, was to limit almost unilaterally the salary levels of teachers and their opportunities to raise matters of importance to them. Our board opposed Bill 72 at the time of its passage. But while we support the repeal of Bill 72, we are deeply troubled by many aspects of Bill 42 and appear today to suggest changes to Bill 42. Seven Oaks School Division cannot support the Bill in its current form.

We support the intention of the Government to return collective bargaining to the process that existed prior to Bill 72. We support the maintenance of arbitration as a dispute resolution mechanism, rather than a strike or lockout. We support the provincial commission on class size and composition as important to an informed dialogue on the quality of education. We do not support the sunset provision in Bill 42 whereby class size and composition become arbitrable following the commission report. This provision prejudices the commission report.

We fear that arbitration regarding class size and composition may lead to the kind of rule bound, rigid formulas that exist in other jurisdictions and students may be classed and categorized in ways that prejudice against their fair treatment. Where there are issues of concern regarding class size, they are generally anomalous and better dealt with locally with good will and a problem-solving approach than by application of a set of rules that does not recognize the individual classroom context.

Our division's board-teacher liaison committee will spend next year discussing issues of concern related to disruptive students. We, as a board, welcome open discussion and problem solving. We fear that Bill 42 will, in fact, lead to less discussion and less local problem solving through an increased dependence on arbitration.

We are not overly concerned that the removal of the ability-to-pay provisions of Bill 72 will lead to a sharp escalation in salaries and costs. While it can be shown that Manitoba teachers have made modest gains in relation to other provincial public sector employees in recent years, they are indeed modest. Furthermore, those gains have, on teachers' salary grids, not changed substantially the rank order of Manitoba in salary rankings in Canada. Manitoba remains sixth or seventh as it has historically been. This board believes it is a small price to pay for relatively good relationships between boards, teachers and the public and a reasonable exchange for avoiding some of the rigidity, bureaucracy, and adversity of other provinces.

We are concerned that Bill 42, rather than encouraging good faith bargaining, will lead to an unhealthy reliance on arbitration. The 90-day time limit, the omission of conciliation and mediation provisions in the Bill will ensure that arbitration is used more frequently than it should be as a way to resolve disputes.

We are concerned that arbitrators are commonly lawyers, not educators. They have no qualifications to make educational decisions and do not have to implement or live with the consequences of their judgment. It is our view that the collective bargaining framework for our

school boards and teachers should encourage face-to-face local bargaining. Bill 42 does not.

I will be skipping some paragraphs, Mr. Chairman. I have enough time to finish my presentation.

What is good for children so that they can become citizens does not address the question of equality in board-teacher relations, unconstrained negotiations and all withdrawal of services easily or directly. While it is rather simple to understand that the strikes and/or lockouts immediately deprive children of opportunities and possibilities, it is less clear what the long-term consequences are. However, if employer-employee relations are a desirable good, then we can only conclude from experiences in other locations that lockouts and strikes have lasting and long-term negative implications even if they can serve the strictly economic objectives of governments and employers.

Likewise, equality between boards and teachers is not as important in our view as the immediate interests of children's education. As an aside, studies of teacher satisfaction suggest that it is their relationships with children and colleagues, in that order, that matter. Money and power are always dissatisfiers, especially when comparative differences become extreme. People rarely have enough of either to satisfy themselves, either individually or collectively. If a sense and an image of collective responsibility were important in education as a greater good, then it would appear that strike and lockout is not an option we can support. We join this government in denouncing it as a potential way to resolve conflicts in education.

Mr. Vice-Chairperson in the Chair

We would suggest further that, in order to achieve an appropriate balance of power, boards and teachers must deal with real or actual situations and circumstances. Neither must be given an excuse not to listen to each other. The further negotiations or even discussions are removed from the local face-to-face level, the more likely that rules and conditions agreed upon will be insensitive to local or individual situations and the less likely that they will be

taken seriously. On the other hand, there must remain a balance between conditions in different jurisdictions so as not to cause intolerable inequities and instances no longer acceptable in society.

MAST, our organization, and MTS provide the larger perspective. Locally, school boards and teacher associations can provide the necessary local sensitivity if they are committed to open, respectful dialogue about real situations as opposed to hypothetical matters or issues parachuted in from other jurisdictions. The implication is, of course, that local bargaining with provincial perspective is critical to reasonableness and fairness. We, as a board, believe that past experiences support the above contentions, but only if both sides trust each other and are committed to resolving matters which place the primacy of the best possible education for children that local situations can provide and that financial conditions between jurisdictions do not vary so greatly as to compromise the potential for some level of comparability.

We believe that Bill 42 must be improved to provide this kind of collective bargaining framework. We view the preamble as the way to set a broader context for collective bargaining between teachers and school boards, but we are uncertain as to the status of such a preamble relative to the legal provisions of Bill 42. Does the preamble set up a clear educational context for an arbitrator to consider or is it simply window dressing that is irrelevant to substantive consideration? If the preamble is intended as an instruction to arbitrators, then that should be made explicit. If it is window dressing, then it should be left out of the Bill.

We would like to see explicit instruction to arbitrators that will set educational considerations as the deciding factor with regard to issues of working conditions. We are particularly concerned that increased teachers' rights with respect to issues of transfer and placement will lead to the kind of rigid seniority-based rights common to other public sector agreements. We are happy to discuss these issues at the bargaining table, but we feel most strongly that the kind of seniority right enjoyed by our clerical staff, for example, would be

disruptive and frustrating to educational needs of our children.

* (20:40)

By allowing any working conditions to be arbitrable, Bill 42 fails to acknowledge the responsibility of school boards to manage their school in the interest of the educational needs of children and community. Our concern is not management rights per se, but our ability to serve the educational interests of our children and our community. This is a manifestly greater responsibility than that of teachers' organizations to their members. By making working conditions arbitrable without acknowledging their greater responsibility of school boards, the Government is equating educational good with teacher self-interest. The Government is also placing appointed arbitrators in a position where they dictate to democratically elected boards. We also fear that changes to working conditions can have significant cost implications for boards.

In conclusion, Mr. Chairman, we support the general intent of your legislation. We are happy to have a full and open discussion with our teachers at the bargaining table, but at the end of the day it is the educational good of children and society that must be paramount. We read that interest in your preamble, but urge you to make it explicit and clear as an instruction to arbitrators. That clear instruction to arbitrators will also frame a positive and principled dialogue between local boards and their teachers as they discuss issues of concern.

Mr. Chairman, let us do something for the good of our children. our future. Thank you very much.

Mr. Vice-Chairperson: Mr. Dela Cruz, a few questions.

Mr. Caldwell: Thank you, Ric, for presenting on behalf of Seven Oaks School Division today. I am very impressed at the brief that you put together. I certainly appreciate greatly the continuing reference to the best interests of children. I know that that is something that we are always in danger of losing when we talk about issues like collective bargaining and so forth. So I am very heartened by the fact that

Seven Oaks places that at the forefront of their decision-making. I applaud you for that. I think you make a number of very good points in your brief. We will take under advisement some of the comments that you have. It is a very thoughtful brief, and as I said, I truly appreciate placing the kids first. Thank you.

Mr. Dela Cruz: Thank you, Mr. Minister.

Mrs. Louise Dacquay (Seine River): Thank you for your presentation. I was very impressed that you continued to emphasize that the educational good of the children is primary and the most serious consideration in all of this discussion. I think most of us around the table, particularly those of us who have had involvement in the education area over the years, also share that same sentiment. My question is specific to your concern about giving a clear instruction to the arbitrators. I am wondering if you feel that an amendment to the definition in the preamble would adequately meet your needs.

Mr. Dela Cruz: Thank you for your question. On my presentation, Mr. Chairman, we want to be sure what the role of arbitrators is, because when the arbitrators impose something on elected boards, that is beyond my control already. I am elected as a trustee. I am answerable to the community and for the best interests of the students, for the children.

Now, if somebody is dictating something which is supposed to be my job, then the arbitrators will rule everything. That is why we want explicit instruction to the arbitrators what the roles are, what kinds of issues are to be arbitrable.

Mr. Ron Schuler (Springfield): To the presenter, thank you for your presentation. Every individual and every group that presents certainly brings a unique perspective to this committee. On page 3, and I quote from the second paragraph: "We are concerned that Bill 42, rather than encouraging good faith bargaining, will lead to an unhealthy reliance on arbitration." I think that is certainly something this committee will be looking at to make sure that does not take place, and a few other points that you mentioned in here. Again, we appreciate that you brought that particular point to the

attention of this committee, and certainly appreciate your comments.

Mr. Vice-Chairperson: Thank you very much, Mr. Dela Cruz.

Mr. Dela Cruz: Thank you, Mr. Chairman.

Mr. Vice-Chairperson: The next presenters are Wendy Moroz and Howard Holtman.

Ms. Wendy Moroz (Chairperson, Board of Trustees, Assiniboine South School Division): Good evening Mr. Chairman, Honourable Minister, members of the Committee. My name is Wendy Moroz, and I am the Chair of the Board of Assiniboine South School Division. With me is our superintendent, Mr. Howard Holtman, who must administer our policies and certainly all the contracts, and any settlements that come about. So he is here for the technical questions.

Assiniboine South is in the southwest corner of the city, encompasses the Lindenwoods, Tuxedo, Charleswood, Westdale, and River West Park areas. We have 27 000 residents and 6200 students in 16 schools.

The Assiniboine South Board of Trustees has serious concerns regarding the changes proposed by The Public Schools Amendment and Consequential Amendments Act, and the negative impact that these changes will have on school divisions' abilities to be respectful of local community needs and conditions while simultaneously managing resources effectively and efficiently so as to minimize local school tax increases.

Mr. Chairperson in the Chair

As a division, we heartily endorse the 10-point preamble of Bill 42, which describes the purpose of public education and the respective roles of the school board, provincial government and parents. However, to our dismay, we note that the specifics of the Act do not appear consistent with this preamble. The second WHEREAS of the preamble indicates that "the purpose of the public school system is to serve the best educational interests of students." As a school division, we attend to this purpose in a

variety of ways, not the least of which is the assignment of staff based upon the match between the needs of students and the specific skills and abilities of teachers. The Act, however, would place teacher transfer, and therefore teacher assignment, as an item subject to arbitration, which inevitably will result in teachers being assigned based upon their seniority as opposed to the best educational interests of students. For this reason, we believe that areas such as selection, appointment, assignment and transfers of teachers and principals, as well as methods of evaluating the performance of teachers and principals must remain a management right, if in fact school boards are to fulfil their primary purpose of attending to the best educational interests of students. We therefore propose that the Law Amendments review committee recommend that these items continue to be listed as management rights not subject to arbitration.

The ninth WHEREAS in the preamble states that "it is in the public interest to further harmonious relations between teachers and their employers through a process of collective bargaining, consistent with the principle that resources must be managed efficiently and effectively." Presumably, this means that every effort should be made to promote a mutually satisfactory negotiated contract between teachers and their respective divisions. The time frame suggested within the proposed act for movement to arbitration will, however, force the determination of most settlements to be achieved through the arbitration process as opposed to the negotiation process.

Section 103 of the proposed amendments is not in tune with the realities of school board and teacher negotiation processes. Currently teacher associations provide notice to commence negotiations in April of a given year. Typically an initial set of proposals will not be received by the school board until the beginning of the subsequent school year in September at which point negotiations begin. The proposed legislation would already place the parties in a position to arbitrate by this point, with little or no incentive to negotiate. Further, the proposed act would not retain the present 60-day period for conciliation or mediation prior to a move to arbitration.

* (20:50)

The current act is designed to encourage a mutually satisfactory negotiated settlement which would more clearly support the objective of fostering harmonious relations between teachers and employers. We would encourage the Law Amendments review committee to recommend changes that would extend the time frame for movement to arbitration and make some requirement for conciliation and/or mediation prior to arbitration. The Manitoba Association of School Trustees' recommendation of nine months would meet our need.

The sixth WHEREAS states that democratic local school divisions play an important role in providing public education that is responsive to local needs and conditions. This means that a local board of trustees must be concerned not only about the educational welfare of students but also about the impact of educational taxes upon their local communities. Trustees must continually balance their dual responsibility of providing for the best educational interests of students while simultaneously being respectful of the local taxpayer. We are therefore extremely concerned about the provision of this act which provides a sunset clause on section 104 respecting class size and composition. Should class size and class composition become arbitrable, the elected school board officials' ability to be accountable to its local taxpayers will be usurped by the decisions of a non-elected, appointed arbitrator.

The significance of the potential negative impact of class sizes becoming arbitrable cannot be overstated. For example, for the Assiniboine South School Division, an arbitration ruling that reduced average class size by a mere one student would have the effect of increasing the Division's salaries by \$1.2 million or 20 teachers, which would require a percentage increase in the estimated 2001 local levy mill rate from our projected 3.9 percent to 7.2 percent, an increase of 3.3 percent.

As trustees, we do not have the luxury of looking only at what might be the ideal class sizes for students, we must look at the maximum benefit that can be provided with reasonable cost to our local community. If the provincial

government wishes to enact legislation that lowers class sizes, we would applaud the initiative; however, the Government must also be prepared to provide the necessary funding to support lower class sizes. Presumably, by establishing a commission to consider class size and class composition for inclusion within The Public Schools Act, it is the intent of the provincial government to provide both guidance and funding in support of any changes. The provisions of Bill 42, however, are not dependent upon this happening before class size and composition become arbitrable. Our fear is that class size and composition will become arbitrable because of the sunset clause in the proposed legislation of The Public Schools Amendment and Consequential Amendments Act without the necessary support and guidance of the Government.

We believe that the inclusion of a process for ultimate withdrawal of the restriction on arbitrators on awarding class size and class composition provisions is unacceptable. Retention of the sunset clause is a ticking time bomb. We are requesting that the Law Amendments review committee recommend removal of the sunset clause in Bill 42 so that changes would require specific action by the Province with the full knowledge of all parties concerned at the time that the action is taken. Significant changes to legislation should occur by positive action, not by default. Elected officials who are responsible to their communities should make the decisions that significantly impact taxpayers. Appointed arbitrators who are never accountable to taxpayers should not make such decisions.

We have presented some of our major concerns of our division respecting this legislation. In addition, we would like it to be noted that our division has endorsed the brief presented by the Manitoba Association of School Trustees in which they have touched upon not only these items but a number of other issues. We thank you for the opportunity to express our views and urge you to take them into consideration as you make recommendations respecting this legislation so that this new legislation truly empowers school divisions to achieve the purpose of serving the best educational interests of students as well as being respectful of local needs and conditions.

Mr. Caldwell: Thank you, Ms. Moroz, Mr. Holtman, for your thoughtful presentation on behalf of Assiniboine South School Division. I know that you have an excellent division out in Assiniboine South, and I know that there is a healthy rivalry between both sides of the Assiniboine River, as I have experienced many times in my discussions with the boards. I certainly appreciate the good work that you do in Assiniboine South.

I just want to clarify one point if I might, and it has to do with the commission on class size and composition. There is something I clarified last night and I will do so again right now. There is no parameter on what may occur; the status quo is also an option. We want to have a healthy provincial discussion on that issue, so do not think that it is just going to be to the arbitrator. It is up to the commission to determine where that end result will be. I know you will be participating in that debate, but I just want to allay your fear on that particular item, because I know it was something that was raised last night as well. It is an open question where that will go.

The comments that you make in your brief have been echoed by some of your colleagues, and I appreciate that. I made the comment last night again that oftentimes it takes two or three whacks at my noggin for something to get in, and certainly there have been a few whacks in this regard, so I think that your comments will make a difference as we deliberate further on this bill at committee. Thank you for your presentation.

Mrs. Smith: Thank you and I very much appreciated your presentation. It was very clear and very insightful, and you added some new things that really had not been heard in this manner before. I thank you for that.

I have a question for you in terms of the funding for not only lower class sizes but all the other aspects that go along with the removal of Bill 72. I would understand that with the removal of Bill 72, and of course it is repealed now, and with Bill 42 being put into place, could you please explain how this minister could make up the shortfall that the predictions—you set up some numbers here. We have heard

numbers from different school divisions, and they are pretty alarming. This is a concern I have, that this blame does not go back on the school divisions if you cannot be fiscally responsible because there are not enough resources to do it with. Have you had any reassurance from this minister that the funding will be in place to support the needs that are there for smaller class sizes, for all these different ramifications of Bill 42, to help shore up, and do you feel that your autonomy as a school board is in jeopardy with Bill 42 going forward?

Ms. Moroz: I would like to ask Mr. Holtman, who manages our division and has this data right at his fingertips.

Mr. Howard Holtman (Superintendent, Assiniboine South School Division): We are concerned about funding and about the support that would be necessary should we receive an arbitration ruling that has substantially reduced class sizes. I must emphasize we would applaud reductions in class sizes. We are not opposed to that at all. The difficulty is how to manage the best interests of kids and at the same time respect taxpayers. We think we are pretty well at the limit. In the last 30 years, the support from the provincial government for our division has fallen from some 70 percent to the present time where we receive 49.7 percent of our funding from the provincial government. The balance is raised through local taxation. So any substantial increase in our costs bears very, very heavily upon our local taxpayer.

As we mentioned in our brief, it is our hope that, through the consultation process that looks at class size and class composition, there will be some attention paid to the way in which changes, presumably changes that reduce class size, can be supported. Of course, whether it is supported locally or provincially, it is still going to be paid for by the taxpayers, just paid for by a larger base of taxpayer.

* (21:00)

The reason that we asked that the sunset clause be removed was so that as those discussions—and we applaud the consultation, the consultation process looks very thorough, and

we would like to be involved in it. Our hope is that, at the end of the consultation process, a decision can then be made as to whether or not it should be removed, based upon the conclusion and the outcomes of that process. In the absence of that, we are mightily concerned that changes will occur that shift costs to local taxpayers without the necessary provincial support, and we will not be able to manage that one within our system.

Mr. Chairperson: Thank you, Ms. Moroz and Mr. Holtman.

The next presenter is Paul Moist, Manitoba Federation of Labour. Mr. Moist, please proceed.

Mr. Paul Moist (Manitoba Federation of Labour): Mr. Chairman, Mr. Minister, members of the Committee, I am pleased to appear before you on behalf of the Federation of Labour to speak to Bill 42. We are the largest labour central body in Manitoba representing about 90 000 working men and women. We have good working relations with the teachers of Manitoba who are not members of the MFL, but we have good dialogue and good relations with them. We view them very much as professionals and as workers who earn a wage and provide a public service of the utmost importance to all of us as Manitobans.

In 1996, like others, we were concerned about the balance being upset by the imposition of the former Bill 72. We think it violated the historical trade-off that government, school boards and teachers arrived at in 1956 that gave us 40 years of industrial relations peace. We think that the provisions of Bill 72 upset that balance and soured relations between teachers and their school divisions, and that is not in the interests of anyone.

The unilateral removal of several workplace issues from the collective bargaining process under the former bill really made them management prerogatives, and that is a stance that creates friction in any realm of collective bargaining. This bill rectifies most of those, not all of those, but we support restoration of rights to the bargaining process for the selection, appointment, assignment, and transfer of

teachers and principals, the method for evaluating the performance of teachers and principals, and the scheduling of recess and midday breaks.

When these measures were put beyond arbitration, it made them subject to the negotiation of the will and the pleasure of school boards. If there was not a resolve at the bargaining table, there could not be a reference to conventional arbitration because teachers could not back up their bargaining positions through withdrawal of their services, nor through negotiations through the arbitration process. All that does is sour relations between any employer and any group of employees.

The 1996 amendments were not designed to promote fair working conditions and harmonious relationships, and they have not done that. There has been much talk about ability to pay, Mr. Chairman, and that aspect of the 1996 amendments. Ability to pay has to be put in the context of willingness to pay, and it also meant a lack of willingness on the former government's part to deal with the real issues, the harmonization of school budgets to take into account different size tax basis from division to division. That is the only effective way, in the long term, under a property tax model such as we have now to ensure that smaller or poorer school divisions and richer or larger school divisions are both able to pay fair wages to education workers, no matter where they work in Manitoba.

By directing the arbitrator to take ability to pay into account, the Government forced the arbitrator to be an accomplice to school trustees that were prepared to load the dice in their favour before bargaining even commenced. When trustees can pass budgets, set mill rates before the parties bargain and then exploit the ability-to-pay dictum, it amounts, in our view, to bad-faith bargaining.

Under the ability-to-pay model now being repealed, they could predetermine wage and benefit settlements without any genuine negotiations with teachers. That amounts to an imposed agreement by the employer, and that is offensive to all of us in the Federation of Labour. The restoration of rights to teachers

makes this a fairer system, and we support Bill 42. I also want to say that we support, in the long run, all workers in Manitoba, including teachers, being governed and covered by The Labour Relations Act of the province, and we should dialogue on that in the future.

I want to make a couple of final comments on the arbitration system and the restoration of balance. Conventional arbitration, which I participated in for two decades of my working life to date, always considers ability to pay. It considers many factors, always ability to pay. It also considers willingness and ability to tax as well.

The police officers in our community, firefighters in our community, doctors, they are governed by The Labour Relations Act, and they do not have the dictum put on them that Bill 72 put on teachers. We face many problems funding the public education system, and they are not completely on point with the Bill before us tonight, but we do not think a disproportionate share of the burden of the financial problems facing our public education system should be borne by public servants in the name of teachers.

