

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS

Saturday, February 24, 1990.

TIME — 2 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Edward Helwer (Gimli)

ATTENDANCE -10- QUORUM - 6

Members of the Committee present:

Hon. Messrs. Ducharme, Ernst; Hon. Mrs. Hammond

Messrs. Doer, Edwards, Ms. Gray, Messrs. Helwer, Pankratz, Patterson, Storie

APPEARING:

Mr. George Bergen, Private Citizen

Mr. Patrick Martin, United Brotherhood of Carpenters and Joiners of America, Local 343

Mr. Roland Doucet, Private Citizen

Ms. Anne Watson, Private Citizen

Mr. Grant Rodgers, Private Citizen

MATTERS UNDER DISCUSSION:

Bill No. 31—The Labour Relations Amendment Act

* * * *

Mr. Chairman: I call the Standing Committee on Industrial Relations to order. The Standing Committee on Industrial Relations will resume hearing public presentations on Bill No. 31, The Labour Relations Amendment Act. I will shortly read the names of the presenters from the first page of the presenters list.

If there are any members of the public who wish to check and see if they are registered to speak to the Bill, the list of presenters is posted just outside of the committee room. If members of the public would like to be added to the list to give a presentation to the committee, they can contact the Clerk of the Committee, and she will see that they are added to the list. If we have any out-of-town presenters or anyone who has to leave shortly or who are unable to return for subsequent meetings, please identify yourself to the Committee Clerk, and she will see that your names are brought forward to the committee as soon as possible.

I would just like to remind committee Members that the committee agreed yesterday to sit until 5 p.m. today. I would also like to advise the committee that over the lunch hour the Committee Clerk attempted to contact as many people as possible to remind them of the meeting this afternoon.

Picking up where we left off this morning, I will call the names of the next 15 presenters: Mr. Randy Porter, Mr. George Bergen, Mr. Patrick Martin, Mr. Bruce Buckley, Mr. Bob Bayer, Mr. Michael Campbell-Balagas, Mr. Art Demong, Mr. Wayne Andon, Mr. Alain Trudeau. That is the list on the first page there.

Patrick Martin, would you like to make your presentation at this time? -(interjection)- Is Randy Porter here, or George Bergen? Oh, George Bergen, I am sorry. We will start with George Bergen. Do you have a written presentation, Mr. Bergen?

Mr. George Bergen (Private Citizen): Yes, I do. You should have copies in front of you there.

Mr. Chairman: We have copies?

Mr. Bergen: I handed out copies yesterday.

Mr. Chairman: Please proceed, Mr. Bergen.

* (1405)

Mr. Bergen: Mr. Chairman and committee Members, I want to thank you for giving me this opportunity to make this presentation to you.

I have a feeling that as an MLA sitting on a Standing Committee, one must get used to digesting a lot of repetitious arguments. All I can say to this is that a good case needs to be repeated as often as it takes for it to sink in and have an impact.

My purpose in appearing before you as a citizen is to urge you as forcefully as I can not to proceed with Bill C-31 which is intended to abolish final offer selection (FOS) from the statute books of Manitoba. Therefore, I am asking you to make a firm recommendation to the Manitoba Legislature that this entire Bill be withdrawn.

The argument that FOS has already had a very positive impact on labour relations in our province in terms of facilitating fairness and balance in collective bargaining, and reducing strikes, has repeatedly been made in the Legislature with very few arguments to the contrary. I am sure this point will be made again and again by others appearing before this committee. I am not going to repeat many of the excellent arguments that have already been made. However, I urge committee Members to be practical and independent-minded instead of taking the easy way out by following Party lines.

The final offer selection legislation in Manitoba is the most innovative and refreshing application to emerge in the field of labour relations in Canada for many years. The FOS option has rapidly become an integral part of the overall positive labour relations climate in

Manitoba and is a major enhancement factor in our collective bargaining process. It promotes a sense of fairness and respect, especially if there is an obvious unequal balance of power between parties at the bargaining table. Keep in mind that the notion of striving for balance between labour and management has been a fundamental goal of many Legislatures within the civilized world for over 50 years.

Those committee Members, who for one reason or another may be opposed to unions in general, might ask the question, why enhance collective bargaining, or for that matter, why have collective bargaining at all? Well, to these Members I say that there is a fundamental need to promote any legislation that strives for a more equitable economic and social environment in Manitoba, and FOS and collective bargaining legislation does this.

Collective bargaining has many of the various same attributes and shortfalls that democracy itself has. Neither is perfect. Both concepts in the real world are fragile and must be encouraged and protected by law if their full potential is to be realized in a free society. The most important, as with democracy, there are no better alternatives to collective bargaining and arriving at what employees perceive as fair wages and working conditions for their labour. Think about it for a moment. What are the alternatives? Should employers across Manitoba, for example, set wages and working conditions like you do in Third World countries, or even like you do in Mississippi or Alabama, where labour legislation provides no balance whatsoever in collective bargaining and the collective bargaining process?