We also think the Government should be commended for providing property tax relief this year to all Manitoba taxpayers through restoration of the property tax credit, and we are told that next year there will be an enhancement of that credit. That is the most property tax relief ratepayers in Manitoba have felt in over 15 years. We think it provides needed tax relief and time for the parties, meaning the Province, school divisions and all citizens, to talk about the major funding issues inherent in our system.

Teachers, like all other workers, have the right to fair collective bargaining in Manitoba. This bill does much to restore that fairness to this group of the workforce, and the Federation of Labour is supportive of it. Thank you, Mr. Chairman.

Mr. Chairperson: Thank you, Mr. Moist.

Mr. Caldwell: Thank you, Mr. Chairman, and thank you, Mr. Moist, for appearing before the Committee on behalf of the Manitoba Federation of Labour. I am just going to pick up on your

comments about having teachers be placed under The Labour Relations Act, because we had a number of boards in here now over the last two days that have been advocating for teachers to fall under The Labour Relations Act. I know that the Manitoba Teachers' Society has advocated for that, and now I am hearing that the Manitoba Federation of Labour also agrees with that.

Of course, we are not dealing with that right now, but it seems to me that, if we have some sort of consensus amongst teachers and trustees and the MFL on this, it may be a direction for the future. I expect that sort of advocacy will continue, because it has been something that has been on the agenda for a number of governments, the previous administration and going back before that.

I would like you to elaborate a little bit more on it. I am just picking up on it because we have had, as I said, a number of boards that have also made the same case.

Mr. Moist: Through the Chair, there are many workers in Manitoba that do not enjoy, nor particularly want, the strike-lockout equation, who are covered by The Labour Relations Act, but there are some fundamental points in that act that teachers have not enjoyed, and they should be able to enjoy them, one being the deemed provisions in The Labour Relations Act for just cause when it comes to discipline and discharge. All workers in Manitoba governed by The Labour Relations Act have the right to take their dismissal to arbitration, and the test that must be met at law is just cause. Teachers do not enjoy that provision, and there is no reason that they should not. Dismissal is the ultimate penalty for any worker governed by a collective agreement or an employee-employer relationship governed by labour relations acts. That is just one small example.

There are other numerous deemed provisions of The Labour Relations Act that no government has touched, of any political stripe, for decades. They are deemed to be fair and reasonable for workers, be they a police officer, a caretaker, a labourer and, we would say, or a teacher.

Mr. Schuler: It is a great pleasure to hear the presentation by Mr. Moist. I have been trying to get a meeting with him for several months, and it is nice to have the opportunity to address him here.

On page 2, there is statement that you make, Mr. Moist, and I think it is very telling. It says: "When trustees can pass budgets and set mill rates before the parties bargain and then exploit the ability-to-pay dictum, it amounts to bad faith bargaining."

We sat here quite late last night, a bit after four o'clock this morning, and we seemed to hear a lot of this kind of discussion on both sides. The question that I have for you is: Could you actually name a school division that you know of that in fact passed a budget, set the mill rate and then exploited the ability-to-pay dictum? We certainly heard a lot of talk about these issues on both sides, but we have never really seemed to have gotten a case in point.

Would you be able to narrow that down for us and name a school division that you know of that has done this?

* (21:10)

Mr. Moist: Through the Chair. I am not here representing teachers and do not bargain on behalf of teachers. I think it is self-evident with the system that was created by the former Bill 72 that it loaded the deck in terms of the arbitration system and gave increased powers to managers who happened to be school boards in our system.

The only other point I will make is about what predated Bill 72, and that was imposed arbitration awards that I read that had zero percent increases in 1995 and 1996. So we did not think that system was broken, and it had served Manitoba well. We know that police officers, firefighters and others governed by arbitration systems do not have that ability-to-pay clause enshrined in legislation, and it is not fair.

Mr. Schuler: To Mr. Moist, then, when you talk about the trustees, pass budgets and set mill rates before they bargain and exploit the ability to

pay, I guess that would be more of a general comment than a specific comment?

Mr. Moist: Through the Chair, I have spent my life dealing with elected officials at the junior levels of government, at the municipal level, and the budget-setting process drags on in those levels of government a long time. There is no question that school boards, like municipalities, are talking about their budgets prior to the public debate and adoption. There is no question in the mind of the Federation of Labour that their mill rate and their ability to pay, as dictated by their adopted budget, would be in the process of being considered, maybe not adopted publicly but being considered in concert with negotiating with teachers. They would have no fear of that given the provisions of Bill 72.

Mr. Chairperson: Thank you, Mr. Moist. The next presenter is Mr. Dan Overall, representing the Manitoba Chambers of Commerce. Please proceed, Mr. Overall.

Floor Comment: It is Graham Starmer.

Mr. Chairperson: Oh. I need your name, then.

Mr. Graham Starmer (President, Manitoba Chambers of Commerce): It is Graham Starmer. I am here with Mr. Dave Angus of the Winnipeg Chamber, and we did, in fact, notify the Clerk of the changes, but obviously it got mislaid.

Mr. Chairperson: Please proceed.

Mr. Starmer: I am very pleased to be able to present to the Committee with my associate, wherever he might be.

Representing 77 local chambers and 9700 businesses from across the province, the Manitoba Chamber of Commerce is the umbrella organization for the Manitoba Chamber movement. The Winnipeg Chamber is the leading voice of business in Winnipeg, representing more than 1400 corporate and 2700 individual members. We are pleased to have this opportunity to present our views to the Law Amendments review committee today.

The concern of the Manitoba Chambers of Commerce centres around the proposed removal

of the ability-to-pay clause from the current legislation. This does not mean, however, that we endorse the rest of the amendments proposed by Bill 42. We simply wish to focus on the ability-to-pay issue, as it is the key issue for our membership. At the end of this presentation, the Winnipeg Chamber will be making some additional comments with respect to Bill 42 that concerns them. We echo those sentiments.

Ability to pay. The Manitoba and Winnipeg Chambers of Commerce strongly oppose the removal of the ability-to-pay clause from the public schools legislation. We fear that removal of this clause will ultimately lead to arbitration awards that will place financial burden on Manitoba's educational system.

Invariably this financial burden will be alleviated by increasing taxes, most probably through increases in property taxes or, should the Manitoba Government attempt to cover the costs of these awards, through increased general taxes. Increased taxes in turn place a significant burden on our economy. They limit disposable consumer income, which then limits job creation and revenue growth for our governments. Higher taxes also reduces the incentive for people to work harder and limit investment. Finally, higher taxes reduce our interprovincial tax competitiveness, a key factor in attracting and keeping business.

One of our great concerns, for example, considering the following rationale that was offered to Bill 42 when it was first introduced, and I refer to Manitoba Government news release, June 22, this year. I quote: First rationale: "First and foremost, the legislation gives The Public Schools Act a clear statement of principles for our public school system." The elimination of the ability-to-pay clause removes the schools legislation wording that embodies specific principles. The removal of any wording that embodies specific principles can hardly be a clear statement of principles. Thus, this first rationale cannot be justification for the elimination of the ability-to-pay clause.

Second rationale: "We promised to repeal the former Bill 72, which we felt was an unbalanced approach to collective bargaining in our public education system." The Honourable

Drew Caldwell, Minister of Education and Training, has indicated that the ability to pay, regardless of its inclusion in the schools act, always has and always will be a factor in arbitrators' decisions. Therefore Bill 72's insertion of the ability-to-pay clause in 1996 could not have created an imbalance in the collective bargaining. Thus, this second rationale does not justify the removal of this clause from the legislation.

Third rationale: "It's time we move forward into a more respectful environment. A crucial element in providing quality education is teachers who are treated more fairly and with greater respect." Again, if the ability to pay has and always will be a factor in the arbitrators' decisions, it is hard to see how this third rationale would justify the removal of the clause.

Fourth rationale: "This legislation is designed to create a more balanced bargaining framework that is fair to both teachers and school boards—and to allow everyone to focus on the task of providing quality education." This seems to be a repeat of the rationale indicated in No. 2.

These are the four rationales provided for the proposed reform to the schools legislation. It is quite clear that none of them justify the removal of the ability-to-pay clause. This, then, once again, begs the question: Why is this clause being removed?

One may try to argue that this clause was removed because it is unnecessary, as arbitrators always have and always will make this a factor in their decisions. What is troubling is that there is clearly a number of individuals in organizations, including key players in a school system, that argue the ability-to-pay clause is necessary to ensure that arbitrators consider this issue in their awards. For example, the Report of Collective Bargaining and Compensation Review Committee, May 1996, from the Manitoba Education and Training, the arbitration board "is not required to consider the ability to pay."

We are aware that the Manitoba Association of School Trustees during their consultations in 1996 and in comments about

this current reform have also expressed the view that the ability-to-pay clause needs to be included in the schools' legislation to ensure that the arbitrators will appropriately consider that issue.

We therefore have two basic sides to this issue. One side says the clause is necessary because it is not taken into account, and the other side says it is not necessary because it has and always will be taken into account. It is somewhat irrational.

* (21:20)

If the true intent of Bill 42 is to create a balanced approach to bargaining that is fair to teachers and school boards and allows everybody to focus on the task of providing quality education (rationale 4), then the ability-to-pay clause should be in legislation. For, on one hand, its inclusion could not possibly offend the camp that feels that it will be considered regardless of whether it is in legislation, and on the other hand, its inclusion will address the concerns of the camp that feels that it is necessary to be included. This would indeed be a balanced solution and would certainly allow everybody to move on to the task of providing quality education.

There is another concern that we have with the argument that ability to pay has and always will be a factor in arbitration awards. Specifically, and with great respect to all arbitrators, while it is easy to say that one is having regard to that principle, that may not necessarily be the case. Ability to pay may mean different things to different people. One benefit of having the clause in legislation is that it expands upon the concept of ability to pay to provide further guidance to its arbitrators.

In the presentation there is a quote, but I will just get to the salient facts. This is a recent decision of the Interest Arbitration Between the Fort Garry Teachers' Association of the Manitoba Teachers' Society and the Fort Garry School Division No. 5, June 2000. In a strict legal sense, a school's ability to pay is only confined by its ability to raise taxes. If more money is needed, and it is not forthcoming from other levels of government, then a school

division raises its own by increasing the tax rate. We believe in that?

I see it as my responsibility to ensure that the award does not have unreasonable effect on the taxpayers of Fort Garry in the form of a significant rise in their tax bill. That was the description by the arbitrator. Again, with the greatest respect, we suggest that the above analysis misconstrues the plain reading of section 129(3)(a), the ability-to-pay clause.

That section states: Factors, 129(3) "The arbitrator shall, in respect of matters that might reasonably be expected to have financial effect on the school division or school district, consider the following factors: a) the school division's or school district's ability to pay, as determined by its current revenues, including the funding received from the government and the Government of Canada, and its taxation revenue." Note: ability to pay is defined by current revenues, therefore ability to pay is not a matter of raising taxes. It is not even a matter of insignificant tax increases. If the ability to pay, as a concept, is subject of such confusion with the existence of clause 129(3)(a), how much greater confusion will there be if the clause is removed?

Mr. Caldwell has stated that in his consultations with the Manitoba Association of School Trustees and the Manitoba Teachers' Society that he was encouraged by both parties to ensure that any new collective bargaining process be fair and sustainable. What better means of achieving this very end than by maintaining the ability-to-pay clause in schools' legislation.

I would like at this point to hand over to my associate, Mr. Angus.

Mr. Dave Angus (President and Chief Executive Officer, Winnipeg Chamber of Commerce): Thank you very much, Graham. I just want to conclude, I will be all of two minutes here. I think it is important to tell you why we are here. We have a real focus, as the Minister knows, because he is very familiar with our priorities. We are focussed on competitiveness and our ability to compete. We have also been battling a property tax battle for a

number of years, which we are starting to win at the civic level. For the first time since 1973, we saw a property tax decrease at the civic level, only to be offset by increases on the school funding side. We have never been concerned about school funding before, as a chamber. As it relates to property tax, we are now concerned. It does have an impact on our ability to compete.

Mr. Minister, we have a joint goal. Your education funding, you want to tie to economic growth. Would it not be great, if instead of talking about 2 percent, 2.5 percent, we talked about 4.5 percent, 5 percent, 5.5 percent? Would it not be tremendous? It would be great for all of us. I think that when we make decisions like this, we have to take into effect the impact it is going to have and the risk it is going to have on the taxpayer and our ability to compete and our economic development. That is why we are here, because we believe that without some controls, without the ability of the school divisions to control their costs, to make the decisions necessary to stay within those budgets on behalf of the taxpayer and on behalf of the students, we feel that we are at risk of having escalating property taxes. We have to be concerned about that.

We need to be assured that changes to the Act will allow school boards to have the ability to control their costs, and that they are empowered to make the decisions they are elected to make on behalf of all the students and parents they represent, and the costs are consistent with the taxpayers' ability to pay. The status quo does this. We have confidence that the system is working. We strongly suggest that the ability-to-pay clause be maintained. We strongly urge that any decisions that are made, as it relates to this or anything else, that both the taxpayers and our provincial competitiveness are taken into account. Thank you very much.

Mr. Chairperson: Thank you, Mr. Starmer and Mr. Angus.

Mr. Caldwell: Dave and Graham, thanks for your presentation. I followed your logic, Graham, throughout your brief, and I appreciated it. I think you have put some good contextualization on things. I think the ability to pay obviously is a major issue for all parties in

this particular discussion. As I have mentioned previously, and I have a stack of arbitrator settlements down in my office where the reference to ability to pay is consistently made on both sides of 1996.

I take your point, though, about the chimera that it is, and both camps having a strong position on it. I appreciate that you are framing it in that light. I also wanted to comment that you are right, Dave, there is a considerable concern within government that property taxes declined. I know in my previous existence as a city councillor in Brandon, the single largest municipal issue was the explosion in property taxation over the last decade. It played a big factor in the election campaign in Brandon this last time around, and in fact, has played a big factor in politics in Manitoba the last couple of years particularly.

You have illustrated that it is only in this last year that the Chambers have become very much involved in this. The AMM was in here last night. They, as you know, are also involved in this issue now. I am very sensitive to this issue and truly will take some of the suggestions that you have in your paper to heart. I just want you to know that I feel the same way you do about property taxation and the fact we have to, as a province, have some management of property taxation, not to keep it increasing. I would like to see it decreasing.

Graham, you made the point that it has to be offset by general revenue in that instance. That goes back to having a robust provincial economy if we are going to be able to provide increasing resources for the provincial coffers.

Mr. Chairperson: We have four people—

Mr. Caldwell: I am being cut off, so thank you.

Mr. Schuler: Thank you very much, Mr. Starmer and Mr. Angus. I appreciate very much the presentation. We have had quite a few presentations that actually take on one issue and focus on it, and we certainly appreciate that. One particular part: "Indeed, it would seem strange to remove legislation for this reason as that would amount to saying 'This principle is so crucial to the process, such a fundamental tenet, that it

need not be confirmed by the legislation." That is something that certainly, when we get to doing line by line, we will be bringing forward.

One of the things that I did want to ask you about is the former speaker that we just had dealt with the fear or the belief that trustees use this clause to bargain in bad faith. Again, I think it has become mythical proportions. When you start to ask individuals for a specific case, nobody can come up with the Division that actually used this to bargain in bad faith. Would you like to comment on that? Is it your impression that it has been used in bad faith? Do you have anything that could confirm or deny that? Certainly that is one of the beliefs, and I think that is one of the reasons why a lot of teacher's associations took this on. We have not as a committee yet received any concrete or hard and fast information to lead us to believe that.

* (21:30)

Mr. Starmer: No, I know of no instance where this has occurred. We can only echo that the elected body of trustees, whose job it is through their election to manage the budget, and the tools to manage this budget should be given to them, not removed.

Mr. Chairperson: Mrs. Smith. Fort Garry, you have time for a short question.

Mrs. Smith: Defer to Mr. Penner.

Mr. Jack Penner (Emerson): It is too bad that the Minister took virtually all the time in his comments. First of all, thank you for your comments. I have a very short question. We all know that there is a huge disparity of funding ability from one division to another simply based on land values, property values, and the application of the mill rate.

What is the Manitoba Chamber of Commerce's position on the disparity in funding and the assessment ratios and the applicable mill rates in those areas? That, of course, relates to the differentiation of education ability and the child's disparity. What is the Chamber's position on that?

Mr. Starmer: The Manitoba Chamber of Commerce, at its annual meeting, passed a

resolution requesting the Government, which has been passed on to the Minister, and the Minister has acknowledged, that there needs to be a whole review process of the methodology along the distribution and the collection of taxes. I think we have been assured by the Minister that, when that group is put together, he will include us in the discussions with this task force.

Mr. Chairperson: Thank you, gentlemen. The next presenter is Susan Popeski, representing Seven Oaks Teachers' Association. Please proceed.

Ms. Susan Popeski (Seven Oaks Teachers' Association): I want to thank the committee for giving me this opportunity to speak to you. My name is Susan Popeski, and I am here on behalf of the 591 teachers and the 9000 students of the Seven Oaks School Division. If I appear a bit nervous, it is because I am. This is my first-ever presentation, and it is a bit daunting. However, I feel that Bill 42 is so important, vital, in fact, to teacher welfare that I have taken my courage to the sticking point, and here I am. My colleagues and I want to thank this government for going the distance in correcting the inequities of Bill 72.

Under the Conservative government, teachers protested vociferously and constantly the unfair restrictions placed on their rights to negotiate a contract. We emphatically objected to the one-person mediator/arbitrator as being blatantly unfair. We cried foul when a list of what could not be arbitrated but negotiated appeared in legislation. This was Bill 72. In fact, on May 27, 1999, 300-plus teachers rose as one from our annual general meeting to protest this legislation. While we went unheard but not unnoticed by the Conservatives, Mr. Doer promised in the rotunda of this very building that, if elected, he would restore open-scope bargaining to teachers. I was there. I heard it, and I am here to thank this government for keeping most of that commitment. At the same annual general meeting, as well as this year's annual meeting, teachers representing all 14 000 Manitoba members voted unanimously to be placed under the Labour Relations Act. While Bill 42 amends the PSA, it does contain enough aspects of The Labour Relations Act to satisfy

most of our needs. We are not asking for special treatment or extraordinary rights.

A three-person arbitration board is fair. Binding arbitration as the form of dispute resolution is acceptable, but restrictions on what can be arbitrated is not. Teachers want no more or less than what every other public employee group in Manitoba has, the right to negotiate all working conditions. That Bill 42 removes the restrictions to arbitrate transfer, evaluation and assignment is a good thing. However, it still limits us. Bill 42 does not go far enough. It does not give us open-scope bargaining.

Negotiations are about solving problems. It puts teachers and trustees across a table to discuss items important to both sides. Part of this process is the principle that, should this dialogue not work, both sides get an opportunity to present their concerns to a neutral body. After hearing arguments from both sides on all issues, this body delivers its decisions. In the past, these rulings have followed the oh-so-Canadian tradition of compromise, a bit of good and a bit of not so good for both sides. However, when one side is prevented from presenting topics so incredibly important to them or when the other side has no reason to take these concerns seriously, since no recourse is available, the process is tainted. This is bound to sour the relationships between teachers and boards. Teachers do not like censorship, whether it is in what they can teach or what they can discuss. While in its present form Bill 42 removes some of the most odious conditions that existed under Bill 72, it does not go far enough.

The fact is that denying clauses on class size and composition to be heard by an arbitration board is totally, absolutely and irrevocably unacceptable to teachers. I am here to tell you that the major working condition for teachers is class size. Whether you teach in northern, rural or urban Manitoba, the major stressor in any teacher's life is the size and make-up of his or her class. I know, because I am a classroom teacher and have been for almost 20 years; I have taught in Lakeshore, Mystery Lake, and Seven Oaks School Divisions. I am a certified special education teacher and have done that for four years.

This year I had two sections of Grade 10 English/Language Arts. One class contained 39 students, and the other had 29. The only analogy I can think of is a psychology experiment where far too many rats were stuffed into a cage far too small for them. The results were not pretty. While I admit my students did not take to eating one another, things like desks and chairs, not to mention textbooks, were at a premium. It was first come, first serve. At least two kids occupied the window ledge each class. More importantly, the sheer numbers made things like discussions and group work almost impossible. Taking that one step further, imagine the marking. Sixty-eight response journals, each requiring thoughtful reading and each requiring a response both personal and professional so that each student felt my interest and concern. I do not have to tell you how difficult this task was or how time consuming. Added to this, I had a Grade 9 keyboarding class of 32 students but only 25 computers. My accounting class had 29 students. The numbers alone made this semester extremely difficult. I know this situation was not good for me, and it certainly was not great for the students.

I was not the only one. At Garden City Collegiate, there were classes of Grade 10 and 11 history and math with over 40 students. As bad are the elementary schools with classrooms of 28 to 30 students. Add to this mix one or two children who bring behaviour, learning or emotional disorders, and you have an incredibly stressful and distressing situation for the students, the teachers and the parents.

Situations like these are becoming more common. Class sizes as a whole are growing. Do the math. Enrolments in our division and in most divisions are stable; therefore, fewer teachers means fewer classrooms, which means more students in each class. Seven Oaks lost another 10 teaching positions this year. That brings our total losses to 70 full-time equivalents in the last decade. Surprisingly, our enrolment has been stable. The only interpretation that works is that classes are bigger. Furthermore, nothing in the past 20 years, not new curricula, technology, or theories of education have had the impact that integration has had on a teacher's workload. The effect, whether good or bad, depends in a large part on how many students are in the class and

what supports are in place for the students and their teachers. The area Bill 42 means to exclude, by definition, is a teacher's working conditions. The norm has become 30 or 35 students for high schools, and 25-plus for elementary. These classes have, almost without exception, two or three very needy kids who face you each and every morning expecting, needing and wanting attention. Even with the best intentions in the world, an overcrowded classroom, with a large number of special needs students, adds stress and tension. Multiply that by 200 days, and it takes a very strong, very dedicated and very determined person not to let the situation get to you. And because it gets to you, it gets to your students.

Teachers cope. We cope partly because we want to, and partly because we have to, but at the end of the day I can only say good working conditions means good learning conditions. The teachers of Seven Oaks want what is best for their students. They also want a say in how to achieve what we all want, which is what is best for the students of our division.

This government and the previous one have devolved funding choices to the individual divisions, while at the same time this bill prevents or limits or restricts teacher input into those decisions. How is this fair? Education is often spoken of as a partnership between teachers, boards, parents and students. However, when what can be discussed by whom is limited by law, this partnership loses its lustre. Teachers need to talk about class size; they need to talk about special needs students; they need to be heard; and they need to be taken seriously. When my membership learns that their Nos. 1 and 2 priorities for negotiations, class size and disruptive students, cannot be addressed at the table by the SOTA committee, not only will they be angry and frustrated, but they cannot help but feel powerless. This does not foster good mental health, good relations between teachers and boards, or even a good system. Teachers are the educational system; without us you have buildings.

* (21:40)

This government has proposed setting up a commission to examine class size and composition, with the view of establishing some kind

of provincial standard. When and if this commission starts to hold its hearings, you can rest assured I will be there, if not first on the list. However, the process described promises to take more than two years. Therefore, I respectfully ask why is it necessary to preclude articles on class size, integration, or disruptive students from the table during the interim? I know that, in theory, boards and teachers can talk class size and composition, but it is truly unrealistic to expect boards to take us seriously if we cannot take these to arbitration. Teachers and boards should have an opportunity to present their views to an arbitration board on something so fundamentally important to both of them. It does not have to wait for legislation.

True, teachers have a vested interest in the public schools, not just its survival, but we have a real desire to see our public education system prosper if not flourish. We are on the front lines. We have, at the very least, a store of knowledge and experience within the system. We have seen what is good and what is bad, what works and does not. The question my colleagues and I have is why is this so suspect? I believe in what I do as do my 591 colleagues. We believe in its importance, not just to us but to society. It would seem that people, society, and a number of members of this government trust Seven Oaks teachers with their children but will not trust us not to destroy public education with wholly unreasonable and unrealistic demands that will bankrupt the government. School boards do not seem to fare much better. Implied, if not stated, is that given the right to negotiate class size, school boards all over the province will instantly cave in and grant teachers class sizes that will result in property taxes not just going through the proverbial roof, but far into the stratosphere. Really and truly, there is no justification to suspend any aspect of working conditions, or benefits for that matter, from the negotiations table or from being taken to arbitration. Negotiation is about compromise, not surrender. It is a dialogue, not a monologue. I do not believe that open-scope bargaining will result in economic ruin for schools and/or provincial governments.

I would respectfully remind this government that government funding for education has decreased from 80 percent in the 1990s to just

below 60 percent today, and it has been the provincial government's responsibility to fund education. If you continue to underfund public education, if you continue to ignore the needs of its practitioners, and if you continue to deny the needs of its students, it will die a very slow, very ugly and very painful death. No government, no school board and no teacher wants that to happen. Over the past decade, the trust once present between the public and its public servants has been enormously eroded. It seems that people who work in a public school or sector are the last to be consulted and the last to be believed about what changes will be best. I say to you that this is the single most distressing state of affairs to teachers. We do not have all the answers, and sometimes we do not have all the pieces to the big picture, but we do care about our students, our places of employment and the communities we live in, just as you do. What we really need to do is talk, maybe not just at the table, but it is certainly a good place to start.

In conclusion, the Seven Oaks teachers are delighted to see the last of Bill 72 and most of its provisions. We want to be just like the other public sector professionals in this province. We want the same protections, the same rights as doctors, Crown attorneys and nurses. We do not seek the right to strike. We are proud of the fact that we have given the students of the province of Manitoba 40 years of uninterrupted schooling. Forty years of open-scope bargaining has yet to bring public education to its knees. What we do ask is to be afforded the same protection, the same respect and the same level playing field as other professional employee groups. Thank you.

Mr. Chairperson: Thank you, Ms. Popeski.

Mr. Caldwell: Thank you, Ms. Popeski, for bringing the views of the Seven Oaks Teachers' Association. I sure appreciate the good work that you do in Seven Oaks, and it was a pleasure to participate in your forum last year. I look forward to this fall, too. It was kind of a hot night that night, so I know that you care deeply, and your association cares deeply about the public education system in the province of Manitoba. I just wanted to thank you for putting some personalized remarks on it. I appreciate—and I mentioned this earlier with previous

presenters and earlier in the committee deliberations and hearings—that the subjective views of individuals can reveal a great deal of detail about the normal operating conditions of classrooms, and your brief to us today has done that. So I thank you for that.

Mr. Schuler: To Susan, if that is how well you present when you are nervous, I cannot imagine how you would present when you are not. That was just fantastic. When I am nervous, I usually do not present that well. Congratulations on an excellent presentation. I would just like to pick up on one sentence in particular, if I may, Susan: "What we really need to do is talk, maybe not just at the table, but it is certainly a good place to start." This is clearly something that we have been hearing yesterday, this morning, this afternoon. I suspect, we probably will still be hearing it tomorrow morning, and I think it is a very common thing. We are hearing it from school boards, and we are hearing it from teachers. We need to find that common ground, and I really like this. We do care about our students, our places of employment and the communities we live in, just as you do, and that seems to be a common theme. When we get down to dealing with the legislation line by line, certainly these kinds of comments will be the comments that we will take into consideration and really do appreciate an excellent presentation.

Mrs. Smith: I just wanted to say I thoroughly enjoyed your presentation. It was just excellent, and your writing shows the sense of humour that you have as well. It was just very clear and succinct. What really struck me is the caring that you have so much for your students. I will reiterate what the Member for Springfield said in terms of, you know, we need to sit down and talk together and problem solve. I taught in classes where we did not have enough room and the kids sitting on the window sill. I have been there, done that. These are the kinds of things that we really need to work on, and I congratulate for your presentation.

Mr. Chairperson: Thank you, Ms. Popeski. Next presenter is Dan Kelly of the Canadian Federation of Independent Business. Please proceed.

Mr. Dan Kelly (Director, Canadian Federation of Independent Business): Thank you very much for hearing me this evening. On behalf of the Canadian Federation of Independent Business and our 4250 members in Manitoba, I am before you to present our strong concern with Bill 42. CFIB and our members are opposed to this bill for a variety of important reasons. One, as taxpayers, small businesses pick up a disproportionately large percentage of the cost of education, and two, small firms are very concerned about Bill 42 in the context of a larger pro-union approach on the part of this government.

As taxpayers, small firms are concerned about any major cost drivers causing local school division property taxes to escalate. In fact, in a recent survey of our members, school division property taxes were rated as the second highest tax-related concern directly after Manitoba's very high personal income tax rates. Nearly two-thirds of our members report school division property taxes are a high priority for reduction. In fact, school division property taxes are of more concern to our members than the provincial sales tax, WCB premiums or even the much-hated Manitoba payroll tax.

* (21:50)

In addition to the concern over school division property taxes, small businesses are treated extremely unfairly by the provincial education levy. Many people are not aware that businesses pay more than double the rate of provincial education tax compared to that of home owners. As a form of property-based taxation, both education taxes negatively affect small businesses' ability to compete, as they are completely profit insensitive.

CFIB's remarks on teachers' salaries should be prefaced by an acknowledgement of the significant contribution made by teachers in Manitoba. All of us can recall the extreme dedication to students displayed by many of our former educators. Today, just as we are asking the private sector and other government workers to do more with less, we continue to make increasing demands on our teachers. We want our teachers to be our guidance counsellors, extra-curricular support staff, lunchroom

monitors, parents, and even our police. The education curriculum is being pulled in many directions, to teach business, Asian languages, Aboriginal culture, and even general living skills.

However, CFIB members have significant concerns with how the education system is performing. In fact, nearly two-thirds of our members said that they were dissatisfied with the way the public school system prepared students for employment in their firms. I raise this only to suggest that many small firms do not believe that we are receiving good value for the considerable resources we are already putting into the existing system.

As we know, the major cost-driver for the entire education system is teachers' salaries, pensions, and their benefits. This is no surprise and is consistent with other front-line government services such as healthcare and municipal government. The high percentage going to salaries, on its own, may not be a cause for concern. However it does suggest that no cost containment in the education system is possible without examining this envelope.

CFIB has provided all levels of government with advice as to how to reduce spending. In most cases, salaries are at the centre of this discussion. We have very solid evidence that the public sector as a whole is paid far higher wages and benefits than similar occupations in the private sector. When looking at teachers' salaries, it is difficult to make a direct comparison, as there is no true private sector equivalent to primary and secondary public school teachers.

It is important to note that CFIB is not advocating policies where we slash teachers' salaries to below market levels. In a tight economy, where one in two small firms, one or two of my members report a shortage of qualified labour, we recognize that salary levels are an important component in attracting the best and the brightest people to a particular profession. As our members are very worried about developing the future labour pool, we have a vested interest in ensuring Manitoba has quality educators.

At the same time, small businesses also believe that salary and benefit levels for any area within the public sector must reflect the ability of the taxpayer to pay. Following our presentation to the review of the teacher collective bargaining process in 1996, CFIB surveyed our members to ask whether a government's ability to pay should be considered in all public sector arbitration settlements. The answer was a resounding yes. In fact, 81 percent of our respondents supported ensuring ability to pay was considered in all arbitration awards.

CFIB is extremely concerned that this government would remove consideration of school divisions' or taxpayers' ability to pay from this very important piece of legislation. In fact, this move would be akin to the elimination of the taxpayer protection provisions of the balanced budget legislation, a move the NDP has promised not to make.

We are surprised that the Minister would suggest that this legislation is designed to put the interests of our children first. It is quite clear that this bill, in addition to Bill 44, are only designed to put the interests of Manitoba unions first.

Not only does this bill offend us as taxpayers, small businesses should be concerned with any attempt on the part of government to limit an employer's right to manage the affairs of the company or the organization. If the provincial government does not allow elected school trustees to address such fundamental issues as how to manage their human and financial resources, one must call into question why we need school divisions at all. CFIB shares the Manitoba Association of School Trustees' concern over the changes to the definition of teachers, the inclusion of principals into the bargaining unit and the potential changes to class size.

Bill 42 seems to have a lot more to do with rewarding the teachers' union than it does improving the quality of education for young people or our ability to hold provincial education taxes in check. It seems particularly ironic for the provincial government to be enriching provincial property tax credit for homeowners with one hand while virtually guaranteeing sizeable school tax increases with the other.

The ability of an employer to pay is absolutely central to resolving any collective bargaining arrangement. Given the changes to the teachers' collective bargaining process and the introduction of binding arbitration in Bill 44 for other sectors, employers can only interpret these actions as signs that the fairness for Manitoba employers is very far down the list of priorities for this government.

We urge the Province to reconsider Bill 42 and instead work to ensure that fairness for taxpayers is given as much importance in resolving collective agreement disputes as our need to ensure fair wage and benefit packages for the province's teachers. Thanks very much.

Mr. Chairperson: Thank you, Mr. Kelly.

Mr. Caldwell: Thank you, Mr. Kelly, for your report. I do love getting graphs and visuals because it does tend to contextualize things better than text does, so I thank you for also adding in some of the survey results in graphic form.

I know that you have met Scott Smith, the MLA for Brandon West, and myself for Brandon East, when you were in Brandon at the Chamber to discuss Brandon being the best place to do business in western Canada, a couple of years ago. Scott and I were both part of the city administration in Brandon that helped create those conditions, so we certainly have a strong interest in creating a favourable business climate, personally, in our previous careers as city councillors, and now in our current capacities as MLAs. Your remarks strike a chord with both of us, and I am sure with all members of the Committee, because we realize that prosperity and a strong tax base is what can help drive better conditions in Manitoba for business, and indeed for all Manitobans. So I did want to frame our philosophy in that context.

There have been a number of presenters here, school trustees, teachers, the MFL previously, around the issue of having teachers be placed under the LRA. I was surprised to begin with when the first school board came in and advocated that, but we have had a number of them that have advocated that now. I would like

to ask you your views on that, if you have thought about it at all.

Mr. Kelly: We, as anyone who is familiar with CFIB knows, do fairly in-depth surveys. In fact, we probably create as much paper as members of government. But we do a lot of surveys of our membership on a variety of public policy issues. In fact, just today, I spoke to some of my colleagues in Toronto about that very issue, whether teachers should in Manitoba have the right to strike. I have not done a survey of my members on that front so I am unprepared to give you an answer in that regard. It is a fairly important issue.

What I can tell you though is that, generally speaking, I think that our members support essential services being designated or having a different process to settle collective agreement disputes. We have done surveys of that. I guess the question is then: Are teachers considered, in Manitoba, an essential service? Can we live for a week, two weeks or a month without necessarily having our teachers back to work? I can tell you the experience in Ontario has been, the Ontario Tories will tell you that allowing the teachers the right to strike has been obviously a very contentious issue, but I think strategically important in sending the message that property taxes, there is no room for further increases. I know that was an issue that Tories took very strongly in Ontario. Whether that would work in Manitoba, I cannot tell you. I have not done a survey of my members.

Mr. Schuler: Again, what is nice about this presentation, it comes with a different perspective. We have had three or four in a row now that come from different organizations outside of the educational system. In particular, what is very telling is that business in Manitoba, and I think this is in particular small business, pays 18 mills compared to the homeowner of 10 mills. I think that is a very telling number.

* (22:00)

Mr. Kelly: Is it not 8 mills that homeowners pay?

Mr. Schuler: It is 18 to 10 here.

Mr. Chairperson: Excuse me, I need to acknowledge you first, Mr. Kelly.

Mr. Schuler: Just for clarification, it is 18 mills in provincial education tax compared to homeowners' 10 mills. My question to you, Mr. Kelly, is: Was the CFIB consulted on Bill 42 before it was introduced and, if so, was this kind of presentation made available to the Minister, in particular, the number that we just read? Did you have the opportunity to present this information to the Minister in his consultation process on the Bill before us?

Mr. Kelly: No. I did not in an unsolicited fashion present this to the Minister either, to be fair.

Mr. Chairperson: Thank you, Mr. Kelly. The next presentation is by Marijka Spytkowski—sorry, I failed to see the hand of the Member for Fort Garry, so I will ask Mr. Kelly to come back and give Mrs. Smith a chance to ask a question.

Mrs. Smith: I really appreciated your presentation. I thought that you were very, very concerned about the economic aspects, the financial aspects of this whole bill. So my question to you, Mr. Kelly: In the event that Bill 42 went through as it is today, what do you see as the impacts on Manitoba taxpayers and on the schools here in this province? In your opinion.

Mr. Kelly: I see a potentially very grave impact that this may have on us as taxpayers. I think agreements settled by arbitration have been found to be far in excess of any agreements that are signed by free and fair collective bargaining. I think that school divisions, as it is, the school tax increases have been very dramatic in this province and in fact have outstripped any reductions on other forms of taxation in the province.

The NDP has provided some degree of relief with respect to an enriched property tax credit. That does not help small business. Property tax credits do not affect my membership one iota. If you look at the burden of local property taxes, in their aggregate, both the municipal provincial education and the school division property tax, Manitoba, and in particular Winnipeg, compare

very, very unfavourably to our counterparts in other provinces.

For small businesses this is a big issue. One of the reasons—I am glad the Minister brought that up—why our members have been so pleased about doing business in the city of Brandon is because the city has recognized that property taxes are a significant deterrent, particularly small firms, in that it makes them more vulnerable to bankruptcy. You have to pay property taxes whether you earn a nickel or not. When times are good, as they are presently, generally speaking, in the province of Manitoba, property taxes start to wane in their level of concern among businesses, because firms are a little bit more profitable. But, as soon as the economy starts to sink a bit, as it inevitably will, both here in Manitoba and elsewhere across Canada and across the world, what happens is those jurisdictions that have high forms of profit in sensitive taxation, such as property and other wealth taxes, the firms become more vulnerable to bankruptcy. In Manitoba we can ill afford that.

Mr. Chairperson: Thank you again, Mr. Kelly. The next presenter represents Transcona-Springfield Teachers' Association, and perhaps you could help me with the correct pronunciation of the name.

Ms. Marijka Spytkowski (President, Transcona-Springfield Teachers' Association): You did a very good job. You must have taken Ukrainian when you went through school.

Mr. Chairperson: *Ukrainian spoken*

Ms. Spytkowski: *Ukrainian spoken*

Mr. Chair, Honourable Minister, Honourable Members of the Committee, ladies and gentlemen, I have been a real teacher for the past 18 years, and I am here on behalf of the 500 teachers of the Transcona-Springfield Teachers' Association. Our members work with approximately 8000 students within the urban and rural areas of Transcona-Springfield School Division No. 12. Thank you for providing us the opportunity to talk about Bill 42.

Teachers in Transcona-Springfield are please to see that the current government has

taken the initiative to introduce a replacement for Bill 72. We are pleased to see the introduction of Bill 42, a bill that will provide us with many of the rights that other employee groups, such as nurses, doctors, firefighters and police have under The Labour Relations Act. This will improve our ability to bargain immensely. Historically, the bargaining process in Transcona-Springfield School Division has ended in arbitration because we could not come to an equitable agreement at the negotiations table.

On November 29, 2000, we will once again be going to arbitration to resolve a contract dating back to July 1, 1998, which includes working conditions that would make teaching in Transcona-Springfield a little easier.

As educators, we are not asking for preferential treatment. Bill 42 will allow teachers to refer to arbitration issues such as transfer, evaluation and assignment. How can a teacher provide the optimal learning environment for a group of students if that teacher has been inappropriately assigned? Picture a vivacious, energetic teacher who has the ability to mesmerize a group of 22 kindergarten students every morning of every day. This teacher has the children so keen on learning that they literally devour everything that is presented to them. In turn, this teacher has continued to seek resources that will provide more and more for her students.

In the afternoons, that same teacher works with 26 Grade 6 students, who want to be anywhere other than in the classroom. This energetic individual continues to search for strategies that will create a successful environment for the Grade 6 class, but to no avail. The administrator agrees that the teacher is better suited to the early years, yet continues to assign this teacher to the middle years program without providing for any support or professional development. Now Bill 42 will allow for arbitration of this issue of assignment.

Imagine yourself as a first-year teacher who is working on a term contract. Since you are new to Transcona-Springfield, you will undergo the supervision for growth evaluation model. You have worked hard all year. You have planned interesting and challenging units for your class

of Grade 2 students. Your administrator has visited your classroom a few times during the year and has offered some suggestions for classroom management. You accept the advice and, on your own time, take a few courses so that you have additional strategies tucked under your belt. You have worked very closely with your team of colleagues and have gone through the massive language arts curriculum to highlight strategies that you have incorporated into your lessons. You have developed a good rapport with students and parents. You have organized an extracurricular club on multiculturalism, because the Pan Am Games were being held in Winnipeg. You have accomplished so much as a part-time teacher. Imagine your surprise when you receive an evaluation that presents you as a mediocre teacher. Concerns that never appeared in previous formative evaluations now appear on the summative. The evaluation paints you as an uncaring individual that does not associate with colleagues and has no rapport with the community. The summative evaluation does not reflect all that you have accomplished. Bill 72 would not have allowed this issue to be taken to arbitration.

Teachers still do not have a complete open scope in bargaining. The proposal of a commission to look at the issue of class size and composition under Bill 42 will not be to the benefit of the education system in Manitoba for three years. Teachers must be permitted to sit down with trustees to examine class size and composition. Teachers are in the classroom every day. Teachers have amassed enough experience to know what is manageable for them at their grade level. My colleagues in Transcona-Springfield are very concerned with the issue of class size and composition. These two elements can have a direct bearing on the quality of education a student receives in a Manitoba classroom.

At the end of the school year just this past June, I met with a group of concerned teachers who are attempting to propose an alternative solution to the problem of class size and composition. We are looking at a problem in a heritage language program in a rural elementary school. The scenario involved a combined Grade 1-2 class with 18 and 12 students, respectively.

The two half-time teachers would work on alternate days. On the days that the teacher was instructing the heritage language, she would also have an additional 7 kindergarten students for a good part of the morning. This meant that she would be teaching to 37 students the intricacies of the heritage language. Add to this picture a special needs student who requires para-professional assistance. The assigned paraprofessional does not speak or understand the heritage language. The teacher is required to assist the handicapped student, while working with three levels of students in the classroom at the same time.

The original premise of this heritage language program was to ensure that class sizes would be quite manageable so as to provide the opportunity for adequate individualized instruction to facilitate the learning of a second language. After many hours of discussion and brainstorming, the teachers in question arrived at what they thought might be a viable, workable alternative, which was not accepted by the administration.

I received a call regarding a situation at the senior year's level, where it took much discussion before the administration of the school was permitted to open up another section of a Language Arts course at the Grade 9 level when enrolment stood at 40 and 49, respectively. This resulted in the hiring of another teacher so as to lighten the workload of the teachers on staff.

* (22:10)

Situations such as these have an impact on the quality of education for the students in these classrooms. Teachers' working conditions are students' learning conditions. How much individual time in a 40-minute period can the teacher devote to a problem of a Grade 1 student? What happens to the other 29 students in that early years classroom?