The question individual Members on the committee should ask themselves is, why kill FOS if it indeed adds to the concept of fairness in collective bargaining? More specifically, why kill FOS if it, I think quite rightly, inhibits that small group of unreasonable employers from crushing a democratically established bargaining unit? Since FOS has been in effect for several years now, committee Members might have a concern as to the impact it has on wages in Manitoba. Has FOS impacted adversely on Manitoba's competitiveness in the marketplace? I am using the word competitiveness here now the same way they use it in financial newspapers and so on, which basically states that the lower the wages in a country and so on, the more competitive that country is. It is just a narrow definition of that word.

* (1410)

In attempting to address this concern, I have compiled the following table taken from Statistics Canada, wage and price increases covering the period from August in 1986 to August '89. From the above figures, it is apparent that wages in Manitoba under FOS have increased less than the rest of Canada. It also shows that wages in Manitoba have fallen behind the rate of inflation as measured by the consumer price index. I should add here that the wages in Saskatchewan have gone up even less than Manitoba, but the point I am trying to make here is that FOS has not really been a factor in the increasing wages or decreasing wages in Manitoba.

The argument that FOS might reduce the competitiveness of employers in Manitoba does not stand up to scrutiny. Since August of 1986, the average hourly wage in Manitoba has increased by only 10.8 percent compared to 14.4 percent in the rest of Canada. These are not just selective statistics, and I would urge Members to look at other comparisons if you are concerned that FOS will impact adversely on Manitoba's competitiveness.

In closing, I want to again urge committee Members to put aside ideologies and party line mentality on the question of FOS. Go for what makes sense in terms of fairness to working people of our province. Show your constituents that you can think for yourself. If something works well in Manitoba do not throw it away, fight for it.

Thank you again, Mr. Chairman and committee Members, for allowing me to appear before you.

Mr. Chairman: Thank you, Mr. Bergen. Are there any questions for Mr. Bergen?

Mr. Jerry Storie (Flin Flon): Mr. Bergen, thanks for taking the time out of your schedule to present your views to the committee. It is much appreciated, and as with most presenters, we always find something additional from the arguments that are presented that support our position that final offer selection, and your position that final offer selection should stay.

The First Minister (Mr. Filmon) may believe that they are all repetitive arguments, but I find that every presenter has a new perspective and this morning we were treated to two. One, I do not know if you were here, Mr. Bergen, one was the representative of the Operating Engineers Union Local 901, who talked about FOS in the public sector and how it had been working in rural Manitoba in small bargaining units—

Mr. Chairman: Mr. Storie, I wonder if you could keep your questions to the presenter that are related to the brief at hand?

Mr. Storie: Thank you, Mr. Chairperson, yes, I am doing that. I do not know if the presenter was here this morning and some of the arguments -(interjection)- Mr. Chairperson, then the First Minister (Mr. Filmon) is assisting—

Mr. Chairman: Carry on, Mr. Storie.

Mr. Storie: —because it is important that he understand the context of the question. He was not here when the other presenters presented.

Mr. Chairman: Do you have a question for the presenter, Mr. Storie?

Mr. Storie: Mr. Chairperson, yes, I do and I will get to it when I have finished my remarks.

I recognize that the Liberals and the Conservatives are very concerned because they have no substantive arguments to support the repeal of final offer selection,

but the presenter, Mr. Bergen, gave us a very good presentation -(interjection)- well, the Member for Riel (Mr. Ducharme) believes that they have some arguments. I would like to hear them.

The second presenter represented the people involved in a strike or the dispute at Unicity Taxi, which he said that a strike had been prevented, that final offer selection had prevented a strike, the 24 members of that particular association would have in all likelihood been involved in a lengthy strike. You have pointed out another argument that has been used in support of repealing final offer selection is bogus. It is false, it is fallacious, it is spurious, and that is that somehow this is going to contribute to an imbalance in the collective bargaining system.

What you have shown us today and statistically shown us is that, while final offer selection has been used, there have been fewer days lost due to work stoppages in the province. That is other information that is brought here again, corroborated by the Department of Labour. Now you are telling us -(interjection)- The Member for Radisson (Mr. Patterson) is a little concerned—

Mr. Chairman: Mr. Storie, I must remind you again, order, please. Mr. Storie, I want to remind you, do you have a question for the presenter?

Mr. Storie: Yes, Mr. Chairperson, I do.

Mr. Chairman: Please ask the question.

Mr. Storie: The second point you are making is that the average wage increase in the Province of Manitoba has actually been less than in other parts of Canada. The argument that final offer selection is going to create an imbalance, that it is going to create a situation where employers are less competitive is an erroneous argument. My question is, have you heard any substantive argument from employers, from either of the Parties in the Legislature who want to repeal this legislation that would indicate that final offer selection is going to damage our economy in any way? Have you heard any argument that you believe holds water?