Consider the student in the Grade 9 class of 40 who is experiencing difficulties with an assignment. The teacher who has just completed the lesson has to answer questions of the class as a whole before being able to assist that particular

student, and there are only 20 minutes left out of 70, before class is done.

Consider the 32 students of Park Circle School which was recently closed. As of August 30 this year, they will be integrated into regular classrooms. These students have very special needs, ranging from behavioural problems to learning disabilities. They will be separated from their former schoolmates and teachers. They will no longer receive the specialized programs, resources, and attention that allowed for their success in their lives. The decision to eliminate the program at Park Circle School will have an impact on all the individuals within the receiving schools. Do you not think that learning and teaching will be hindered?

To not allow arbitration of class size and composition will affect the quality of education in the classroom. Teachers should have the right to work out the problems with the administration and trustees, so that the children receive the best education possible. What works for the early years rural classroom in Transcona-Springfield might not work for an early years urban classroom in St. James-Assiniboia.

I realize that a commission will be struck to examine the issues of class size and composition. Will the Government consider removing the prohibition on arbitrating class size so that teachers and trustees have the opportunity to present their case to an arbitrator? This will allow for a decision to be made which reflects the needs of that community while the commission is examining the issue.

The teachers of Transcona-Springfield are proud of the jobs that they do. They provide education to approximately 8000 students. They are proud of the fact that the education of these students has not been interrupted due to strike for over 40 years. They are pleased to see that Bill 42 would prohibit strikes and lockouts. This means that students and parents in Transcona-Springfield, along with the rest of Manitoba, will continue to receive the best education possible.

A concern that is of great importance is the claim that Bill 42 will lead to higher taxes. The mere thought that teachers are to blame for this, because they want the same rights as other

employing groups in the province of Manitoba, is preposterous. School divisions have had to assume much of the funding for schools because of insufficient provincial funding. School divisions and municipalities must petition the Government to look at the funding formula so that public school funding becomes adequate and appropriate for all areas of Manitoba. Just as an aside, the school divisions formulate their budgets in March. They already predetermine how much they can devote to salaries and to salary increases. Teachers begin their bargaining process in April.

The teachers of Transcona-Springfield will now require education themselves. They will now need to learn and understand Bill 42. This will require time. Teachers ask that the Bill be written in such a way so as to avoid misinterpretation. Key terms must be clearly defined so that all parties can focus on the issues rather than the interpretation. This will greatly reduce delays in bargaining, as well as potential costs associated with possible arbitrations.

The Transcona-Springfield Teachers' Association would like to thank Mr. Doer and the NDP Government for cancelling Bill 72. Although Bill 42 is not The Labour Relations Act in its entirety, I commend the Government on this significant initiative. This will improve working relations between teachers and school boards.

Thank you for your time and for providing the opportunity to express the concerns of my colleagues in Transcona-Springfield.

Mr. Caldwell: Mr. Chairman, I just want to thank you for the presentation from Transcona-Springfield. I have said it before, and you have likely heard me say it before, that I think that the personal expression of context is important to me. It gives more insight frankly than just hearing raw positions put forth, so when you outline situations that have occurred—and some of these I am very familiar with, as you might imagine—but when you do put your personal perspective on it, I think it helps to enlighten all of us about the implications as they hit home in the individual classroom. For that, I thank you.

Mr. Schuler: Marijka, thank you very much for this presentation, and certainly the examples

were very well stated. They certainly helped us understand the kind of points that you were trying to make. In particular, we have seen a lot of presentations coming through, and each one sort of takes its own focus and brings something out.

I think there is one part in here right at the end of your presentation that I think we as a committee should be looking at, and that is teachers ask that that bill be written in such a way so as to avoid misinterpretation. "Key terms must be clearly defined so that all parties can focus on the issues rather than on the interpretation." I did sit on a board of trustees, and often you spend more time on the interpretation than actually dealing with the real issues. I think that is a really key component to your presentation and something that clearly we will be bringing up when the committee sits down and starts working through the individual points in the Act, and we certainly appreciate your presentation. Thank you.

Mr. Faurshou: I want to thank you for your very thoughtful presentation, and indeed it outlines the dedication that the teachers demonstrate in their classrooms and to the students each and every day and certainly to problem-solve rather than to walk away from the problems. The situations that you describe seem to be confronted and stymied by administrators of schools, vice-principals, principals, I believe you are alluding to in this regard. The question then begs to be asked: If in fact to those of the individuals that are managing and causing you concern about the day-to-day problem solving that you as a teacher are attempting to do, and yet that same individual is probably a senior and, in fact, your negotiating individual when it comes to bargaining with the board of trustees, so it goes to say then effectively you as a teacher association would prefer if the teachers did the negotiating and the vice-principal and principals were not within that negotiating unit.

Ms. Spytkowski: Yes, I would agree with you. Our problem is that many teachers hesitate because of the fact they do not have the right to speak up, say, on transfer, on assignment, and the fact that they call on me to facilitate that makes it easier for them because they are (a) afraid of repercussions and (b) they really do not

know at that point in time what is the extent of their rights. So the ability to sit down and talk and finally have something on paper that says, yes, you can discuss this, and if you cannot resolve it at the school level, you cannot resolve it at the school board level, then we can take it to arbitration. That is great, and I think we need to see more of that.

If you need more examples, I have many more, especially on the area of transfer. That is one that we have problems with.

Mr. Faursehou: I appreciate your response, and you are clarifying a lot of issues in my mind here this evening as well. In regard to the arbitrator, and I think you have outlined that it would be much better, the ideal situation would be to work out the problems and be acceptant of the resolution which the hands-on teachers are best to judge. In the case of B.C., however, as legislators we have to examine the proof of the pudding, if we might say, about past experience, and B.C. has this of what you talk of. Each school district there now effectively has a labour relations officer and it is very cumbersome. It is a very confrontational, argumentative type of situation. Would you not feel that if we could streamline what you have indicated as an open dialogue it would be the best way to go, rather than the arbitration side of things?

* (22:20)

Ms. Spytkowski: Yes, I agree. I have had the opportunity to sit through the last two arbitrations and I will be sitting on this third. We go through the negotiations. We go through the whole process. We file for arbitration. We get to arbitration. In the last two instances, we have settled in the middle of arbitration. The Board decides, okay, we will accept what you have proposed.

Now, if we can do that before getting to the arbitration, teachers would be much happier. I know the Board would be much happier, but there seems to be a stumbling block somewhere along the way that prohibits them from saying, okay, let us do this right now so that we do not have to go through that expense and that time. As I indicated, our next arbitration date is not set until the end of November, and we have a week

set aside. If past practice continues, we will probably settle on the second day. The Board will say, okay, we would like to settle now; can we do that? Hopefully, if we can do the open scope where we can sit down and talk before getting to that process, it would eliminate a lot of heartache.

Mr. Chairperson: *Ukrainian spoken*

Ms. Spytkowski: *Ukrainian spoken*

Mr. Chairperson: Thank you, goodnight.

The next presenter is Chris Pammeter, private citizen.

Mr. Chris Pammeter (Private Citizen): I do not have any handouts because I have been undergoing rapid revisions starting very early last night and finishing about five minutes ago.

Mr. Chairperson: Please proceed.

Mr. Pammeter: I am here as a citizen, a taxpayer, a worker and as a teacher. It is the last couple of components which give me the problem. Yesterday, I heard Mr. Schuler, in response to a very honest, moral concern in Bill 12 schooling, saying that we should protect a fundamental right. I also enjoyed his article in the *Free Press* today where he was dealing with the labour law changes, and again that we should be ensuring the protection of workers' democratic rights. I appreciate his commitment to that fundamental right.

I was confused yesterday after I had heard a lot of the speeches. I have taught for a long time. I have been involved as a bargainer, I have been involved as an ordinary classroom teacher, and that is why I am here today. I walked out to my truck feeling I had fallen in a rabbit hole.

Mr. Vice-Chairperson in the Chair

I heard trustees talking about harmonious relationships, the concern for my democratic rights, the concerns for the members of their community and the concerns for teachers. I am one of those. But, if things are so harmonious, why is it that at our last AGM 14 000 teachers, through their delegates, unanimously told our

executive go get us the protection of The Labour Relations Act or something real close?

I also went home. It was hot, humid and I did not sleep very much, because I see patterns. I was confused. I did not understand why my employer all of a sudden was concerned greatly with me. Then this morning as I had my breakfast I read the *Free Press*, and I suspect some of you did too. There was an editorial in that *Free Press* that kind of put it all into favour for me.

Bill 42, Bill 44, it is the same package. The same group are fighting against it. I was upset and I was very angry, because in that editorial one phrase pulled it all together: "an outraged business community with allies in school boards and municipal governments."

The questions that I have heard from members of the Opposition tell me it is more than that. It is the management, school boards, municipalities and the Opposition. Somehow or other, the trustees and their MAST organization have been converted into a political machine, a political machine which is using my taxpayer money which I paid for the education of my children to finance, to lobby, to deny to me basic human rights, and that makes me angry.

My initial presentation was to look at the changes that are proposed in Bill 42—obviously, I am in favour of it—and to provide a context: What is it that Bill 42 is? How did we get there? What were the decisions? What were the footprints in the snow that took us to that point? What is Bill 42—sorry, Bill 72; it is late, it is humid and I am angry.

Section 8 of The Public Schools Act was the only part of The Public Schools Act that was changed. That is what Bill 72 did. There are other parts of The Public Schools Act that deal with other factors. I want to deal only with the bargaining rights that I as an individual should have. The same *Free Press* has obviously undergone a pretty dramatic change since May 22 of '96. Their comment on Bill 72: is an unwarranted attack on the profession; is a threat to Manitoba's system of education. It is an embarrassment to all Manitobans who believe in fairness and democratic rights. At issue is the

government's proposal to effectively eliminate the right of teachers to free collective bargaining, a right that is enjoyed by virtually every sector of the society and has come to be seen as one of the fundamental rights of living in a Western democracy. Their words, not mine.

Further on, it deals with the action of Mrs. McIntosh, the minister at that time: The system is to strip teachers of their rights and force them to accept a system of arbitration that is to be designed by the province and school trustees with virtually no input by teachers. That is simply not acceptable.

How did we arrive at this point? Others before me have given you the history of it. To me, the history starts in 1992 when the government changed the funding formula. It was a funding formula that had only one function, and that was to reduce the amount of money that the provincial government put into education. The ratios could be adjusted and it worked. Teachers unfortunately stood up and told the public what was going on. Everything that has happened since then, to my particularly jaundiced point of view, was because of that courageous act.

By 1994, MAST had realized the costs and started lobbying government to change the way in which teachers bargained. They asked for a change to legislation that would result in a selection from a number of third-party dispute resolutions, and they pulled up the old bogeyman again of strike-lockout. By '96, the government appointed the teacher from Collective Bargaining and Compensation Review Committee, the infamous Dyck-Render-Carlyle report. This is a very important step because the recommendations of that report became almost verbatim Bill 72.

What is truly amazing about that report—because I attended a lot of the presentations—the issues that were identified in that report and the recommendations that flowed from them seemed to have very little relationship to the debate, to the discussion, to the petitions that I saw people deal with at those committee reports. One of the major thrusts in there was the time and cost associated with bargaining processes. At this stage, they were already talking about having

parts excluded from bargaining, and because there were too many issues that teachers were being taken in. What other dispute mechanism or resolution for those fundamental and basic ideas do we have? Because we were not covered under anything close to The Labour Relations Act.

This is where ability to pay comes up. It was in italics all the way through the report. Interesting. Since the report appeared about a couple of weeks, I guess, because it was in May of that same year, the 22nd, Bill 72 hit the floor. That is a very short time to go from public input to a final draft which reflected almost entirely their report.

At that stage, open scope for free collective bargaining had been reduced to collective begging, controlled entirely by government and their accomplices, school boards.

Could any of this have been actually supported by what was going on in teacher bargaining? It was said it was taking too long, that arbitrators were giving away the farm, that teachers in Manitoba were gaining much more than they should. The government's own data for '94 and '96 shows that teachers were, in terms of salary, 7 out of 10 provincially, and all of the indicators of the economy were somewhere between 6 and 8 out of 10 provincially.

Teachers seemed to be in the right spot. Most of the provinces have strike-lockout. What those numbers reflect is that the arbitration process was working the way it was designed to work. It was designed to bring about the same effect as a strike-lockout would deliver. If you compare the teachers to Winnipeg police, City, MGEU, the firefighters, school staff and CUPE, we all had comparable salary increases over the '87 to '94 years. It ranged from 28 percent for the police and fire—they have the arbitration process that we used to—MGEU at 21 percent. Teachers were right in the middle.

The process worked. There was no need to change it in terms of teachers' salaries. What were these other non-salary awards that required a lot of taxpayers money? Well, we got heady stuff. We got noon hour. We got interest on back pay. This is not big stuff. This is not enough to destroy a system that worked for 40 years.

* (22:30)

Arbitrators are not controlled by the union. Some speakers made it sound, they were kind of in our back pocket. They are not usually wide-eyed social activists either. They tend to be very serious and very cautious, and they have to be convinced by overwhelming evidence of the need for an award. For trustees, for MAST, for anybody else to suggest anything otherwise is either to be totally unaware or dishonest.

If trustees actually did their job the way in which we do, they could demonstrate the need for an arbitration award which would reduce in a reduction of what it is that teachers have. They have not yet been successful in doing that. That they complain actually shows the untenability of their bargaining position.

The business of management rights has come up time and time again. No right is unfettered. Management rights have been going downhill ever since Magna Carta was signed, and to indicate that in fact we bargain away management rights, which is what I have heard around here, it seems very strange. Trustees seem to think that it is taken off the table. No, we do not remove them. What we do bargain is how such rights should be exercised. That is the normal process.

Why then was Bill 72 imposed? Quite frankly because the then-government had the power to do so and abused it and the public trust to punish teachers for their previous involvement in '92. Imposing it denied to teachers those rights that all other employees are guaranteed. It, to my mind, defied the requirement of the Canadian Charter of Rights and Freedoms for equal treatment before the law, and I am really puzzled as to why MAST, in its support of the current Bill 72 legislation, seeks to continue the denial of this basic right. How can I have any credibility with my students when I am supposed to teach them about equality, equity, fairness and human rights when I am denied those rights?

What does the proposed Bill 42 do? Well, it makes good the Premier's commitment to repeal Bill 72. He made it on the steps out here in '96. I was watching him. It will return teachers closer to the deal of '56 so that our bargaining rights are

much closer and parallel to those of other workers, which is what we want. We do not want special treatment; we want fair. It even meets the requirements of the MAST '94 resolution that started this whole process. They wanted a selection of third-party resolution dispute mechanisms. It gives them that. It returns to teachers what the *Free Press* stated in my opening section, a right that is enjoyed by virtually every sector of society and has come to be seen as one of the fundamental rights of living in a western democracy.

MAST, the school boards, the business community and municipalities support of the current legislation essentially supports the denial of this fundamental right to teachers. It has become an issue of whether or not a human right is more expensive than they are prepared to pay, and that is not acceptable.

The MAST ad, I guess, I am sure you all saw it, was very strange because it was addressed to citizens of Manitoba. That is me, as I said at the beginning. I do not think it would meet any truth in advertising criteria. It compromises the educational interests of students by shifting decision-making authority away from elected or community representatives and the teachers' union arbitrators. How? It does not do that. The decisions are made by the local trustees. They must exercise them. They have chosen in the past not to, which is why they go to arbitration.

They support the existing schools act, which requires arbitrators to consider the ability to pay. It is a red herring. You decide what you want; you decide how you are going to pay for it afterwards. Strangely enough, most of their other workers are covered under it and it does not seem to give them a problem there. Teachers want fair and equal treatment, not special. I am not sure how preferential gets into it because, given Bill 72, I do not know how that could be preferential. Essentially, we are boiling it down to who runs things. They seem to be concerned that arbitrators are going to give it to teachers to run it. That will not happen. Boards still run it.

I was walking around outside a couple of moments ago and there is a plaque on the wall, and 81 years ago to this day that plaque

commemorates the ending of the Winnipeg strike. The plaque was for recognizing free collective bargaining by Mr. Filmon. What changed? Why am I back doing the same thing? When you go to vote on this, you are going to be walking into the Chamber downstairs, as I walked outside earlier. There is a picture up on that wall, and it shows a lot of people—

Mr. Vice-Chairperson: Excuse me, Mr. Pammeter. We have reached our 15-minute mark.

Mr. Pammeter: Thank you. Remember they died for it.

Mr. Vice-Chairperson: Thank you.

Mr. Caldwell: I appreciate the remarks. It was an eloquent presentation. I am very impressed at your ability to speak from the podium without the quantity of paper that other presenters have brought with them. I certainly enjoyed the remarks.

I particularly enjoyed your historical perspective on this matter. It is not something that has been shared with this committee to this time. So I know that when we get transcripts of the committee hearing later this week or early next week I will be definitely reviewing your remarks in terms of helping me understand the historical context better than I do now. So, thank you for your remarks sir.

Mrs. Smith: I want to thank you for your remarks and for your passion and your caring. I just very much appreciated some of the things that you had to say as well.

Mr. Faurschou: Once again, thank you for your time and your presentation. I am a meat-and-potatoes type of guy. I really appreciate examples, and you have laid out an overview. Could you give me a specific example where the current legislation has pre-empted or encumbered? You say that you want similar to other bargaining units within the province. Statistics still bear out that wage settlements or costs and benefits attributed to teaching staff in the province continue to escalate greater than the industrial wage aggregate that is published, that garners other sectors of the working Manitobans.

Could you be specific as to where you see the encumbrance, just one example?

Mr. Pammeter: Thank you. I heard two questions there. One that dealt with giving an example of where in fact the current legislation is an encumbrance, and that one I will deal with very easily. Parts of the presentations the people made last night, the board presentations talking about the harmonious conditions, one of the speakers said that teachers have the right to grieve. Yes, they do.

There are two types of grievances. The only trouble with a grievance is that there is no protection in the current legislation. If I grieve the behaviour of my board, or something that I think that they have done as punishment for involvement in my union activity, then there is no protection for me in what they may wish to do as discipline after the fact. That is one.

* (22:40)

Bill 42 essentially will put that in because it is called "reverse onus," and it is, again, a very important thing because it is almost impossible to prove intent. Under the current legislation, if I suddenly get transferred to another school a long way away, it may be in my mind punishment because I stood up and spoke at a board meeting. I, under the current legislation, have to prove that they determined and deliberately discriminated against me, and they did so because of my involvement in the union. I believe it is almost impossible to prove intent. Under the reverse onus legislation which everybody else seems to have, under The Labour Relations Act, the employer would have to demonstrate that the action that they took was not punitive.

Mr. Vice-Chairperson: Thank you, Mr. Pammeter.

The next presenter is Victor Vrsnik. Good evening, Mr. Vrsnik.

Mr. Victor Vrsnik (Provincial Director, Canadian Taxpayers Federation-Manitoba): Hi, there. Well, you will like this. It is brief. It is only a couple of pages. Thank you committee members, Mr. Chairman, for the opportunity to present on Bill 42.

The Canadian Taxpayers Federation is opposed to the amendments in Bill 42 that, if passed, will negatively impact education costs and education taxes in Manitoba. By repealing Part VIII of the current Public Schools Act, particularly section 129(3), arbitrators of unresolved teacher contract negotiations would no longer have to consider taxpayers' ability to pay when concluding a settlement. If limited school board resources are viewed as inconsequential in this matter, then it would be open season on property owners for increased funding, because the mechanism of taxpayer accountability will have been erased from the Act. Accountability to property owners is the last principle that the Government should be stripping from the Act. If anything, the principle should be enhanced.

To protect property owners from rising costs, education taxes should be governed by the taxpayer protection provisions in the balanced budget law. Currently the law shields taxpayers from rate hikes in income taxes, sales taxes, corporation taxes and payroll taxes through the mechanism of referendum. Education taxes should be included in the list. Accountability to property owners would be enhanced if education tax increases proceeded first with voter approval through a referendum.

I remind the committee members that Manitoba property and education taxes do not happen to be the envy of the country. A survey conducted by the City of Edmonton this year found that property taxes were among the highest in the country in Winnipeg in 1999. In previous years, barring any of the current tax credits that property owners enjoy, education taxes for a typical home in Winnipeg were \$1300, the highest in the country. After the \$250 credit, Winnipeg education taxes fall to the second highest position in the country. So Manitobans really cannot bear the current burden of education taxes, never mind further increases.

The direction this government should be taking or steering towards is that of lower education taxes, of course, and more cost-effective ways of delivering public education. In fact, even some NDP polling around the election

last year found that Manitobans were very concerned about the burden of property taxes and hence education taxes. The Government acted on that information and offered property owners a \$75 tax credit.

Now the Government is about to sweep away the one provision, that is, section 129(3), that will make that \$75 credit stick. Without this provision, education taxes will likely climb at even a faster rate and that \$75 credit will be nothing more than a wash. Section 129(3) of The Public Schools Act should stand as is. If anything, accountability to property owners should be enhanced by subjecting the education tax increase to the rigours of the taxpayer protection provisions in the balanced budget law. Thank you.

Mr. Vice-Chairperson: Thank you, Mr. Vrsnik.

Mr. Schuler: First of all, I would like to thank Victor for his presentation. Again, the brevity of it is much appreciated and the perspective that you come from.