* (1415)

Mr. Bergen: No, I have not and just to add to that, I do read the financial papers and I have not heard any arguments or seen any written arguments that would indicate that Manitoba's economy would be damaged by final offer selection.

Mr. Storie: Mr. Chairperson, in your brief you also mentioned that in your opinion, final offer selection or the ability of either party to use final offer selection promotes, in your words, a sense of fairness and respect. How does that happen in your opinion?

Mr. Bergen: Well—

Mr. Chairman: I wonder if you would wait until I address you before you answer the question, please, so they can turn the mikes on. Thank you. Carry on, Mr. Bergen.

Mr. Bergen: Would you repeat the question?

Mr. Storie: My question was, Mr. Chairperson, in your brief you suggested that the use of final offer selection or its availability in Manitoba promotes a sense of fairness and respect at the bargaining table. I am wondering what allows you to draw that conclusion.

Mr. Bergen: I believe that, by and large, 97 percent to 98 percent of unions and employers are reasonable and do bargain in good faith, but there are a small number of employers that seek to crush bargaining units. They are simply anti-union and they seek to crush bargaining units, and final offer selection and cases like those inhibit those types of employers.

I have been to the bargaining table on many occasions. I have seen employers that are unreasonable, not very often, but I have seen them before we had final offer selection. In those cases, I believe that final offer selection would be a great benefit to bring some sort of balance and fairness to the bargaining table.

Mr. Storie: It is interesting that you suggest that it may bring fairness to the bargaining table, because one of the myths that are being used by those who oppose final offer selection says that FOS actually destroys the collective bargaining process.

In your experience, is there any indication that FOS can in any way destroy the bargaining process?

Mr. Bergen: My personal view is that it does just the opposite, that it enhances bargaining, and that it is just one more element at the bargaining table that both unions and management have to consider that might impact on what they are doing. I think that it simply just promotes bargaining. I think we have seen that in some of the statistics that have come forward by other presenters where almost all of the groups that have sought FOS have eventually settled before the use of FOS, so it is almost a proof factor to support that argument.

Mr. Storie: Another argument that has been used, including used by the Liberals and the Minister of Labour, is that final offer selection somehow promotes long strikes. Have you seen any evidence or from your personal knowledge do you know of situations where that has been the case?

Mr. Bergen: No, I cannot contemplate such a scenario where final offer selection would in fact promote longer strikes. I cannot envisage such a scenario.

Mr. Storie: Would you not think that after two years if there was any truth to that suggestion there would be some evidence? Would you not think that the Minister of Labour would be able to point to examples where that had happened? Would there not be some evidence? Why can the opponents of this legislation not find anything substantive to use to oppose final offer selection?

Mr. Bergen: I do not really think that there is any evidence to support that either.

Mr. Storie: I have no further questions, Mr. Chairperson.

Mr. Paul Edwards (St. James): Just a couple of questions. Thank you so much for coming and presenting, Mr. Bergen. In your brief you indicate that FOS—this is I think page 4 of your brief—“inhibits that small group of unreasonable employers from crushing a democratically established bargaining unit.” As you may know, FOS has now been used in this province 72 times. In your answers to Mr. Storie’s questions you indicated again that you felt, I think, 95 percent or 97 percent of employers were reasonable. Is it your view that the 72 employers in which FOS has been invoked upon were those unreasonable employers?

Mr. Bergen: I have not analyzed each one of those 72 bargaining situations. Some of them may have been unreasonable; some may not have been. I have not examined that. I just use that as an approximate, you know, that small percentage of unreasonable employers. I just use that as an example. It might be 5 percent; it might be 10 percent. I do not know.

* (1420)

Mr. Edwards: Mr. Bergen, when you indicate again in your brief that—you say, think about it for a moment. What are the alternatives? Should employers across Manitoba set wages and working conditions like they do in the Third World, or even like they do in Mississippi or Alabama where labour legislation provides no balance whatsoever in the collective bargaining process? Are you making a comparison there between our labour legislation and that of Mississippi or Alabama or the Third World? Are you suggesting to us that our labour legislation is in any way comparable to that found in those jurisdictions?

Mr. Bergen: No, I do not think it is comparable. I would like to add one comment on that. In reviewing countries where they have poor labour legislation, reviewing the United States where they have very weak labour legislation, there seems to be a greater disparity between the haves and have-nots, the rich and the poor, as opposed to, for example, Manitoba. All you have to do is look at countries like the European Economic Community, where they have excellent labour legislation, versus, for example, South American countries. In almost every situation where you have good labour legislation, some kind of a balance, you also have less disparity. You can just go country after country.

Mr. Edwards: Just in conclusion then, so I am clear. Our labour legislation in the Province of Manitoba does not fit within the type of legislation found in some of the southern states and other jurisdictions? You are not saying that we have that type of legislation, are you?

Mr. Bergen: You mean apart from FOS?

Mr. Edwards: Right.

Mr. Bergen: No, I would say that our labour legislation is not as bad as that but at the same time would add that repealing FOS might just be one step in a move

towards that, given the Free Trade Agreement and the tremendous pressure for harmonization in Canada.

Mr. Edwards: Just finally, you have said it, and I just want to make sure. Is it your view that final offer selection enhances collective bargaining?

Mr. Bergen: Yes, I do say that.

Mr. Edwards: Thank you for your presentation.

Mr. Chairman: Are there any further questions? Mr. Doer.

Mr. Gary Doer (Leader of the Second Opposition): Mr. Chairperson, it is a new statistic, the average wages and comparisons in this experimental period of time which is contemplated in the present legislation. Were you able to make any comparisons between the five times where there have been settlements in FOS? I believe there have been five occasions where there actually has been a settlement or has been used for a settlement, as opposed to the 72 applications.

Has there been any comparison, and I do not know the answer to this question so I am asking you to find out, between the average industrial wage increase in Manitoba, without final offer selection, and the average settlement with the five occasions, even though I recognize that is certainly not enough statistical examples to indicate any kind of long-term trend, but has there been any comparison of those two factors, and are they generally consistent between the three dynamics—collective bargaining with strike and lockout, collective bargaining with FOS, and no collective bargaining—has there been any comparisons of those?

Mr. Bergen: I have not looked at that in detail, but each individual bargaining situation is unique, in a sense, but I have not noticed, in looking at wage settlements, FOS and others, those that have been made under FOS applications and others, there has really been very, very little discrepancy between FOS settlements and others.

Mr. Doer: Mr. Chairperson, you mentioned the fact that Manitoba’s wages are less than the Canadian average, which is normally correct, compared to the central Canadian heartland, particularly in the last number of years with their overheated economy, and you mentioned also in your aside with your brief that Saskatchewan, indeed, was lower than Manitoba. Obviously they are suffering greater economic problems than we are. Would you generally believe that the fact, where Manitoba was placed in terms of average wage settlements the last number of years, is fairly consistent with what has happened in past years in terms of Manitoba as a mixed economy, versus the industrial economies of central Canada and the other economies of some of our more resource-based provinces?

* (1425)

Mr. Bergen: Yes, I would agree that these figures here are fairly indicative of what has happened in previous

years. Manitoba has had fewer ups and downs in terms of higher wage settlements, lower wage settlements, and so on than other provinces, for example, British Columbia, Alberta and Ontario and so on.

Mr. Doer: Just moving to another argument that we have heard, and certainly it is part of the debate now, the argument of the average length of strike is greater under FOS. It seems to me, and my question to the presenter is, any reading I have done, whether it is the ILO or Canadian labour statistics, or Japanese investors looking at the stability of labour-management relations, they look at the days lost per strike. I would ask you, is that the indicator that most industrial countries use and most employers and investors use to indicate a labour-management relations climate?

Mr. Bergen: Yes, that is an indicator that is widely used and Statistics Canada have produced those figures as well and that is a figure that is used generally.

Mr. Doer: Just following that point on. We have heard that the average length of a strike is greater under FOS. If, for example, you had two employees out for a year in one strike over a year, you would have 600 days lost per strike, or 700 days lost per strike, compared to a situation where you could have very few strikes in a year, yet the one strike would look, under that definition of average days per strike, to be causing more conflict than the days lost per strike, or lockout in a year. Would you not agree with that point, Mr. Bergen, in terms of the discrepancy of those comparisons?

Mr. Bergen: What you really would have to do to analyze it properly, you would have to look at person days lost as opposed to just days lost. Sometimes these statistics can really be distorted. To do a proper analysis, you would have to look at person days lost in a strike and analyze the situation that way.

Mr. Doer: Yes, we have argued that the persons days lost per strike in 1989 dropped. It was the lowest it has been in Manitoba in 25 years. Our analysis is that certainly all things cannot be attributed to one method of collective bargaining, the FOS, but certainly the fact that we are lower than 20 years and almost, the days lost per strike is 2,200 compared to normal years where it is close to 70,000. Have you analyzed those factors? Is our assessment correct on that point in terms of days lost per strike?

Mr. Bergen: I believe your assessment is correct. I do not directly address that issue in detail in my brief and so on. The reason I did not do that was because I noticed that many others covered that same area. It was covered in the legislative discussions and so on in Hansard. I did want to be too repetitive in some of the statements I made on FOS. I did not deal with that particular issue on strike days lost.

Mr. Doer: Yes, just a couple of final questions. I do not want to prolong it. You mentioned that this is the first time it has been introduced in Canada in a legislative way. Have you studied any other situations,

for example, in North America, where this legislation has been introduced in different forms than perhaps Manitoba?