Yesterday evening, I do not know if you were here at that time, the Association of Manitoba Municipalities mentioned that they have established a task force on education taxes. I was wondering if you were aware of it, the core group consisting of MAST, City of Winnipeg, Manitoba Municipal Administrators Association, Manitoba Association of School Business Officials and of course the AMM? Do you feel that this is something that should be pursued, and are you going to be participating with it and any other comments you would like to make in regards to that? Because clearly it will deal with exactly what you are talking about here.

Mr. Vrsnik: At the moment, I am not familiar with the agenda of the group. For the moment, we are acting independently and representing just ourselves, because the issues that fall within the scope of our organization have to be section 129(3), that of ability to pay and the potential of having that provision in the current act being stripped away. Our focus is on that at the moment and I am not entirely sure what this committee is working on, although I would not rule it out if there was a convergence or an overlap of interest there.

Mr. Struthers: Thanks, Victor, for your advice and for your presentation here tonight. I am very pleased that you have indicated some support for the tax credits that our government has put forward on the property tax side. I wanted to just add that not only will they be offered this year at \$325, but next year it will be increased to \$400. It was a two-year promise that we had made in the election and we intend to come through with.

I appreciate the difficulty that your group and others who have presented here have in looking into a crystal ball and trying to predict whether or not property taxes will increase as a result of this bill. One of the things we do when we sit back and speculate like that is we draw upon the data, the hard evidence that we have experienced. What we have is a pre-Bill 72 experience that predates 1996. I would be interested to know from your perspective why property tax increases exploded between the years of 1988 to 1996. Was it because of arbitrated decisions, or was it the cuts to education that the previous government foisted upon local divisions year after year?

Mr. Vrsnik: Well, for the record, I want to make clear that the Canadian Taxpayers Federation did not endorse the policy of the \$75 tax credit. I recognize that at the end of the day it does benefit individuals or property owners, but our position was not to support tax credits. We want to move away from that direction and move towards streamlining education costs and offering choice in education, looking towards a voucher system. These are just some of the ideas that our organization has put forward. We do not endorse any kind of tax credit.

To get to the second part of your question, why have taxes increased, well, I want to put it back to you in this way. We have had this provision to protect property owners with the ability-to-pay clause. Now you strip that and taxes have still increased with it. Education taxes have still increased with it. Now strip it away and imagine where they are going to balloon tomorrow.

Thirdly, as to whether it was education cuts that led to property tax increases, you know, I do not have an answer. But I can tell you that if this government steered this committee towards

finding ways to streamline education costs and try to lessen the burden on property owners, introduce innovative ideas in terms of delivering services more effectively through school choice then I think you would be doing Manitobans a benefit.

Mr. Vice-Chairperson: Mrs. Smith, a quick question.

Mrs. Smith: I want to thank you for your presentation. It was very insightful. In your view as, I would say, an expert in the Taxpayers Federation, is your feeling that Bill 42 will impact on the taxes in a dynamic way, or is it an unknown?

* (22:50)

Mr. Vrsnik: We are concerned that education costs will skyrocket by stripping away the accountability mechanisms that currently exist in the Act. Accountability should be enhanced, not repealed. So we are afraid that the potential for education costs and consequently education taxes would soar if this amendment was passed. So we oppose it for that reason.

Mr. Vice-Chairperson: Thank you, Mr. Vrsnik.

Barry Wittevrongel. Good evening, Mr. Wittevrongel.

Mr. Barry Wittevrongel (Private Citizen): Do you want me to begin?

Mr. Vice-Chairperson: Oh, sorry, Mr. Wittevrongel. Yes, please proceed.

Mr. Wittevrongel: My name is Barry Wittevrongel. I am a real teacher, a member of the St. Vital Teachers' Association. I teach at Hastings School, Grades 7, 8 and 9.

I would like to thank you for the opportunity to make this presentation tonight. It is always satisfying to be able to provide input into the process of government. I have always encouraged my Grade 9 social studies students to be active players in democracy and not take for granted their freedom.

I am here to support the Government in their commitment to change the present act. Bill 42 is

about our freedom. The freedom, as teachers, to negotiate with our employer, unencumbered by the restrictions instituted in the infamous Bill 72 by the teacher-bashing Tory government and their school board cronies.

I am here to thank the Honourable Premier (Mr. Doer) and his government, who made a commitment to repeal Bill 72 on the steps of the Legislature in front of 4000 teachers and their supporters when real teachers rallied on the steps of the Legislature after the passage of Bill 72. Finally, after 11 years of Tory government, we have someone who makes a promise and delivers, and I think that is what honourable should mean.

The Tories created a rallying cry for teachers. Teachers responded. My colleagues in St. Vital resented Bill 72. We strategized in negotiations to continue to bring forward non-arbitrable items for negotiation. Our board representatives, all two of them, listened politely, smiled and allowed their MASS spokesperson to inform us that these issues were inconsequential to teacher negotiations because they were not arbitrable. As a matter of fact, we are still without a new collective agreement since June of '98.

It will now be possible to put in place in our collective agreement a transfer clause which is fair, reasonable and timely. Transfers are something that I am very familiar with, as I have had my own personal experience in St. Vital, which I would like to share. After completing my presidency of the St. Vital Teachers' Association, I was placed back at Glenlawn Collegiate. During that year I had difficulty getting release time from Manitoba Teachers' Society business, even though the collective agreement was absolutely clear on the issue. In our division, when you challenge an administrator, you have to pay the consequences.

In May, I was told that I would be transferred. My teacher training consisted of a two-year business education certificate through Red River Community College. On June 30, at the end of the school day after 3:30, I was informed by phone that I would be teaching at Hastings School, subjects to be arranged by the administrator of that school. My assignment

consisted of a split 7-8 class, of which I was to teach them a combined 7-8 social studies, a Grade 8 social studies class. I taught two Grade 9 math and Grade 9 social studies and some Grade 9 computers. I had no training opportunities, no professional development or any experience with junior high students. I did not have that much experience with junior high teachers either, but that is neither here nor there. It was up to me to sink or swim.

Another colleague of mine was sent to St. Amant while a third high school colleague was given a Grade 4 position, and he happened to last about a month before he went on sick leave. Does St. Vital need a transfer clause in their collective agreement? The answer should be abundantly clear. Were students well served? I do not think so. I believe an effective transfer clause would benefit both students and teachers. Teachers' working conditions are students' learning conditions.

School boards are indicating that property taxes are going to increase. What else is new? In economics there is a term called inflation. Inflation, by its nature, increases costs. Those cost increases do not discriminate. They create greater expenses for everyone. Wage earners do not have the ability to create more wealth. They rely on their employer to enter into negotiations with an open mind and a willingness to solve problems.

Let us be realistic. Teachers' salaries have not kept up with the cost of living, and most benefits that teachers bargained for have minor cost implications to board budgets. Transfer clauses, teacher evaluation clauses, assignment clauses, if done fair and reasonably with the interests of students and teachers in mind, would cost nothing.

The problem is that most often actions taken by managers employed by boards are neither fair nor reasonable, and boards and their managers proclaim management rights to do as they damn well please. Any costs associated with their actions becomes their problem, and they need to answer for it in front of an arbitration board. They need to convince an arbitration board that their actions were appropriate. Their actions, however, speak louder than words, and they

have very few arguments that can support their actions. Their own vindictiveness costs them, not the actions of the employees who believe in fundamental justice.

For boards and their managers, Bill 42 is not about tax increases, it is about power and control over their employees. Teachers give more of their free time to their employers as volunteers than any other worker group in the province and receive little or no recognition for it. If boards do not want to negotiate with us then take that right away from them and go to a provincial bargaining scheme where all teachers doing the same job would receive the same benefits and compensation as their counterparts in other divisions. The Stockwellian principles of fear-mongering and tax cuts, as well as the agenda of all right-wing politicians to exercise power and control over its citizens, needs to be challenged and conquered. We need to put to rest the idea that only right-wing governments have the divine right in this province to govern. Citizens across the country are watching this province to see how this government is going to restore faith in our health care and public school system.

Canadians are tired of hearing Chicken Little saying: The sky is falling, the sky is falling; we need to cut more taxes so we can place more citizens in jeopardy.

Canadians want this agenda not stopped, but ended. We need this government to continue its work in restoring balance between the needs of its citizens and the corporate agenda of taking care of me, myself and I. We need this government to enact legislation that protects public employees against the vindictiveness of past and future right-wing governments. Employee groups should not be treated as second-class citizens, but have the democratic right to enjoy the same privileges as Stockwellian-thinking citizens in our society. I am heartened to see that you are moving in a direction that addresses the concerns of teachers. I hope that this is only the first step in a long uphill road of restoring pride and value in our public school system.

Once again, thank you for the opportunity to speak to this issue. It is not likely to be my last time that I will be here. Thank you very much.

Mr. Vice-Chairperson: Thank you, Mr. Wittevrongel. Mr. Minister.

Mr. Caldwell: Thank you, Mr. Chairperson. I still think you have a nice shirt.

Thank you for your presentation. Again, a phrase that I have used before, I appreciate the personal perspective that you bring to it, because it does provide insights that more objective analysis does not. We have had a number of boards, a number of teachers' societies, the Manitoba Federation of Labour, and in fact, Mr. Kelly from the CFIB allude to The Labour Relations Act.

Could you, perhaps, outline your views on teachers being placed under the LRA and how you feel about that?

Mr. Wittevrongel: In general terms, I mean, that would be my preference, as well. But since that was not what was indicated in this bill, I am quite satisfied with what is in here. As I said, I think this, hopefully, will only be a first step. Maybe by the time this government leaves office, some eight, ten, twelve years from now, we will be there, and I will be supporting it.

Mrs. Smith: Thank you for your presentation, Barry. I have always known you to be a very intelligent and forthright person. I was appalled to read the kind of things that you went through in St. Vital, because that should not be happening to anybody. I know other school divisions where this kind of thing has happened. I know this is why you have the passion that you do. When you experience those things, you want to have it changed and changed right away. You have always been someone who has worked very, very well with people.

Mr. Chairperson in the Chair

Can you tell me: How could teachers and trustees meet a common ground whereby this kind of thing does not occur? You were saying it is about power. It is about control. Obviously, this is a classic example of exactly that happening. You have heard the presentations over the last two nights, the different people coming and saying: The taxes are going to raise the fear about the ability-to-pay clause. What are

some ideas you might have where we could work in a partnership way to make sure that there are enough controls and balances in that we have a reasoned approach?

* (23:00)

Because I know not all school divisions are like this. There are some that are very good. There are some that are less than good, depending on the players that are there. Looking at it from a provincial point of view, what do you think could be done?

Mr. Chairperson: Mr. Wittevrongel.

Mr. Wittevrongel: Thank you. Hey, you got it right now.

Well, I mean, it is quite clear. I mean, what you do is you bring both your points of view to the table when you negotiate. I have heard some boards saying how wonderful their policies are, and my thing is, if they are so wonderful and they work so well, then what is the fear of putting them in a collective agreement and then having both sides work from that. That would be my argument for almost anything. If things are so good, then let us put them in a collective agreement.

Mrs. Smith: That was my question. Thank you.

Mr. Struthers: Thank you, Mr. Wittevrongel. What the Member for Fort Garry (Mrs. Smith) was asking for, does Bill 42 accomplish that?

Mr. Wittevrongel: Does Bill 42 accomplish our ability to negotiate? Well, it accomplishes our ability to at least indicate to our trustees that there are areas of concern that we have that we want to talk about, and it will force them to talk about it now, because they will not be able to give their proverbial answer of no.

Floor Comment: Thank you.

Mr. Wittevrongel: And—okay.

Floor Comment: I did not mean to cut you off.

Mr. Wittevrongel: Well, I was not finished. Okay, I want to be a politician, perhaps.

They will now have to discuss the issues with us and come up with some reasonable arguments, and obviously if they are not satisfactory to our side, or if they cannot solve our problems, then we have an avenue to deal with it that we presently do not have. That is fundamental to free collective bargaining.

Mr. Chairperson: Thank you, sir.

Mr. Wittevrongel: Thank you.

Mr. Chairperson: The next presenter is Linda Brezina, St. Vital Teachers' Association. Perhaps you could give me the correct pronunciation of your name.

Floor Comment: I will be standing in for Linda Brezina. I am the Vice-President of the St. Vital Teachers Association.

Mr. Chairperson: And your name is?

Ms. Rachel Ouimet (Vice-President, St. Vital Teachers' Association): Rachel Ouimet, R-a-c-h-e-l O-u-i-m-e-t.

Mr. Chairperson: Ms. Ouimet. Is there leave of the Committee for Ms. Ouimet to speak? *[Agreed]* Leave. Please proceed.

Ms. Ouimet: Good evening. As I have told you, I am Rachel Ouimet, Vice-President of the St. Vital Teachers' Association. I represent approximately 700 St. Vital teachers. I would like to thank you for the opportunity to speak to Bill 42.

My members are pleased to see that the Government is living up to its promise to eliminate Bill 72. We are generally pleased with the way in which Bill 42 will restore some of the bargaining rights of teachers in Manitoba. Bill 42 eliminates some of the restrictions placed on teachers' bargaining rights by Bill 72 and allows us to bargain for working conditions such as transfer, evaluation, and assignments.

However, one of the areas that Bill 42 does not restore is that of class size and composition. Both class size and composition affect delivery of the curriculum. Large class sizes impede the teacher's ability to meet the needs of all students.

Early-years classes of more than 24 students, including students with special learning needs, as well as students with serious aggression problems, do not create the best learning environment for students.

In many junior high and senior high situations, teachers are faced with extremely high numbers of students on a daily basis. In our division, some teachers deal with 180 to 200 and even higher numbers of students while teaching several different subjects. This impacts greatly on preparation of courses and marking of assignments.

During my career, I have taught classes as low as 17 students and as high as 35 students. The class of 17 was one of the toughest, due to an unusually high number of students with behaviour issues who are not funded for extra support and monitoring.

It is our belief that teachers are best qualified to determine appropriate class sizes and composition. We understand that a commission will be struck to examine the issue of class size. Teachers from all levels need to be an integral part of these discussions. We feel that until the commission completes its work, teachers should be allowed to arbitrate for class size and composition. We also feel that a shorter time frame needs to be established to bring this issue to conclusion.

It is said that the bargaining rights provided in Bill 42 will cause property taxes to soar. Bill 42 will not cause property taxes to soar. We believe that these comments are purely scare tactics and that the history of bargaining in this province demonstrates that this is not the case. During 40 years of bargaining under the previous PSA, salary increases awarded to teachers were in line with the rest of the economy. It is true that the property taxes have increased steadily during the 10 years in which the Conservative government was in power. This was a direct result of the downloading of education costs from the provincial government to the local school board. Provincial funding is now less than 60 percent of the cost of funding public schools, whereas in the '80s, the funding was at 80 percent of the cost.

We are pleased to see that Bill 42 respects teachers' beliefs that strikes and lockouts are not in the best interests of Manitoba students and parents. St. Vital teachers, along with their Manitoba colleagues, are proud to have provided 40 years of uninterrupted service to the students of Manitoba. We feel that the time is right for teachers to come under The Labour Relations Act. Since 1956, we have been singled out as a working group under The PSA. This has not made us feel special. Instead it has made us targets for the educational woes of the province.

* (23:10)

It is time for teachers to gain the same bargaining rights and freedoms as other groups such as nurses, doctors, firefighters and police. Flip-flopping between the LRA and the PSA is not good enough. Teachers want fairness. Bill 42 will bring us closer to open-scope bargaining.

So, on behalf of the teachers of St. Vital, I would like to thank you once again for hearing our concerns. We urge you to carefully consider the issues brought forth.

Mr. Chairperson: Thank you, Ms. Ouimet. Mr. Minister.

Mr. Caldwell: I would like to thank you, Ms. Ouimet, for presenting the views of the St. Vital Teachers' Association. I know that the teachers of St. Vital do tremendous work out there. I have a pretty good connection with St. Vital. As I have said before, I appreciate the perspectives that individuals bring to this discussion, because it does provide some personal insight for us at the committee table. So, thank you for attending this evening.

Mr. Chairperson: Thank you for your presentation. The next presenter is Al Cerilli, private citizen. Mr. Cerilli.

Mr. Albert Cerilli (Private Citizen): Mr. Chairperson and committee members, as a private citizen, I welcome the opportunity to appear before you to support the Government and the Honourable Minister of Education and Training, Mr. Caldwell, and offer my congratulations for bringing back the respect to educators who are responsible for the education

of our children and grandchildren into the 21st century.

No one in this room can say, and you have heard it all over again last night and today, that their teachers did not play a role in their development of learning during regular school hours and/or after school hours in the many extracurricular activities that educators oversee and perform. The teachers have and continue to mould young minds towards career paths that, in yours and mine, led us to be in this very room trying to find a way in which teachers can and should be respected for their dedication in the education field. The teacher, in order to serve our needs for the education of our children and grandchildren in Manitoba, collectively, through the democratic process as outlined in their by-laws and constitution within the bounds of the Manitoba law, decided not to disrupt the education of children with a strike or to promote or progress their collective bargaining proposals for a new collective agreement. I am sure you will agree that their decision to continue to teach even when collective agreement expiry dates overlapped from one to another, as you have just heard, waiting for school board authority to negotiate to implement rules of work, is justified in seeking their change.

Education in the main for Manitoba students has had an uninterrupted and seamless education served by qualified, unselfish, teaching professionals. Your children and grandchildren deserve this same process as you enjoyed. The teachers of year 2000 and the 21st century deserve your respect in their decision to support their no-strike decision and submit unresolved negotiation proposals to arbitration. The fact of the matter is that the school boards' chief negotiators are also able to include for arbitration their unresolved negotiation proposals to arbitration. I believe that the total negotiation process will be enhanced.

The media reports that the school boards are of the opinion that this legislation, if passed and enacted, will raise taxes and reduce the role of the administration. Well, now the Chamber of Commerce and the businesses, and God knows who else are supporting that notion. I have been sitting here for two nights and listening to that. It

just amazes me how much really people do not know about collective bargaining. How foolish.

In my 40-years-plus experience, before retirement as a chief negotiator for the Canadian Brotherhood of Railway Transport and General Workers, and now it is Canadian Auto Workers, I have heard the same tune of: The wages will put us out of business. We will not be competitive as a company in this business. Benefits and pension contributions will put the company out of business, and in this case, school boards and school divisions, and so on.

In the case before your committee the war cry is that the taxes will go up. The teachers will run the education administration. What foolishness. May I be so bold: It may be time that changes be made in the school board system. That is where I heard tonight from Dan Kelly to you that maybe the school board system should be changed. It is a serious question. Mr. Kelly asked that point. Coming from a business end, say: Hey, maybe we have got too many school boards around here. He did not elaborate, but the fact of the matter is, it might be time for us to really take a look at that. It is nice to pick up on the business end presentations of their statements, even though they were very short.

May I now add on policy and the teachers running the education system. I am going to give you some perspective in my own background so that we can review this notion of foolishness. In a brief review of these scare tactics that time has proven false, let me say that, workers in the fields of my representation in some cases helped to run the corporation better than the people that were running it. And I say that simply because, that in 1950, for example, when we went on strike for the 40-hour work week, everybody was condemning the union in the railways for stopping production and stopping the country because they wanted the 40-hour work week and the same take-home pay. Can you imagine that? The railways did not stop running. The country continued to run. In fact, we led the way for those kinds of conditions in discrimination for being eliminated.

For example, another area of discrimination and not fair play was that the black workers in the railway, in 1961, under those laws and

policies of the corporations were not allowed promotion in other classifications, even though they were railway workers. In 1961, under the law of the day federally, an unfair employment act charge was laid against the Canadian National Railway. It took us six years to eliminate that. Through negotiations we wound up on strike simply to eliminate an injustice. Mr. Lee, black worker whom I know very well, who is now 92, started that process that helped to direct the country in a new direction and change in company policies towards no discrimination. Of course, there are discriminations that you have heard tonight and last night.

We also went on strike for that day, for the same 40-hour work week that was denied under the first strike. It did not break anybody. Taxes for the railway in the federal government did not go up. In fact, because of the elimination of discrimination from black workers to be promoted as stewards and conductors and so on, the railway did not stop running. White travellers continued to travel.

In 1977, when we talked about pensions and benefits, we went on strike again for the right to negotiate pensions and benefits. Now, the railway's pension is one of the better ones in the country and up to the first level of the top 10 in Canada. Those conditions of elimination did not break the country.

Private sector enterprises has been party to the experience of this kind of negotiations for some time. Once they got the taste of truthful and meaningful negotiations, they got to like the process and the product. The workers relation and the atmosphere of work, and the negotiations that that created was helpful in running the business. So when people's notions say that the teachers will run the education system, well, they are doing that now by providing the education to our children and grandchildren.

I have heard the trustees argue the point that say: Hey, we are in charge. In charge of what? I just heard the presentation from that teacher from St. Vital as a private citizen, and it is shocking to say the least that school boards will act in that manner. They are here challenging this government for changing and giving the

truthful respect back to the teacher. I do not believe it. I can tell you that I am well into the 70s, and I can appreciate the fact of trying to make ends meet, but, believe me, not on the backs of the teachers and not on the backs of the students, our children and grandchildren.

The atmosphere of work negotiation is going to be out of whack. Well my God, the prices and taxes will not go up. I can assure you that. In my experience, some of those things are the price of doing business. There is no joke about that. Because this kind of negotiation for the teachers and the status change under the Bill will not create the hardships that you have been led to believe by those allies that have now joined hands that are opposed to even the labour unions that I come from, and any changes to legislation in the labour code of any province or in Canada.