* (1430)

Mr. Bergen: Just briefly to that, it has been used and it has been introduced in the United States in I believe some 20, 25 states. It is primarily directed at the central services in the public sector where legislators like to use that legislation in the face of, I would say, strong public sector bargaining units in the central services. I think most Members would probably be aware of that.

Mr. Doer: Yes, just a final point, do you think it is fair that certain political Parties are proposing that doctors get binding arbitration, a very high-paid group in our society, and low-paid, minimum wage clothing workers are having this right under The Labour Relations Act removed? Do you think that is a fair public policy from a political Party in this Legislature?

Mr. Bergen: No, I do not think that is fair at all. I think that we have to protect the weaker groups in our society. It goes back to the tremendous disparity we see in some other countries. That is a very, very fundamental issue that we in Canada have to focus on.

Mr. Doer: Can you therefore understand the logic of the Liberal Party proposing binding arbitration for people with incomes well over \$100,000 and proposing to repeal final offer selection for minimum-wage textile workers in our society? Do you think that is fair in terms of labour-management relations?

Mr. Bergen: No, from my perspective, I come from a very, very poor background. I have worked in northern Manitoba on a variety of jobs. Life has not been easy for me. I think the word to use there is ludicrous, to give that to one group and not to the people that are at the lower end of the ladder.

Mr. Doer: Thank you, Mr. Bergen.

Mr. Chairman: Any further questions? Mr. Edwards.

Mr. Edwards: Mr. Bergen, with respect to the uses in other jurisdictions in the public sector, in particular in the United States in some states, you will acknowledge though in the majority of those cases, final offer selection is put into place as an alternative to strikes, and the right to strike has been taken away.

Mr. Bergen: No, the right to strike was not taken away. They never did have the right to strike. In most of those states, here again, I cannot talk about detail, but generally speaking, the legislation was put in place as an alternative to giving groups the right to strike.

Mr. Edwards: Secondly, you are obviously well acquainted with this area generally. Are you equating this final offer selection with an arbitration process? Is that your argument, that they are similar?

Mr. Bergen: Oh, no. They are both arbitration situations, but FOS is different in terms of basically

that it promotes bargaining, it promotes negotiations prior to it becoming, before FOS comes into play. Ordinary arbitration, the normal type of arbitration does not do that.

Mr. Edwards: So you are not saying that arbitration is like the selection process. You are not making that argument are you?

Mr. Bergen: I am just saying that they are both arbitration situations, but they are different. I really do not understand the question that you are asking?

Mr. Edwards: That is okay. You have answered it. Thank you so much.

Mr. Chairman: There are no further questions. We want to thank you, Mr. Bergen, for your presentation.

Our next presenter, Mr. Patrick Martin, United Brotherhood of Carpenters and Joiners of America, Local 343.

Mr. Martin, do you have a written presentation?

Mr. Patrick Martin (United Brotherhood of Carpenters and Joiners of America, Local 343): No, I do not, Mr. Chairman. I will be very brief. I am just speaking from a few handwritten notes.

Mr. Chairman: Please proceed then.

Mr. Martin: Mr. Chairman and Members of the committee, I am the business agent for Local 343 of the United Brotherhood of Carpenters and Joiners of America. Our union represents all unionized construction carpenters in the province, as well as workers in cabinet shops and architectural millwork production shops. We represent loggers and forestry workers, school board maintenance carpenters, lathers, plasterers, millwrights and mill maintenance carpenters in the Province of Manitoba.

The skilled trades people that we represent are against the repeal of FOS and feel strongly that the FOS process is a fair, equitable, and reasonable method of achieving a collective agreement without work stoppages, disruption of services, or the loss of income to workers. We know from personal experience that the process prevents strikes and/or lockouts. Our members are disappointed and confused by what seems to be deliberate misinformation propagated by this Government and more recently by Members of the Liberal Caucus. Our members do not believe that the business community is united in their opposition to final offer selection. We have personal knowledge of employers who do not feel this way about the process.

It is more likely that the movement to repeal is led by a few individuals who are on an ideological crusade to minimize workers chances of achieving a fair settlement in bargaining. Spearheading the movement are people who would have us believe that FOS somehow denies the workers the right to free collective bargaining. Experience tells us that this simply is not so. The Honourable Gerrie Hammond (Minister of Labour) was in the news recently saying that FOS

actually prolongs strikes. As a practitioner I remind the Minister that our own experience indicates that FOS prevents strikes and not prolongs them.

Our experience to date in using the process has been positive and productive. Both parties, management and labour, agree that the process kept the parties at the bargaining table, caused both sides to temper their proposals with reason, and almost certainly prevented a lengthy work stoppage.

A few things about our particular FOS experience might be of interest to the committee. Firstly, the selector chosen was mutually agreed upon by the two parties. The selector was suggested by management and agreed upon by the union. We were confident that our proposals were reasonable and justifiable, and therefore had no problem putting them before the management's preferred selector.

The bargaining unit in question consisted of approximately 40 mill workers, approximately 25 of whom were women. Only half of the workers made over \$7 an hour, and no one had health and welfare protection or pension benefits. Job descriptions and classifications needed revision, and the workers had fallen behind the cost of living for over 12 years in a row. Contract proposals, as a result, were very lengthy and complex to address these many concerns.

Secondly, the mandatory vote of the workers was virtually unanimous in favour of using the final offer selection process. Workers at the plant were unaware the process was available to them, and they were pleased and relieved that such a sane alternative to work stoppages existed.

The employer was also unfamiliar with the process but soon saw the value immediately and co-operated fully. Obviously, the workers making \$6 an hour or so could not afford a lengthy strike. The employer, at the peak of his production schedule, cannot afford to lock out. A third interesting and predictable thing that occurred was that significant movement occurred on both sides as soon as the process was implemented, was invoked.

Positions were rethought and fine-tuned and took on new shapes to the point that some outstanding issues were rephrased so as to be quite palatable to both parties. These items were immediately signed off. Meetings continued as per the Act and took on a very positive tone, as both parties made real efforts to settle. We feel a key factor in breaking the impasse was the removal of the threat of strike or lockout and the comforting knowledge that a resolve was imminent due to the binding nature of the FOS process.

* (1440)

The employer's tension was relieved in the knowledge that his hectic mid-summer production schedule would not be interrupted, and workers were delighted in the confidence that a settlement would be reached without loss of income. We are satisfied that even if the employer's package was chosen by the selector, that package would accurately reflect what the employer could truly afford.

Employer loyalty to the well-being of the company in this case would have made that position acceptable to them were it imposed upon them.

In the final analysis, when copies of the final outstanding issues were sent to one another, the two parties realized they were not far from where they both wanted to be and settled amicably. In the end we had a very civilized and satisfactory resolve to what would have undoubtedly been a lengthy work stoppage.

Our experience is not unique. In fact, to my knowledge something similar has been the norm. I am sure you have heard the figures quoted here a hundred times, and I will not go through them again, the incidents of experience so far in the province. We all know that most FOS cases were settled by the two parties without the aid of a selector. They have been negotiated fairly by free collective bargaining that has been encouraged as per the Act even after the selection process has been invoked. The bargaining continued in an atmosphere free of a threat of strike or lockout.

It becomes less of a muscle game when the muscle game would be inappropriate. We can safely say that the FOS process in all likelihood prevented a great number of work stoppages since its inception, assuming that many of the applications would have otherwise resulted in work stoppages.

Our membership believes that FOS can prevent strikes and lockouts. Our membership, along with all of the building trades memberships, is vehemently opposed to the repeal of FOS for that reason. As we know, FOS is scheduled to sunset after its trial period. The sense of urgency with which this laudable alternative to strikes is being attacked, belies to me a motive that goes beyond some benevolent concern for the rights of workers that the proponents of the repeal would have you accept as their rationale.

Our workers, who, I remind you, are voters, do not buy that. The public perception amongst our people is that the playing field was getting too levelled and that those affected have hired a few good lobbyists to get the table gimballed in favour of employers again. The intention of the previous Government was to minimize the imbalance that exists at the bargaining table and to implement a degree of fairness that could foster meaningful free collective bargaining without the economic hammer of strike or lockout looming overhead.

To test the effectiveness of the process, we must leave the Bill intact, in place and unamended for the full agreed upon duration. At that time, the statistics, experience, and effectiveness can be analyzed and the merits debated. It appears to the average voter on the street to be an enormous waste of time and money to be fighting this battle now prematurely before the sunset date arrives.

What our members fail to see and do not get from the media is that it is cost effective for this Government, for its own self-interest and reasons. The business community is calling in one of its markers for helping to put this Government in power and to help keep propping it up. To paraphrase an offensive statement

by Mr. Paul Edwards, the Chamber of Commerce says, jump, and the Tories and Liberals say, how high. This Government is pleased to comply with the business community's order to dump FOS, because it costs them nothing. It may cost workers and it may cost families and it may cause strikes, but it costs no money to the Government coffers until they start to add up the hidden social costs that a forced lockout can cause a community of people.

In closing let me say that Manitoba enjoys an enviable labour environment. The people in this province believe in the rights of workers and the benefits of labour peace and have seen fit to enshrine these rights in meaningful and enforceable labour legislation. The Bill to repeal FOS is the first attempt of this Government, or any Government in recent history for that matter, to tamper with The Labour Relations Act in a negative and mean-spirited way. The Sterling Lyon Government had at least the social conscience to recognize the workers in this province demanded and deserved a fair and equitable labour climate. The labour relations climate is a crucial factor in attracting investors or instilling investment confidence.