* (23:20)

It would not be realistic if I did not say that in the main, labour unions, or in this case teachers' associations embrace the arbitration process with a great degree of hesitation and reluctance. However, the teachers made the decision to support this means of reaching the final decision in negotiations without a strike and withdrawal of service to the students.

No one party should have it both ways. On one hand, sit back and not negotiate in good faith because someone is not forcing their hand. On the other hand, claim that the sky will fall if the legislation is passed. The truth is, school boards will now be required to negotiate. If they do not, they will suffer the consequences with their proposals or non-proposals being met by going to arbitration. As a grandfather of 11 grandchildren who has a vested interest in education, I can advise that fear is simply not a tool to achieve an end. As parents of our four daughters and two sons, who have all benefited from the teachers' input during classes and after classes, we trust the educators. We trust the educators of our grandchildren now under this proposed system. Thank you very much for your time.

Mr. Chairperson: Thank you, Mr. Cerilli.

Mr. Caldwell: I thank you, Mr. Cerilli, for appearing here tonight. I very much appreciate it. You bring a different perspective again, a perspective as a non-educator, as a citizen, and provide some useful insights vis à vis your experience with the railways. I thank you very much for that. Thank you, sir.

Mr. Chairperson: The next presenter is Mr. Bob Land, Private Citizen.

Mr. Bob Land (Private Citizen): Mr. Chairperson, Mr. Minister, committee members, I would first like to thank the government of the day for the opportunity to speak to the Committee tonight on Bill 42. As a teacher who has spent over 40 years in the public school system, I am pleased with the proposed amendments to The Public Schools Amendment and Consequential Amendments Act. Bill 42 does indeed go towards establishing a more even playing field for collective bargaining between teachers and their individual employing boards. I would like to congratulate the Minister and the Premier (Mr. Doer) on their attempt to fulfil their promise to overturn the more onerous conditions of Bill 72 which was passed by the previous government.

While I would have hoped for inclusion under the LRA, this bill does go quite far in a direction I would like to see. However, as a school administrator for the last 25 years, I have a concern about the exclusion from negotiations of matters of class size and composition. As years have gone by, I have seen more students with more needs that are difficult for classroom teachers to accommodate without detrimental effects on the rest of the students in their classes. Despite efforts to continue to convince my senior administration and my employing school board of the need for recognition of these needs of these students, teachers have too often been left to attempt to do more and more with less and less. If local teacher associations could deal with matters of class size and composition now and not three years from now in collective bargaining, we would indeed find that improvements to teacher working conditions would result in improved learning conditions for students.

While I am here today as a private citizen speaking only on my own behalf, I do bring a wealth of experience as a teacher in rural Manitoba and in Winnipeg, and most recently for the last 32 years in Transcona-Springfield School Division No. 12. My experiences also include a year as local association president, four years as a local collective bargainer, more than fifteen years as a local association executive member, and nine years with the provincial executive for the Manitoba Teachers' Society.

I was disappointed to read and hear the arguments from trustees, superintendents and other groups about Bill 42. While school board members and superintendents often publicly proclaim their desire for change, whenever government has advocated change there has always been a hysterical cry that this change will result in loss of local autonomy, loss of control, raising of school taxes and so on. This fierce objection from trustees and superintendents has not changed from when I first heard it in 1958 over the establishment of school divisions for secondary schools.

Fortunately for the students of Manitoba, governments have shown foresight and integrity in proceeding with well-thought-out educational change. I commend the current government and minister as they follow the path of well-thought-out educational change, which I first saw exemplified with the Roblin government.

Thank you for allowing me to speak to you tonight.

Mr. Chairperson: Thank you, Mr. Land.

Mr. Caldwell: Thank you, Mr. Land, for appearing here tonight. As I have said earlier to individual presenters, I appreciate the individual perspective that people bring to this table. I certainly appreciate your support for this legislation, believe me. It has been an arduous process, as you might imagine. So thank you for appearing tonight. I look forward to reading your remarks in the Hansard when it is prepared. Thank you.

Mr. Chairperson: The next presenter is Mr. James Bedford, President-elect of St. Boniface Teachers' Association.

Floor Comment: He is not here, but he left this with me. I will give it to the Clerk.

An Honourable Member: Yes, give it to the Clerk and we will accept it.

Mr. Chairperson: Is it the will of the Committee to make it part of the transcript? *[Agreed]*

The next presenter is Wendy Land, private citizen.

Ms. Wendy Land (Private Citizen): Good evening. Thank you for this opportunity to respond as a private citizen to the proposed changes to The Public Schools Act set forth in Bill 42. My name is Wendy Land. I have been a homeowner and taxpayer in the Wolseley neighbourhood for almost 20 years. I have two daughters. Our first graduated from Grade 12 last year, and the second is going into Grade 9 in the fall. Both are successful products of Manitoba's public school system. As well, I am a teacher who has taught in Manitoba schools for more than 25 years. I speak in favour of Bill 42.

When the previous government introduced Bill 72, I also stood before this legislative committee to express my concerns. Yesterday afternoon, when preparing this brief, I took a few minutes to reread my submission from then. The biggest concerns I had at that time were with Bill 72's inherent unfairness and with what I perceived would be the impact on my children's learning conditions and on my working conditions. That those concerns were shared by my colleagues throughout the province and by many parents was, I think, confirmed by the level of teacher involvement in the last election and by its very positive results. The commitment of the NDP to repeal Bill 72, made in 1996 in recognition of its negative impact on the quality of Manitoba's public schools, and repeated on many occasions since, was heard and believed by parents and teachers. It is right and appropriate that this new government has introduced this legislation now.

I applaud this government's effort to give teachers back a measure of fairness in the collective bargaining process. The move to make the PSA reflect important aspects of The Labour

Relations Act is a positive effort to modernize The Public Schools Act. While The Labour Relations Act has undergone many changes to reflect evolving thinking about labour management relations over the past 40 years, the PSA has remained largely unchanged since 1956. Bill 72 put teachers' bargaining rights back to pre-1956 levels. Bill 42 begins to bring our rights up to 21st century standards.

I am concerned, however, that Bill 42 still does not provide teachers with full, open-scope bargaining, a right belonging to almost every other unionized wage earner in the province, including the other non-teaching employees of Manitoba school boards. Preventing teachers from bargaining for contract clauses governing class size and composition impacts significantly on our working conditions. And this particular issue has a very significant impact on children's learning conditions. The connection between teachers' working conditions and children's learning conditions has been questioned by some members of this committee.

* (23:30)

I would like to describe my experience to illustrate their close relationship. I am a primary resource teacher so I do not have a classroom of my own, but I work with children and teachers in several different classrooms. My job makes me acutely aware of the impact of special needs children on a classroom environment and of the intensity of the struggle experienced by dedicated teachers trying to meet every child's needs when the number of children is too high. This past year, I supported seven Grades 1 and 2 classrooms. Teachers in four of these classrooms were brought very close to complete burn-out in their struggle to ensure that all their students had a fair chance to develop their skills, and this was because each of those classrooms had 5 to 8 students with very demanding special needs that ranged from fetal alcohol syndrome, through ADHD, and significant language disorders. As a resource teacher, I regularly witnessed those classroom teachers' frustration and sometimes their tears as they struggled to deliver a quality program to each and every child in their care. As I watched those tears, I was struck by how incredibly unfair it is that any worker in Manitoba should have to experience that level of

physical and emotional stress on an ongoing basis. Both teachers and their students deserve more than this.

I want to diverge just a moment from my written brief to remark that many of the trustees, over the last two days, have talked about students' needs and their commitment to students' needs. Always, those remarks seem to be put in the context of their having some higher level of commitment to and understanding of student needs. I would like to say that your students are my students in a very direct, personal way that I do not believe any of you who have not spent significant time in the classroom can appreciate. I am charged with providing them with the best possible education. I take that responsibility very seriously. I have the skills to discharge it very successfully. But if I am to be able to carry out this commitment, my working environment must provide me with some necessary supports. Among the most important of these is a sense that I have some control over my workplace. The right to bargain for improved working conditions is an essential aspect of this sense of control.

Keeping class size and composition outside the scope of free collective bargaining will prevent teachers from efforts to protect both our students' learning needs and our working conditions. I believe that this is both unjust and detrimental to the ongoing health of the school system. I trust that the process that the Government has identified for dealing with this issue will encourage reconsideration of this aspect of the proposed new legislation.

I am proud of the more than 25 years of service that I have given to the public school system in Manitoba. I have worked hard and gained a great deal of satisfaction from helping the children in my care become better readers, writers and thinkers. I and many of my colleagues were discouraged and demoralized by the Conservative government's continuous attacks on both teachers and the school system. Their cutbacks to provincial funding had a profound impact on my students and my colleagues. As well, it had a profound impact on my neighbours as our school division was forced to drive up property taxes in order to maintain a minimal degree of integrity in the system.

The energy I have today to meet both teachers and students needs has been buoyed by the realization that there is finally a government in place with a clear commitment to both teachers and students in the public school system. I urge this government to not be persuaded to veer from that path by the efforts of an opposition that confuses the issues while pretending they have the interests of taxpayers in mind. I, too, am a taxpayer and so are my colleagues and my neighbours. We recognize that the quality of our province's public schools will have significant economic and social consequences for our collective future. We realize that providing teachers with fair and equitable bargaining rights will have a positive impact on that environment. Thank you for Bill 72—for Bill 42. It is late and I am tired.

Mr. Chairperson: Thank you, Ms. Land.

Mr. Caldwell: Thank you, Ms. Land, for bringing in your perspective. As I said a number of times this evening, I do appreciate the personal perspective that you bring to the table for this committee. It does illustrate I think, very highly, your dedication to the profession, your commitment to the profession and your true concern to create opportunities for educational excellence in the province. Indeed, that is what we are trying to achieve here as well. So thank you very much.

Mr. Chairperson: The next presenter is Henry Pauls, representing the Winnipeg Teachers' Association. Mr. Pauls, please proceed.

Mr. Henry Pauls (President, Winnipeg Teachers' Association): Hi, my name is Henry Pauls. I am proud to call myself an educator. I have spent 32 years in the classrooms of the Winnipeg School Division No. 1. During this time, I have enjoyed working with young people at all grade levels from nursery through Senior 4. Most of my teaching career has been spent working with adolescents ages 12 through 15 in the inner and north Winnipeg regions. I have worked the inner city. I have been assaulted by IP wannabes while protecting my students. So, if you want to know what it is like working inside the city of Winnipeg, I can give you lots of stories. Difficult? Of course, but also rewarding. No, I do not mean my high blood pressure. I

have found the interpersonal relationships and watching young people's minds being exposed to new ideas very rewarding. That spark of sudden insight is something to behold.

I am also a parent and a taxpayer. My daughter is just entering high school, and I have a son in his third year at the University of Manitoba. I also live in St. Vital. I am also the President of the Winnipeg Teachers' Association, representing all the teachers in Winnipeg School Division No. 1, numbering somewhere around 3000.

I am here speaking in favour of Bill 42. It is not all that we as teachers want; however, it goes a long way towards relieving the pain of Bill 72. Under Bill 72, amendments to The Public Schools Act, teachers were not allowed to arbitrate issues of staff selection or appointments, transfer, evaluation, class size or scheduling of recess. Ability to pay was also to be considered by an arbitrator. Essentially, teachers' rights to bargain in almost all areas were denied. No other organized labour group has been so mistreated, and that is putting it politely.

Bill 42 will do away with most of these injustices and return rights to teachers other Manitobans take for granted. Bill 42 will help ensure that we attract new graduates, our young and energetic teachers. We need to maintain a public school system in a position of strength with skilled and committed staff. At present, new graduates are actively being recruited by other provinces and countries.

In Winnipeg School Division No. 1, there are over 500 teachers eligible to retire, age 55 or over, by the end of the next school year. I think it is closer to 600 of them. Where are the replacements coming from if teachers' earnings and working conditions in Manitoba are below other provinces and countries? I do not think any of us want to pay bonuses to attract former Manitoba teachers back home.

* (23:40)

Within the last few years, one of the Winnipeg school trustees travelled to the Ukraine. He came back suggesting how

interesting it was to see the teachers working so hard sweeping floors, maintaining the wood burning stoves and producing basic reading texts, and they were not getting paid. This 19th century view falls right in line with Mr. Toews, President of MAST, who is incredulous that an arbitrator provided a mealtime for teachers. Combine the views, and we have teachers not eating and performing all the tasks to maintain a one-classroom school. Do we really want to regress to the 1800s?

In Winnipeg School Division No. 1, our chief superintendent expects all teachers will be sufficiently computer literate within the next two years to be able to use computers to develop reports and to use the Internet to send those reports to the central office. As an aside, Mr. Toews, the cost of providing a single teaching assistant for one hour per day in all eighty schools in Winnipeg School Division No. 1 for one year is twice the amount you have spent on that inaccurate political *Free Press* ad on Saturday. Teachers are the only employee group in the public school system excluded from the provisions of the LRA. This is nowhere near preferential treatment.

I have spent the most recent six years working on the Winnipeg Teachers' Association's executive. This time has also included six years of working on the negotiations committee. I have been part of both a contract arbitrated under rules that allowed the arbitration board to consider all issues and a negotiated contract. Neither, in my opinion, left either side totally happy. Both required compromises and a lot of difficult work. The arbitration board did not give away the key to the public vault. The board did make rulings that provided fairer working conditions.

The ability to arbitrate class size and class composition is left out of Bill 42. Why? The right to negotiate and have arbitrated class size and class composition is fundamental to teachers' working conditions.

Officially, I began my duty as local president on June 15. One of the first issues I dealt with was a teacher in crisis due to class composition. This teacher was declared surplus in her school, due to declining enrolment. She

was assigned a language arts program in another high school. Upon arriving there, she found the assignment changed to teaching a class composed of 18 Senior 1 students selected out of four high schools due to each student's inappropriate behaviour. She was to teach, without guaranteed assistance in the form of a teaching assistant, language arts, science, social studies and mathematics to these students.

Integration of these students into classes such as physical education and art would be attempted, but if unsuccessful, the teacher would be expected to lose her preparation time to supervise those students who were unsuccessful. This individual could have been your partner, your mother or your daughter. Knowing students of this type quite well, I would suggest that this teacher is in an almost impossible-to-survive position. Is it any wonder that there are approximately 80 teachers on long-term disability in the Winnipeg School Division No. 1?

Or perhaps one should consider teaching a science course that requires a laboratory portion. Labs are built to handle 25 students at most. Do you want your child in a class of 45, especially if they are interested in science? Does it happen? Yes, and way too often. We are documenting some of that right now.

We have 900 surveys that teachers sent to us dealing with working conditions, the amount of time it takes to do reports. We just have not had time to put it all together, but there is indication there that there are an awful lot of classes that are way too large.

Few teachers are aware and desirous of changing these conditions. Yet Bill 42 does not allow teachers to negotiate class size or class composition. Our vision of the future should include the right of teacher associations to present any and all of their concerns to an outside body, an independent arbitration board that has the authority to arbitrate all issues if the negotiation process fails.

In conclusion, I want my grandchildren, I hope they do not show up too soon, to have the same high quality of education I received as a new Canadian in the Winnipeg School Division No. 1, the kind I believe I delivered as a teacher.

And who is to say we cannot strive to do even better?

Thank you for the opportunity to speak. Thank you for Bill 42.

Mr. Chairperson: Thank you, Mr. Pauls.

Mr. Caldwell: Thank you, Mr. Pauls, for appearing before us. I do appreciate your perspective as a long-time teacher in the Winnipeg 1 School Division. As you know, and I think I have mentioned to you before, I have a tremendous respect for Winnipeg 1 and the work that they do in the city. I think the challenges that Winnipeg 1 have are very formidable. I know that your colleagues work, in a very dedicated and very committed fashion, to make Winnipeg 1 the Division it is in providing education, and sometimes, as you suggested in your presentation, very challenging circumstances.

I want to just thank you for your presentation and, once again, acknowledge and applaud the good work of the teachers of Winnipeg 1 School Division.

Mr. Schuler: Henry, thank you for your presentation. In particular, I take great notice in your discussion about the 500 teachers, and you say that there even might be 600 teachers who will be eligible to retire, being 55 or over by the end of the next school year. Certainly, that is an issue on to itself that has to be dealt with and has to be looked at. From the knowledge that you have, is there any indication that they might be looking at retirement? Are you looking at a normal attrition rate, or a normal retirement rate, or do you see that number starting to increase dramatically?

Mr. Pauls: Over the last three years in Winnipeg, we have had retirees of approximately 80 to 90 per year. A fair number of people who are eligible to retire by age cannot retire because they have taken time off to raise families, but I think those numbers are going to be hitting us very quickly. So within the next two or three years, I expect that we could be looking at 300 teachers leaving in one year.

Mr. Schuler: Again, from the experience I have had at the River East School Division, it is not quite that easy to replace individuals. For instance, if you have a Senior 4 science teacher, it is probably not always the most advantageous to get a university graduate because in a lot of these, when it comes to calculus and so on, it is actually good to have a little bit of classroom experience. In your discussions that you have had with various teachers and with various department heads, do you see there being a difficulty, especially when you get into specialty faculties of attracting and keeping, retaining teachers in those specific areas?

Mr. Pauls: Yes, and what we would like to do is negotiate a mentorship-type program, at least some of us would on our committee, to keep and retain these people for at least a year or two to help out new teachers, because it certainly is very difficult to begin being a science teacher.

Mr. Schuler: Mr. Chairman, just on that specific point, when you start looking at the kinds of needs that we are going to have in the classroom, do you kind of relate that back to the schools, to the Department of Education, to the faculties at the universities, to explain to them we are going to be needing many more teachers in these particular areas? Is there going to be a need all the way across the board, and do you express that to the various faculties and explain that obviously when graduates come out we are going to need graduates in certain areas?

Mr. Pauls: I think that would be a role that MTS would handle. My knowledge indicates right now that approximately 50 percent of graduates from the Faculty of Education drop out within the first five years. I think we have to really look at working conditions to retain them.

Mr. Chairperson: Mrs. Smith, Fort Garry, with a brief question.

Mrs. Smith: Yes, I just wanted to ask: How do you view the math and science teachers? We are hearing more and more that there is a shortage, especially at the senior levels. Are you finding that as well in Winnipeg No. 1?

Mr. Pauls: The Winnipeg School Division No. 1 hired, I believe it was 19 new graduates out of

the faculty as soon as they could to try and grab them before they were hired away somewhere else, very early in the year before there were positions available to them.

Mr. Chairperson: Thank you, Mr. Pauls, for your presentation.

The next presenter is Roland Stankevicius, River East Teachers' Association. Perhaps, you can help me pronounce your name, sir.

Mr. Roland Stankevicius (Vice-President, River East Teachers' Association): It was very good, very good.

Mr. Chairperson: Proceed, sir.

Mr. Stankevicius: Thank you. My name is Roland Stankevicius. I am the Vice-President of the River East Teachers' Association. I am also a full-time teacher at River East Collegiate where I teach in the business studies and technology department for Senior 2, 3 and 4. I am also a parent of 3 school-aged children. I am also married to a teacher who teaches full time teaching children with special learning challenges.

* (23:50)

Please accept my thanks to this legislative committee for this opportunity today to allow me to present our views on the proposed amendments to The Public Schools Act that concern the collective bargaining rights for teachers in Manitoba. The River East Teachers' Association is the second largest local association in the province of Manitoba, and we represent approximately 875 public school teachers who are employed with the River East School Division. Our members work, live, spend, invest, vote and pay taxes in their communities. Our membership is the solid citizenry of the communities in which they live. They are the coaches, the club leaders, the fundraisers, and even a few political activists.

I am very confident that, from a real estate point of view, having a teacher as a neighbour earns a strong plus to the appeal and value of a neighbourhood. Our members are well-trained. We are skilled, dedicated, and, as Ms. Speelman,

President of MTS, has stated, our teachers are the backbone of the communities in which they live. Our members are hardworking employees who pursue their vocation with creativity, a sense of purpose, fairness, and most fundamentally, with a vision of creating a better society through the education of our children. It is with this backdrop of a well-educated, stable, progressive and fair-minded citizenry that I am honoured and proud to make this brief presentation on behalf of our membership.

Let me be very clear on this, Bill 42 is about restoring fairness to the collective bargaining process for teachers in Manitoba. I am very heartened that this government has taken action to redress the unfairness and to restore balance to collective bargaining, which I believe is fundamental to advancing the economic and social interests of our communities.

A few years back, when the former government was beginning their machinations against fair and free collective bargaining rights of teachers, I attended a rally here on the front steps of the Legislature to learn more about those proposals. Dr. David Turner, then-president of the MTS, kept asserting in a loud and clear voice that the proposals were not fair as the various items that the former government were contemplating were read to the crowd. At that time, I was not fully clear on what it all might mean to me, but as I became more involved with my local association and as these proposals became legislated, I realized exactly what Doctor Turner was exhorting. Our right to negotiate very important and specific issues was outside of the law—that is Bill 72—and therefore we had lost our rights. Issues such as how teachers are evaluated, how teachers are assigned teaching workloads or workplaces were deemed beyond our right to include in a collective agreement, other than if the terms were favourable to the employer.

A personal perspective. Several years ago a process of evaluation of my performance was initiated in October of the school year. That process involved preparing plans and reports and giving information on grading schemes and of course the administrative visitations. That process went in an orderly fashion from the period of October through March. I submitted all

the materials, expecting that in due course, in a reasonable time period, a formal evaluation report would appear. The months of April, May and June passed with no such report. In June, I was offered a transfer to a different working location. I accepted. At the end of the school year, no evaluation report. Well, as far as I was concerned, that was not my job to do the report, so I moved on to my new school, to new challenges, and feeling quite relieved.