The previous speaker mentioned person-days lost as a key factor. Now I do not think we can attribute the incredibly low number of days lost solely to FOS, but to get things into perspective we can look at the actual days lost on an average year—as Mr. Doer mentioned, approximately 50,000 to 70,000. When we look at the days lost due to compensable, lost time, accidents in this province—550,000. If this Government seriously wants to address days lost in the workplaces of Manitoba, I think we can start to enforce The Workplace Safety and Health Act with a lot more effectiveness than trying to eliminate final offer selection which is actually doing a great deal in our estimation to minimize the number of work days lost in the province as it is. That is all I have, Mr. Chairman. Thank you very much.

Mr. Chairman: Thank you, Mr. Martin.

Mr. Storie: Once again, Mr. Martin, thanks for taking the time to come and present your views. Again, you have added some information to the pool I hope the committee will use in coming to some decision about what to do with this legislation. It is our continuing hope, perhaps Pollyanna hope, that there will be some change of minds around this table and that we will strike a reasonable compromise and leave this legislation in place until its sunset period is complete, that we have a chance to look at a five-year period, at the history of the legislation, in a more dispassionate and objective way.

My question though relates to some of your first comments, with respect to the length of strikes and the potential, at least as viewed by the opponents of FOS, of extending the length of strikes. The Minister, in her press release announcing that the Government was intending to proceed with legislation to repeal final offer selection, said the reason they were repealing it was because the objectives of final offer selection which, she said, was to shorten the length of strikes, had not been met. In your opinion, what was the objective of final offer selection when it was introduced?

Mr. Martin: Mr. Storie, I think we are aware the intention of providing the FOS option—a form of binding arbitration to in fact prevent strikes and lockouts and to minimize the impact of strikes and lockouts if, by some unfortunate series of events, they should occur. But when Ms. Hammond implied in the press that labour organizations would in fact invoke a strike frivolously, knowing that after 60 days they could bail out, is ludicrous. No one in their right mind would invoke a strike for 60 days, knowing that at the end of the 60 days it would still be referred to a form of binding arbitration that had no guarantee the settlement would be in your favour anyway. To me that suggests that someone is not very familiar with the actual being a practitioner in the labour scene. It simply would not happen. No one would do that.

Mr. Storie: I am inclined to agree with you, in fact was flabbergasted at the suggestion that was a rationale for repealing final offer selection. My question, however, is—I am assuming the Minister really believes this; I am assuming that some of the Liberals who oppose this really believe this—I am wondering if either of those Parties has ever given you any substantive reason or presented a case for that argument? Is this just something to create public fear—oh, FOB creates work stoppages and longer work stoppages? Has the Minister or any of her designates or any opponent to this legislation ever given you some substantive arguments that would support that contention?

Mr. Martin: To be fair, Mr. Storie, I think I did hear some figures bantered around that, for the last 10-year average or so, the length of duration of strikes or lockouts was roughly—I am just guessing—40 days or so, and in the previous year it was 53 days or so. No mention of actual work person days lost, but some reference to duration of the strikes. I think, to be fair, I do remember hearing that. I cannot remember who it was from, the Minister of Labour, but it was in the media.

Mr. Storie: But the group you represent has never had an opportunity to discuss the relative strength or weakness of that argument?

Mr. Martin: That is correct. No one has approached us from the Government with arguments of that nature.

* (1450)

Mr. Storie: The other part of your presentation that intrigued me was the question of how FOS had worked to facilitate bargaining, bringing the parties closer together. You are not the only presenter who has indicated there would definitely have been work stoppages, perhaps prolonged ones, had final offer selection not been available. I am wondering whether the use of final offer selection has in any way created ongoing animosities that you are aware of in the workplace, particularly when you compare them to the alternative, which may have been a prolonged strike?

Mr. Martin: My personal experience was just the opposite. Relations have never been better than at the

particular shop that I gave some examples about. I have information of other relationships that have improved like that with the employers because, in actual fact, the two parties stopped beating each other up and stopped threatening to strike each other and stopped threatening to lock each other out and started to talk about the real substantial obstacles in the negotiation: why the employer cannot see your side; why you cannot see the employer's side. It is sophisticated bargaining rather than holding a sledge hammer over someone's head and threatening to hit them with it. Even if FOS is not lost due to Bill 31, in that one particular shop we would not consider using it in all likelihood in the next round of negotiations.

Mr. Storie: Maybe we could put some other information on the record. Could you indicate how many locals bargained for contracts in the last couple of years? How many have you personally been involved with?

Mr. Martin: Not many. Actually, we bargain collectively with a multi-employer bargaining group as a rule, so we in fact have only negotiated two independent collective agreements for private little companies since FOS has been available to us. Our main bargaining is done with Construction Labour Relations Association, which is a multi-employer bargaining agency.