The following school year, the months of September, October, November, I got a call late in November from the former school saying the evaluation report is now complete. Would you please come and sign it? This is 13 months after it has been initiated. When I received the report, it was inaccurate; it was incomplete; it was unfair; it was a malicious attack on my personal, professional bearing. It took me another six months of a series of meetings with superintendents and administrators to deal with that hatchet job. It was a terrible experience. I lost sleep. I think I lost health, and I do not want anybody to have to go through something like that.

What I have heard from presentations that are against Bill 42 is an argument based on fear. The fear seems to be about what is going to happen in the next round of negotiations. Bill 42 should not be fearsome. Bill 42 is about conducting negotiations in a more equitable and open-minded environment where both parties can bring forward issues of concerns, conditions and circumstances for teachers and teaching that need to be addressed. Mr. Caldwell, your inclusion of section 104 in Bill 42 is a serious caveat to full, free and fair negotiations and I believe should not have been included, but I am encouraged that the Government will implement a commission to study class size and composition with the amendments that are coming into force. Class size and composition are very earnest concerns for educators. On the topic of "fear of fair bargaining", I would suggest that those responsible for conducting negotiations with teachers should develop a healthy respect for our negotiating position, take our ideas seriously, and please do not be afraid.

What I have also heard from those speaking against Bill 42 is their desire to artificially

restrain the economic well-being of teachers. This position is unacceptable to our membership. We will take our chances at the negotiating table and, if necessary, to arbitration. That is how the market mechanism works for the price of teaching service. It has worked reasonably well for decades in Manitoba, although teachers' salary settlements in Manitoba have over the years fallen below and behind the cost of living increases in the general economy. An artificial restraint on salary improvement, beyond what occurs through fair, free, and full collective bargaining will be a monumental obstacle to encourage young people to choose teaching as a career, and will have a devastating impact on the future progress of our communities.

The current collective bargaining environment for teachers in Manitoba is dreadful. The substance of negotiations is very limited and the time frames were odiously protracted. Our latest collective agreement had lapsed in December of 1997. A new agreement was not concluded until May 2000. The amendments to The Public Schools Act under Bill 72 were a mistake and a complete flop. The good news is that under our democratic system of government, bold change will occur if there is sufficient public support for change. Last October, teachers in Manitoba told Gary Filmon: Bill 72 was not fair. I trust that this message echoes clearly and truly to those who would consider treating citizens in such a brazen manner.

Thank you, Chair and committee members for this opportunity to present this evening on behalf of the River East Teachers' Association. We are encouraged and gratified by the direction Bill 42 advances balance and fairness for teachers in Manitoba. We will be diligent and responsible in working with our employer to create an improved and successful collective bargaining environment.

Mr. Chairperson: Thank you, Mr. Stankevicius.

Mr. Caldwell: Thank you, Roland, for presenting here today. I certainly appreciated it. Nancy Allan likes your shirt better than Mr. Wittevrongel's.

The personal perspective that you brought, again, as I have mentioned many times with

individuals that have presented to us over the course of the last two days, I find very helpful to me in getting an assessment of what the impacts are directly on individuals. I know they are all anecdotal, but in the personal way that they have been related, both by yourself and by previous presenters, it gives us a context here that is a little bit more meaningful I think, than some of the objective material. So I do appreciate your divergence from your written text to share with us some of your personal experiences. So thank you very much for that.

* (24:00)

Mr. Schuler: Roland, good to see you again. We had the opportunity to work together in River East School Division for four years. As I was following along with your report, one sentence certainly sticks out for me. It is on the front page: "Our members are hardworking employees, who pursue their vocation with creativity." I might say, Roland, you are certainly one of those individuals in the River East School Division. I might sound a little biased, probably, as up there with one of the best school divisions, the innovative things that are done in River East School Division are just remarkable. I certainly had the opportunity to get to know the programs quite well, my four years on the board. What I was going to ask you to do is, if you could just comment as the last speaker did with the composition of the teachers in River East School Division: Will you also be seeing a substantial group retiring in the near future?

Mr. Stankevicius: I cannot comment on that specifically other than we do know the numbers have been increasing. We have heard over the past few years that there is a large group. Our average age cohort, I think, is about 49 years of age. There are more teachers in the 55-plus age group than any other group so the numbers are there. It is a personal choice at 55. It was interesting this year that we had very few retirements. There could be an explosion next year.

I think we all understand that the population is aging. We do need some incentives to get young people into education. I do believe that a better collective bargaining position for teachers

is going to make it more favourable for people to enter the profession.

Mrs. Smith: I will defer to Mr. Schuler.

Mr. Schuler: If I may just have one supplementary. Could you just sort of clarify for this committee what kind of effect that might have on particularly the sciences? One of my colleagues across the way and I were kind of just discussing that one of the problems is, especially when you get into mathematics and you get into the sciences, private industry tends to almost buy those individuals right out of university because there are an awful lot of jobs when it comes to technology and that kind of thing. What kind of effect is that going to have on the high schools, especially in the higher grades when you get into specialized courses like your Senior 4 math year, your university entry courses?

Mr. Stankevicius: It will be more challenging. We already see very young teachers taking on workloads that I believe are unreasonable in terms of expectations for advanced level courses. A lot of stress on those individuals. You can see it in how they look from the months of September through June. So I do not think it is a healthy situation. These people are energetic, enthusiastic, creative but not, I do not think, a healthy situation. That is a different issue from the one that we would like to talk about today though.

Mr. Chairperson: Mrs. Smith, Fort Garry, there is time for a short question.

Mrs. Smith: I just had a question about the math and science teachers in River East. Are you feeling a shortage there as well?

Mr. Stankevicius: We definitely see that. I see it from an anecdotal point of view. We hire right out of university. We hire very quickly and then put the pressure on them. So it is very competitive, and that situation, I think, will be accelerated.

Mr. Chairperson: Thank you, Mr. Stankevicius.

The next presenter is Darrell Rankin, representing the Communist Party of Canada. Please proceed.

Mr. Darrell Rankin (Communist Party of Canada-Manitoba): I just have 13 copies of the brief. I accidentally gave a lot of copies away already to union activists and so on, so I hope you have facilities to make some more copies if you need them.

The way some employers are behaving these days you would think the revolution had arrived, the workers had taken state power and therefore they will have to pay more taxes. Well, we will let them know when the revolution is here, okay. It is not that serious.

I just came from a celebration for the revolution in Cuba actually tonight, a celebration of Cuba's revolution day. It is marking the start of the July 26 movement in 1953 that marks the beginning of the Cuban revolution. It was packed. There were over 200 people there. People had a great time. There were superb dancers from Cuba here on a cultural exchange with the Royal Winnipeg Ballet. We heard a report on Cuba's revolutionary government, why the revolution had such support among the people in Cuba, support that has continued for well over 40 years.

Why has the Cuban revolution such support? Well, we heard a report tonight that it is because the government kept its promises. I think this has a bearing on Bill 42 and the situation the Government faces on a promise it made to dig a deep hole for Bill 72.

So now to the brief itself. I will just say some words here, I guess. On behalf of the Communist Party of Canada and Manitoba, I would like to thank the Law Amendments Committee for the opportunity to present our views on Bill 42.

I represent the Community Party that for 75 years has been in the struggle for jobs, social programs, peace and disarmament, for respect and equality of all the nations in Canada, for Canadian sovereignty and socialism.

Not least, we have fought for collective bargaining rights and for improvements to the lives of workers, including in the education system. Our members have been teachers, school trustees and of course students. We are glad that

this bill scraps the changes in the former Tory government's Bill 72.

Teachers should be able to bargain collectively over a wide range of matters affecting their jobs, including the selection, appointment, assignment and transfer of teachers and principals, teacher evaluation, class size and the scheduling of recess and the lunch hour. We think Bill 42 should also include the right to bargain over the size and composition of classes.

Teachers are increasingly under attack. They are under pressure to have extracurricular activities included in evaluations and promotions. They are being forced to mark standardized tests that take away from preparation time. The previous Tory government took away many of their collective bargaining rights, pushing teachers closer to a slave-master relationship with school trustees.

Teachers cannot be quality educators when they are treated as slave labour. The Communist Party fully supports the idea that teachers' working conditions are children's learning conditions.

Fifteen years ago, arbitrators never had officially to consider an employer's ability to pay. Somehow, society managed to function without this requirement. The trend to legislating this requirement was in reality an attack on labour's collective bargaining position.

Employers simply wanted the right to give more generous salaries to top management, to hand out expensive privatized service contracts to their private sector friends, and to cut taxes for their friends, those most able to pay—the profitable corporations and the wealthy. It is time to say good riddance to the sham of arbitrators officially considering an employer's ability to pay.

Teachers should have every collective bargaining right, including the right to strike when requested, without question and immediately. For this reason, we believe that the penalties for striking should be completely removed from Bill 42. All they are doing is asking not for the right to strike. They should not have penalties added to them.

This bill, however, only partly reflects the views of teachers in Manitoba. The Manitoba Teachers' Society has agreed that it prefers a system of binding arbitration instead of the right to strike. But the MTS also wants teachers to be placed under The Labour Relations Act, a move that the Communist Party fully supports because of the greater rights to workers found under that act.

Bill 42 only places teachers under The Labour Relations Act unless it conflicts with The Public Schools Act. This should be changed in Bill 42, since there are several areas where teachers are made into second-class workers, or second-class citizens in Manitoba.

As mentioned, the range of collective bargaining is restricted since it cannot include class size and composition; two important working conditions. As mentioned also, the large majority of workers in Manitoba do not face penalties when they go on strike, so penalties should be removed.

School divisions have no obligation to bargain in good faith or to provide fair and reasonable treatment in negotiations, as provided under The Labour Relations Act. All these differences should be changed.

The Communist Party differs with the reason the Government gave why the right to strike is not contained in Bill 42, that in the words of the Education Minister: We certainly do not want the right to strike to be part of this new bargaining arrangement. I want to give children security that they will have schoolteachers.

This is what appeared in the *Winnipeg Free Press*, and I have seen no correction to the comments from the Minister. The Minister should not attack the dignity and rights of working people. The comment was unjustified and authoritarian. Teachers do not strike so they can undermine the security of children. Teachers will take what are their rights when they need them.

A serious attack on teachers and public education is taking place in other parts of Canada, particularly in Ontario. Teachers there

have found need for the right to strike, including over political issues well beyond the issues contemplated in Bill 42.

* (00:10)

The attack on public education is so serious that in Ontario school trustees and the public, in general, gave their support to the teachers when they struck against the reactionary laws of the Harris Tory government.

The attack in Ontario makes Bill 42 all the more important. Emboldened by the savage attack in Ontario and other parts of Canada, critics of Bill 42 in Manitoba are organizing a campaign against it. The campaign includes most school boards but not the largest, Winnipeg No. 1. It includes the Conservative Party, the Manitoba Chamber of Commerce and the Canadian Federation of Independent Business.

It is a mistaken, misguided campaign, a campaign that would erode public education and throw it into crisis. It would seriously harm the children of Manitoba and the future of the province. The campaign is aimed at teachers and public education itself, as if teachers in public education are the source of greed and avarice in society. The true and main source of greed and money-grubbing avarice are the multinational corporations that are robbing working people of their wage increases and looting public programs and assets to pay shareholder profits.

After trying to incite anger against teachers in public education, opponents of the Bill are trying to scare people with groundless, hypothetical outcomes such as a huge rise in property taxes. Slash funding for public education has been the main source of danger to property taxpayers.

After years of underfunding and channelling funds to private schools, it is time to increase funding for public education to ensure quality access to education for all children in Manitoba and to improve special needs education. It is not enough to increase funding at the rate of economic growth.

The Communist Party supports the extension of collective bargaining rights for teachers

contained in Bill 42, along with the removal of the so-called ability-to-pay arbitration clause. We believe that other measures are needed to make this legislation consistent and firm, such as: restore and increase public education funding above the economic growth rate for several years, reduce class sizes, end corporate intrusion in public schools, no standardized tests or other reinforcing of social, gender or class backgrounds, no funds for private or religious schools—this should be emphasized after the decision on Ontario separate school funding by the International Labour Organization—ban user fees for lunch supervision and other services, remove education from property taxes, fund education from general provincial revenues. Thank you.

Mr. Chairperson: I thank you, Mr. Rankin.

Mr. Caldwell: Thank you, Darrell, for a thoughtful presentation. Frankly, I was pleased to see a lot of correlation between your comments and many of the presenters that we have heard from during the course of the last couple of days.

I took note that you gave me a kick about the strike. I appreciate the kick. Although there has been some diversion on this matter, we had a few school boards saying that they thought the right-to-strike-lockout should be available to teachers. But it is the position of the Teachers' Society, as you may know, not to have strike-lockout. That is likely the context in which my words are framed. I did not see the article, but I will take your word that that actually came out of my mouth. So thank you for the presentation. I appreciate it very much.

Mr. Schuler: I would like to thank Darrell for his presentation. It certainly covers a lot of different areas and gives, again, another perspective to the Committee on the whole bill. I am sure the Minister finds your support most gratifying. Certainly we will be looking at all the presentations when we go line by line through the Bill.

Mr. Chairperson: Before you leave the podium, I would like to pay a compliment and say that you were an honest, fair and decent

candidate in the Burrows constituency election in September 1999, for which I thank you.

Mr. Rankin: You are welcome.

Mr. Chairperson: Thank you, Mr. Rankin.

The next presenter is Diane Zuk, representing Assiniboine South Teachers' Association. Please proceed.

Ms. Diane Zuk (Assiniboine South Teachers' Association): Before I begin, may I make a plea for all short people that we should not have to bring our own stepstools. If one could be provided—I am on my tippy-toes now.

Mr. Chairperson: We will see if we can get you a stool. We have one.

Ms. Zuk: Thank you. My name is Diane Zuk and I am speaking on behalf of the Assiniboine South Teachers' Association. My comments will be very brief and as result I do not have a written copy.

I am not an expert in the area of law and can only speak from my experience and observations. I have been a teacher for almost 30 years and I have never seen such a reaction from teachers as occurred with Bill 72. My colleagues were shocked, insulted and very frustrated, many viewing Bill 72 as a slap in the face to their profession. The silent majority became very vocal, even moved to action. These were dedicated teachers who maybe in the past had not been as active, but now who became active in their opposition to Bill 72, doing things from becoming a member of the local executive to canvassing their neighbourhood. Bill 42 reinstates some of the bargaining rights that were lost and establishes a better balance between employees and employers.

I commend this government for honouring their promise and for the respectful way in which they view teachers. Thank you.

Mr. Chairperson: Thank you, Ms. Zuk.

Mr. Caldwell: Thank you, Ms. Zuk, for presenting before us tonight. I appreciate hearing from the Assiniboine South teachers. We heard

from your board earlier this evening. I know that the work that educators do in Assiniboine South is recognized strongly in that area. Again, I thank you for staying with us until twenty after twelve on a school night or what would have been a school night.

Ms. Zuk: No, this is business here.

Mrs. Smith: I just want to thank you too for your presentation tonight and your sense of humour, and indeed you do look taller now. But it was very interesting to listen to what you had to say. I appreciate the concerns that you have. Thank you.

Mr. Chairperson: Thank you. The next name is Rudy Peters, private citizen. Please proceed, sir.

Mr. Rudy Peters (Private Citizen): Good evening. My name is Rudy Peters. I am speaking to you as a private citizen. I thank you for this opportunity to express my opinion on this bill.

My comments will be of a general nature rather than on specific items. I speak in support of the direction the government is taking with this bill, but in my view it does not go far enough.

Henry Ford is alleged to have said about the colour of his Model T: You can have any colour you like, as long as it is black. We see this as a joke because obviously customers had no choice. To say that employees have the right to bargain collectively and then restrict what is open to bargaining negates the principle. It is equivalent to saying: You have the right to freedom of speech, but you cannot criticize the government.

The collective bargaining process is the best vehicle we have for employees and management to communicate concerns to each other. It is certainly not perfect, but to paraphrase Winston Churchill on democracy, collective bargaining is the worst industrial relations process, except for all the rest. When restrictions are placed on what is open for discussion, the result is frustration, which ultimately leads to anger and confrontation. Everything needs to be on the table for management's sake as much as for labour's sake. We do not have crystal balls and cannot anticipate how progress will raise the

concerns for both parties. Whatever the concerns, they need to be discussed and dealt with through negotiations.

* (00:20)

The issue of costs is a separate issue altogether in my opinion. The first principle of economics is that everything has a cost. To do nothing has a cost. To sleep has a cost. Whatever is negotiated will have a cost. Resources are limited and trade-offs will occur. An example: Dental plans do not exist for teachers in some divisions. The reason: Teachers preferred to have the equivalent costs of the dental plan as salary rather than as benefit. In this example, the cost to the Division is the same in either case.

Working conditions obviously have cost implications that are factored into bargaining. What might be gained here might be given up elsewhere. In some situations a class of 30 might be acceptable, while in another situation a class of 8 might be the limit of acceptability. Why should class size not be open to negotiation, to bargaining and trade-offs? I read recently in the *Winnipeg Free Press* that to save \$250,000 the Transcona-Springfield Division had closed classrooms designed for behaviourally disturbed students and would now place these children in classrooms designed for so-called regular students. In my view, this is extremely short-sighted. The cost in the long term will be many times higher than this immediate short-term gain. Why should this not be open to negotiation and trade-offs?

I am not giving away any secret when I tell you that the biggest stressor of teachers in the classroom today is dealing with behaviourally disturbed children. FAE, fetal alcohol effect, is reaching epidemic proportions. Many schools have wonderful programs in place to help at least some of these children learn the best that they can. But many more are frustrated by arbitrary decisions made by people with little or no knowledge of the conditions in the classroom. Make it possible for teachers and management to communicate their concerns to each other and negotiate solutions.

All of us in Manitoba benefit from and bear the cost of our education system. There is a cost

to a poorer system as there is to a rich one. I believe we all want to have the best system we can afford and that what we can afford or not afford will always be in dispute. A major problem with the current system and the major source of conflict between teachers and trustees is the way we fund education in this province. It is grossly inappropriate that 40 percent or more of education funding is derived from property. In my opinion, education should be paid for out of the general revenues of the province and not property. Most of the criticism of this bill by the trustees stems from their fear of rising taxes, property taxes. The sooner the Government is able to shift education funding from property to general revenues the better.

Earlier we heard a presentation from Mr. Kelly of the Canadian federation of small business. It is clear that his members dislike all taxes. Any rise in taxes would result in a flight of business and people from Manitoba. Well, all I can say is that none of his members had better vote for Stockwell Day or any party of the right, because such a vote would be a vote for suicide as far as Manitoba is concerned. Manitoba is heavily dependent upon federal equalization grants to give us even a hope of matching the possibilities that exist in Alberta, Ontario, and B.C. A victory for the party of the right is a Trojan horse for the wealthy provinces to keep more of their resources for themselves. Canada would be balkanized. If a trickle of people are moving out of Manitoba now, it would be a flood without equalization grants.

Speaking of fear, I was intrigued by the repetition of expressed fears by trustees that arbitration awards would go against them and raise their costs. Arbitrators, sometimes judges are chosen for their impartiality and fair-mindedness.

Why were teachers seemingly not afraid that arbitrators would rule against them? The answer appears to be that the present restricted bargaining process has distorted the balance of power in negotiations and helped management keep labour costs below what would be equitable. In the absence of a balance of power, one of the parties will almost always face exploitation. If the fear by trustees is legitimate and arbitrators rule in favour of teachers, it will

be proof that teachers are presently being exploited. Holding labour costs below what is equitable or below the going rate, so to speak, means that teachers, as a group, are in effect subsidizing the system. This is simply not fair. Let us at least be honest about it.

What is fair is that we recognize the true value and cost of all of the components of our education system, that we decide what level we can afford and then assign from the general revenues of the Province the funds necessary to pay for it. I urge the Government to stay the course toward the goal of greater equity for all Manitobans.

I thank you for your attention, and I want to commend the stamina of all the committee members and in particular the staff behind the committee members. It has been a long haul.

Mr. Chairperson: Thank you, Mr. Peters.

Mr. Caldwell: Thank you, Mr. Peters, for presenting this evening. I certainly appreciate the viewpoint of the citizen who has taken time out of his life, frankly, to spend the evening with us tonight, and I guess we are into tomorrow morning again in this session. So I do appreciate you sharing your views with us here today. As I have said a number of times this evening, the personal perspective of individuals offers me personally more insight on these issues than all the objective data put together because it does put a human face to it. That is what you have done for me with your presentation this evening, so thank you very much, sir.

Mr. Schuler: Rudy, thank you for your presentation. We certainly appreciate it. Every presentation has brought something new to the Committee. On page 2, you speak about, I am not giving away any secret when I tell you that the biggest stresser of teachers in the classroom today is dealing with behaviourally disturbed children. FAE is reaching epidemic proportions, and we have talked about different elements that are affecting education. Certainly, this is another one of those that bring a lot of stress into the classroom. I certainly appreciate that you raised that for this committee. So thank you very much.

Mr. Chairperson: Mr. Peters, do you wish to respond?

Mr. Peters: No, thanks. Thank you for the comments.

Mrs. Smith: I just want to say thank you for your presentation. It is very much appreciated, and we commend you on your stamina because you are the last person up. Thank you.

Mr. Chairperson: Thank you, Mr. Peters. The next presenter is Mr. Ed Hume, Private Citizen. Mr. Hume, please proceed.

Mr. Ed Hume (Private Citizen): Mr. Chairman, Honourable Minister of Education, Drew Caldwell, and committee members, first of all, I should really be out de-stressing from teaching during the year, but right now certain things have impacted, and I do not have the luxury to do that, one being, which I will not get into much of because you have heard lots tonight. I am presently dealing with a transfer, and I am moving some of my furniture and stuff between schools right now. That is one issue.

Two of the biggest reasons I am here tonight, and I know some people have already alluded to it, is this ad which appeared in the *Free Press*, An important letter to citizens of Manitoba. I think a lot of people have seen that and a lot of people commented on it. But I think that this just typifies—before I get started—some of the bullying and intimidation tactics of MAST. I just want to read the last statement in their ad here. It says: For the sake of our students, our public schools and our communities, we appeal to our provincial legislators, do not pass Bill 42.

What I would question in this ad is, after listening to all the school trustees last night present, what do they really know is in the best interests of their students? What do they really know about students? I really question that. How often do school trustees come in to a school and spend time with a teacher other than to come in once a year at the end of your awards day ceremony and everything is nice and everybody is smiling and pass out certificates? Now, there may be some trustees who do that, but I have my doubts that any do or very few do.

* (00:30)

Tonight a big issue was you were talking and alluding to the fact, why is there a lack of communication? Why is there such an adversarial challenge between teachers and school trustees, who should be working together for the better quality of education in this province? Why? It is because they do not understand what goes on in the classroom, nor do they want to understand. They depend on superintendents to feed them information and misinformation about what is going on in the schools.

One thing I would recommend to this committee, and I would like to see it happen at some point, is that every school trustee be challenged and have to as part of their responsibilities as a school trustee come into the school and spend a day with a teacher, not 10 minutes, not 5 seconds, a day, one day with a teacher.

Believe me, I think you would see a different attitude on school trustees with what teachers have to deal with in the schools today. So that is a challenge that I am putting aside and that is another reason why I am here tonight, because I am making a suggestion here. How can we open up the communication? Teaching is tough enough. I do not want to sit there and battle school trustees and administrators, I want to work with them. Teachers by and large do want to work with these people, but for some strange reason they have singled teachers out as an enemy, and they go after them. Do not ask me why.

I want to open up this communication and dialogue and talk. That is why I am very pleased to see what is happening with the Government now, that this opportunity is coming about, but it has to happen. If it does not, it is going to be the demise of education. We need to talk. We need to work out suggestions, but with the attitude of the trustees, there is just that adversarial role which needs to disappear. So I would really like to see that change. I think that that could change if they would get serious and come into the schools and really see what is going on, rather than depending on the superintendent of education for what is going on in schools.

The other reason I am here tonight is I am really concerned about the future of education. About a year ago when we were still into this Bill 72 thing, my little daughter came to me and said to me, Daddy, I want to be a teacher. From the bottom of my heart, I had to say to my little girl, you would not want to be a teacher today. There must be something else you can do. That really hurt. If that is the kind of information I have to give to my own children about what it is like to be a teacher today, I think there need to be changes or there will not be teachers, nobody to take that job.

So those are two of the big reasons. I am really concerned about the future of education and about this battle that is always constantly going on between MAST and teachers. Believe me, teachers do not want to precipitate a battle. When we got hit with Bill 72 in 1996, as some people said, that was a tremendous slap in the face. I do not think this committee realizes how deep a cut it has left with teachers, the resentment, to even trust public officials again.

What did we ever do to deserve Bill 72? We are in the trenches doing the best we can, dealing with all these difficult kids, and the Government comes along and kicks us in the ribs. That is what Bill 72 amounted to. Anyway, I would like to get into my formal presentation. I had to allude to those two comments.

Hooray for Bill 42. It is about time. My name is Ed Hume. I am a parent of three school-aged children, a teacher for 26 years, and a taxpayer. First of all, I would like to applaud this government for having the courage to go against the establishment and Bill 72 to right a wrong.

Last night I sat through four hours of listening to, and you people sat through a lot more of it, four hours of school trustees bashing Bill 42, but the basic question of why Bill 42 came about was never asked.

Bill 72 is the reason for Bill 42. Bill 72 came about when MAST complained to the previous government about what they perceived to be the unfair practice of binding arbitration which was used in teacher collective bargaining process, a process that had been successful, with no disruptions to the delivery of education to

Manitoba school children in over 40 years, something other provinces cannot boast about.

The previous government was only too happy to intervene and not only took away teachers' bargaining rights but teachers' concern for working conditions, class size, professional autonomy and also the issue of teacher evaluation, policy dealing with teacher evaluation. In short, teachers were left with nothing and became slaves and beggars of school boards. Teachers were placed in an unfair situation. Bill 72, for the school trustees and the Filmon government, was like putting a coyote in charge of the chicken coop. No wonder most of the school trustees support Bill 72. If you had ultimate power, would you want to give it up?

Under these conditions, teachers' morale has plummeted to an all-time low. Low teacher morale is ultimately going to affect the quality of education for students. Thus, if this draconian Bill 72 had never been passed, there would be no need for Bill 42, which basically seeks to level the playing field for teachers and school boards again by returning to post-1996 conditions.

In my opinion, Bill 72 was the worst education bill ever passed. It sucked the life out of teachers and education and ultimately, if not repealed, would be the death of quality education in this province. Bill 72 probably would have produced: No. 1, a teacher shortage. Who would want to enter a profession that has no professional autonomy, dwindling financial rewards and increased pressure from outside bureaucracy? No. 2, fewer career teachers and more term teachers due to increased stress levels, long-term sick leave, producing greater instability in the school system. No. 3, a two-tiered educational system: the haves, the private school system, and the have-nots, the public school system. No. 4, higher property taxes, as the previous provincial government cut off educational funding to school boards, forcing them to raise local property tax.

These are things that, if we had kept going the way we were, probably would have happened. Bill 42 has the ability to restore a healthier balance in education, which is drastically needed today. I fully support Bill 42, and so do most of my colleagues. I hope this

committee sees the urgency for Bill 42 or a modified form of it. The future of quality education in this province depends on it. Thank you for your time.

Mr. Chairperson: Thank you, Mr. Hume.

* (00:40)

Mr. Caldwell: Thank you, Mr. Hume, for your presentation tonight and the enthusiasm of the hurray there at the outset. I appreciate the personal view you bring to our deliberations. As I have said many times now, it is refreshing to have a personal view put forth. I think it provides all committee members with an understanding of individual impacts and how they affect individuals. The passion with which you gave your presentation was very refreshing. Thank you very much for appearing here tonight.

Mrs. Smith: I just want to thank you so much. I could tell by your presentation that it was very heartfelt. I know it is difficult when your child comes up to you and you have to say to them, no, because of the experiences you have had. I would hope in the future that we would all work together to make the teachers and the schools even better and more open to supporting our teachers and supporting our students here in Manitoba. It is very important that you came tonight. I am glad that you stuck it out and came back, because your words do mean a lot. I thank you for your presentation.

Mr. Hume: Thank you. I appreciate the opportunity to come. Like I say, teachers really do want to work with the school trustees. I really wish they would come into the schools, honestly, and spend just one day with a teacher to see what really goes on. It would be a much different situation. Ultimately, we have to work together. Our society is falling apart. We have split families; we have, as they said, fetal alcohol syndrome children. Our society is really falling apart. We have to work together. We cannot be at each other's throats just over the buck. Yes, the buck is important. Everybody has to manage money these days. It is tough.

Ms. Nancy Allan (St. Vital): Mr. Hume, I would like to thank you very much for your passionate presentation tonight.

On the 21st of September, I was elected as the MLA for St. Vital, but before that I was a school trustee. I was elected in 1995 in the Norwood School Division. At the time of being elected, I had two children in the public school system. I was a volunteer in the classroom, working with teachers. I was also the president of the parent council at École Queen Elizabeth. I had the privilege of running with another woman and another mother in the neighbourhood who cared as passionately about children in the classroom, and who was a volunteer as well.

We were always proponents of teachers, and we were instrumental, in the Norwood School Division, in amalgamating the Norwood School Division with the St. Boniface School Division. Through that process, we worked ourselves out of a job and I got acclaimed as a school trustee in the St. Boniface School Division. Throughout the four years that I was a school trustee, I had the honour of working with many trustees. There are 400 trustees in the province of Manitoba. I had the honour of working with many trustees who cared just as passionately about children and teachers in the school system as you and I do.

Mr. Hume: I wish they would stick up for that, and I wish they would voice that to others and convert other trustees, because it is my understanding from sources too that there is an awful lot of teacher bashing, and I do not know why, amongst school trustees. I do not know what we ever did to deserve it.

I would just like to pick up on your point. That is very interesting. We have many parents who come in and they might be upset with schools and this type of thing, but because they got involved as a teacher aide and they helped, they came to a greater understanding of what was involved in education. I have seen parents literally being converted, leaving at the end of the day saying, my goodness, I do not know how you teachers can put up or how you deal with it, and having a greater understanding for what is going on. So I would just encourage parents and trustees to get involved, really, to see what is going on and to continue that. I applaud you for doing that and I wish more trustees would do that too.

Mr. Chairperson: Thank you, Mr. Hume. I am going to recognize the Minister for some concluding remarks and then we have some housekeeping items to take care of.

Mr. Hume: Could I ask one question?

Mr. Chairperson: Normally presenters do not ask us questions and the time has expired.

Mr. Hume: It would be a short question.

Mr. Chairperson: Thank you, Mr. Hume. We are all tired. We were here till twenty after four this morning.

Mr. Hume: Okay, I will let it go. Thank you very much. I appreciate you people listening at this late hour and also the opportunity to present. I truly hope that the conditions in education improve. Certainly with this new bill, I am sure they will.

Mr. Chairperson: Thank you, sir.

Mr. Caldwell: Thank you, Mr. Chair. I am just very briefly going to extend my sincere thanks to all members of the Committee here this evening. We had a 10-hour session yesterday and we have had a 6½-hour session today, which is not too bad work just for the Committee, let alone the other obligations that we all have. I really appreciate both the government members and opposition members for the questions that were put forth to the presenters. I very much appreciate the presenters, who have given us their insights on this bill over the past two days. It has been, I think, a very, very useful exercise for us as MLAs. I know that it has opened a lot of our eyes to many, many issues of concern in the public.

So thank you very much to the MLAs, very sincerely, for your good humour and for your insightful questions. Thank you to the presenters, who have made our work that much more meaningful.

Mr. Chairperson: I need to ask: Is there anyone else in the room who wishes to make a presentation? Hearing none, we had one presenter whose name was called once and was not here, and we are obliged to call that name a

second time. That name is Sandra Williams. Is Sandra Williams present? No. That name is dropped from the list. That concludes the list of presenters that I have before me this evening.

When the Committee meets, it will be proceeding to clause-by-clause consideration of Bills 12, 42 and 45.

Is it the will of the Committee to rise?
[Agreed] The time being 12:50, committee rise.

COMMITTEE ROSE AT: 12:50 a.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Re: Bill 42

The Board of Trustees of the Prairie Spirit School Division is committed to a belief in "local autonomy" and the responsibilities that go with that belief. We believe that quality and/or the pursuit of quality in the public school system can best be attained by encouraging meaningful participation from each of the partners to which the school board is responsible. We are also of the opinion that when responsibilities are granted or assigned, those responsible must also be given the powers necessary to precipitate and execute the processes commensurate to those responsibilities. We feel that The Public Schools Act and companion legislation should strongly indicate the enhancement or the betterment of the system of collective bargaining without jeopardizing the principle of providing the best possible education for the children of Manitoba at a reasonable cost to the taxpayer.

School boards are democratically elected to act in the best interests of all the partners, but the authority to manage all their resources, (both human and financial) efficiently and effectively must accompany the responsibility.

We find it difficult to understand how a third party (a single arbitrator or an arbitration board) could impose new conditions on either party to the immediate process, and therefore it is our opinion that some reasonable limitations should be placed on arbitrators in making their awards. Also, the arbitrator is not required to be responsible for the imposition. However, school

boards are required to act "reasonably, fairly and in good faith" and to accept the responsibility of implementing the award.

Because we would normally endeavour to discuss (consult) with our professional staff on matters of this nature, the timeliness of this process is less than desirable. Also, because of the haste with which Bill 42 has been presented and the number of unknowns and uncertainties and the possible impact contained in this legislation, we find it difficult to be in support of this bill.

The distinct possibility of escalating uncontrollable costs of education and property taxation in particular, in conjunction with our concern for delivery of quality education to our students, leads us to believe that this pending legislation is flawed at best.

However, we trust we will find the best possible solution for all our interests.

Respectfully yours,

Marvin R. Anderson
Board Chair
Prairie Spirit School Division

* * *

July 25, 2000

Distinguished members of the Law Amendments review committee, ladies and gentlemen.

My name is Maxine Plesiuk, and I am the Reeve of the Rural Municipality of Ethelbert. The municipality which I am representing this evening is located between Dauphin and Swan River and is a part of Duck Mountain School Division #34.

To begin, I would advise that I am an elected official of our community. I represent the people on Council for the Rural Municipality of Ethelbert. I have been elected by the people to serve in the best interests of the people, just as the provincial officials are elected, just as the federal officials are elected and just as the school trustees are elected by the people to serve in the best interest of the public school system. I would

stress that we refer to the school system as a public school system, which may be defined in a dictionary as "for or concerning the people as a whole," unlike Bill 42, which shifts the powers of decision making away from the elected school officials, who represent the people as a whole, and gives these powers to the teachers' union and the arbitrators.

Due to the democratic, public process of electing school board members from within the community, the school board members maintain a comprehensive knowledge of the needs, wants, concerns and limitations of their community. School board members are fully aware of the financial constraints imposed on the ratepayers, who are funding the public school system, just as I, as a municipal official, am obligated by the Province to collect the school taxes from within our community. We, the municipal officials and the school trustees, are placed on the front line to bear the consequences of the public outcry which will ensue if Bill 42 is enacted.

Presently the school portion of the tax bill we mail out every year is already greater than our municipal taxes. Because we recognize the burden of escalating school taxes, we often sacrifice or delay municipal services to our ratepayers in an attempt to ensure taxes are bearable within the municipality.

Our council, and the people whom we represent, are strongly opposed to Bill 42, The Public Schools Amendment Act, and would appeal to our provincial legislators not to pass this bill, as it will have the effect of accelerating the rise in education costs and will drive up property taxes significantly for years to come.

Bill 42 and more specifically the arbitration process would routinely result in rulings that would require school boards to increase taxes. This increase would impact every single household within the province of Manitoba, independent of the user's ability to pay. What costs will the ratepayer be imposed to support the binding arbitration awards? This is a process the ratepayers of Manitoba cannot afford.

Arbitration, the process in itself, presents a flaw to the public school system. The process of arbitration gives the authoritative judgment to a

single individual. This process, by definition, should be unbiased. But we do not live in a perfect world. It would be very appealing to find one individual who would understand, unbiasedly, the needs of people who choose to live in the city or the country, the needs and wants of people who have children and the people who do not have children, the needs of physically, mentally or socially challenged children, and, yes, of course, the needs and wants of the teachers.

Yes, the needs and wants of teachers. The most expedient and fairest way to ensure professional and ethical working conditions would be to include teachers under The Labour Relations Act. This would strongly ensure that teachers acquire the same rights as any other employee of the province. Bill 42 should not be enacted for individuals who choose teaching as their profession, choose teaching because they want to make a difference in a child's life. These people made a conscious commitment to spend four years in a university with the end desire to best serve the children of Manitoba. But, yet, following receipt of their teacher's certificate, and following the acceptance of a position within a school division, they raise the concern that they do not receive the same rights as other employees of the province.

In comparison, I guess we can say that doctors do not receive the same rights, as they are required to work on call, 24 hours a day on a rotation. And what about the nurses, the taxi drivers, the janitors. Do they get the same rights?

Bill 42 proposes changes which will give teachers preferential treatment that no other employee group receives. It proposes a bargaining process which increases the power of the teachers' union and strips school boards of their authority to manage resources efficiently, while encouraging arbitration awards that Manitoba taxpayers cannot afford.

Bill 42 compromises the education interests of Manitoba children by shifting decision-making authority away from elected community representatives to the teachers' union and arbitrators. The school trustees in the Duck Mountain School Division have struggled considerably over the last number of years in an

effort to provide the best possible education for our students, while keeping their eye on the balance sheet. We have seen enlarged classes, amalgamated classes and reduction in teachers' positions as a result of these efforts.

With a population, at last census, of 514, our municipality received the dubious distinction of having one of the lowest land value assessments in the province of Manitoba in the last general assessment. The province of Manitoba in the last few years has recognized the struggle that this division has been faced with and has provided for several special grants, which we are very much appreciative of. In return, the Division has been actively exploring the avenue of amalgamation and the various scenarios related thereto and how it would impact on the education received by our children.

We strongly support the existing Public Schools Act, which requires arbitrators to consider the ability of school boards to pay when making awards and which provides for reasonable limitations on arbitrators in areas of management rights. The existing legislation balances this limitation by giving teachers the right to grieve school board decisions in areas precluded from arbitration.

If this government passes Bill 42, it will deal a swift and fatal blow to the Duck Mountain School Division. The rural municipalities that make up our division are in a similar position of having low land value assessments. There is no question that the passage of Bill 42 will be the final fatal blow resulting in the Division's complete emasculation. Rather than allowing the elected trustees the opportunity to carefully assess and consider the amalgamation of the Division with another and to explore opportunities which reflect the best interests of our children, Bill 42 will force the Division out of business, and many of our communities will lose our schools. The result of this will be devastating for our children, which would then have to be bussed up to 50 miles, in some instances, and would ultimately result in the death of small town rural Manitoba.

If this government values equal education for Manitoba's children, regardless of where they live in the province; if it values what rural

Manitoban's contribute to the economy of this Province; if it advocates equal opportunity for all Manitobans; and if it does not wish to do substantial harm to Manitoba; it will not pass Bill 42 into law.

I thank you for the opportunity to make our concerns known. We respectfully request that the government take the concerns of school trustees, municipal governments, chambers of commerce and Manitobans to heart, and reconsider the legislation which is the subject of this review.

Respectfully yours,

Susan Boyachek for Maxine Plesiuk, Reeve
Rural Municipality of Ethelbert

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Bill 42 presentation on behalf of the St. Boniface
Teachers' Association

Good evening, ladies and gentlemen. My name is James Bedford. I am here representing the St. Boniface Teachers' Association, the organization of which I am president-elect.

Being a teacher, I have a very great vested interest in this legislation. To explain why my interest is so great, allow me to tell you a short story. My father and I share one great passion in common, baseball. We both attend a number of Goldeyes games together through the summer. To prove how great our passion is, and perhaps our foolishness as well, we were at a game on a very damp evening earlier this month. Dressed in rain suits, I recall that about the second inning, after the third Goldeyes' error of the night, I said to my father that we were in for a long game. The field was wet and ball was very difficult for the Goldeyes infield to handle. In his infinite wisdom, my father replied to me that both teams had to play on the same field, and the errors would balance out before the night was through. Sure enough, by the seventh inning the score was tied, and both teams had four errors to their records.

There are two morals to this story. The first is that in sport, a fair and level playing field is crucial to the enjoyment of the game. Although

we've both seen better baseball, on that night both teams struggled equally with identical field conditions. The second moral is that the enjoyment is not only in playing the game, but in the communication that occurs during the game. My father and I probably talk more during a ball game than at any other time in our lives. We communicate.

So what does this have to do with collective bargaining? As a local executive member of some five years' experience, I see collective bargaining as a game, a fairly enjoyable one actually. To play the game properly, the field must be level. The rules must be the same for both teams, or else one team is destined to lose all the time, and the game will have lost its appeal to both sides. The recent legislation enacted by the previous government under Bill 72 tipped the playing field so far in favour of the employer that it became nearly impossible to bargain. Ability to pay meant that a division could simply set its budget and respond that no pay raise was budgeted for, so there is no ability to pay. In other words, you play field in the rain, but we get to wait for a sunny day before you bat.

Unfortunately, the public education system is not like General Motors, where ability to pay can be linked to how many Oldsmobiles you can sell, or how competitive the Japanese manufacturers are. In our system, like any civil service, we provide a service for which it is difficult to attach a price tag to. What is a child's education worth? Perhaps we could ask where that child would be without his or her education? Where would you be without your education?

Unfortunately, in recent years the previous government has shifted a greater responsibility for funding onto the shoulders of the local ratepayer. Yet is this reason enough to tilt the playing field so much against the employee? I say no. We are here today essentially because of this local/provincial funding inequity, to correct the imbalance as well as restoring the fairness to collect bargaining.

The second moral to my story is communication. Collective bargaining is all about communicating, about problem solving. If you remove the ability to communicate, that is,

the ability to bargain class size, ability to pay and transfer, then you remove the cornerstone of bargaining. It is like playing baseball, but the home team is permitted to call their own strikes and balls and the visitors are expected to shut up and not argue. If we are to see one great appealing virtue in this new legislation over what we had previously, we can, and are expected to, communicate openly and freely under these proposed changes, with the exception of class size. However, I am convinced that the proposed discussions on this

issue will be fruitful for all parties, especially our students.

Thank you for permitting me time to speak this evening and for caring enough about the fairness and equity of collective bargaining, but most of all for the well-being of Manitoban students and their education, to restore a level playing field for all.

James Bedford
St. Boniface Teachers' Association