Mr. Storie: Another point I think needs to be I guess discussed is the question of risk. You mentioned that no one in their right mind is going to purposefully set out to create a strike for 60 days because at the end of that period, the selector still decides. Did your membership discuss at length that particular aspect of final offer selection, the risk aspect?

Mr. Martin: Yes, Mr. Chairman, we did talk about that at length because it looked very seriously like we were in for a long drawn-out strike. The number of issues we had on the table and the contentious nature of a lot of the issues, introducing a health and welfare plan, and a pension plan, and catch-up wage increases, you are going to be hitting the bricks. That is all there was to it.

It was recognized by our people that even a 60-day strike would be too long. We simply were not interested in that. If we had gone on strike for 60 days, we were not going to roll over on the 61st day and put it in the lap of a binding arbitration. We were going to fight it right out, put it that way. So we never even considered using FOS in its second application. It was invaluable to us in its first application which is to prevent the work stoppage at all.

Mr. Storie: You made one other comment I want to touch on perhaps before I let some others ask questions. It was your suggestion that at that point, before a strike was called, the time of application, the employees were prepared to say, even if the employer's proposals were accepted, they knew it would be fair. What led them to that conclusion?

Mr. Martin: Mr. Chairman, the way we understood the Act to read and as it did turned out, the way it in fact

worked for us is that the employer realized that if his proposals were simply unreasonably low, there was a good chance the selector would opt for our package which was our first choice. We knew, through negotiation, through the continued meetings that the employer was willing to move a great deal. We believe that when he stopped moving, when his position finally plateaued off, that was what that plant could truly afford. It was not our intention to cause him undue economic hardship by demanding unreasonably.

We fully believed that his final package he had put on the table, the package that was ready to go to the selector, was all he could possibly afford. By that time our demands had been tempered to the point where we really were not very far off. There was a great deal of give and take once that threat of prolonged strike and lockout was alleviated.

Mr. Storie: Mr. Chairperson, I do not know what that message tells Members of the committee. It tells me that what the workers sought in the first place was fairness, no more and no less, and were prepared to put their best offer against any other offer and have them judged. FOS creates an atmosphere where fairness can take place. Is that a fair statement?

Mr. Martin: Yes, it is. What the workers wanted to hear though—there was a great deal of worker loyalty to the company in that plant—was the truth. They wanted to hear what the actual status of the company was. Their intention was not to bankrupt the company, and this process helped bring the actual facts forth. The workers believe those facts to be true. There was in fact fairness because you could not really conceal too much after that fact.

Mr. Storie: One final question. I am wondering if Mr. Martin can explain why only two representatives from the Chamber of Commerce who have come before us presented no new facts, no new arguments, repeated a few myths that have been perpetrated by the Minister of Labour (Mrs. Hammond), by the First Official Opposition, or the Government. Why is it that no one has been able to refute our understanding of how FOS should be working and our facts about how it is working? Why is that?

Mr. Martin: My feeling, first of all, Mr. Storie, is that they are not repeating points they heard the Minister say, that they in fact fed them to this Government. They created them, generated them, sponsored them, have fostered them, are watering them, and are cultivating them. That has been my reading on it. Those seem to be the only two people in the province that we can find who are actually against the final offer selection process. All the workers I meet and certainly the employers that we have contact with are in favour of it as a sane and equitable way of settling contract negotiations.

Mr. Storie: Mr. Chairperson, I am surprised, perhaps pleasantly surprised, that actually it is not just politicians who are cynical. Mr. Martin appears to be more cynical about the Government than even I am.

Mr. Chairman: Are there any other questions for—Mr. Edwards.

Mr. Edwards: We have received a list of 107 people. I do not know if there are any employers on there. Do you know of any employers personally who will be coming to talk to us about final offer selection, and in particular any whom you have dealt with in which you say that they are very pleased with how it has worked?

Mr. Martin: I have not seen the complete list, Mr. Edwards.

* (1500)

Mr. Edwards: Do you know of any that you have dealt with who you say like final offer selection? Are they going to be coming to speak to us, to your knowledge, to share their thoughts?

Mr. Martin: I do not know if the employer to whom I made reference is scheduled to speak to this committee.

Mr. Chairman: Any further questions? Mr. Doer.

Mr. Doer: Thank you very much. Just some brief questions. The building trades groups were a little bit skeptical when this Act was first proclaimed. I know there was some opposition, some concern, et cetera. Has there been, in your opinion, a change of opinion about the utility of final offer selection since its experimental implementation, which is almost halfway through now in the Labour Relations Act?

Mr. Martin: Yes, Mr. Chairman, there has been—I would not call it a dramatic turnaround because there really was not very much room to move. The criticism that the building trades had of the final offer selection is that the way it was worded and drafted they were frustrated that they might not be able to use it with multi-employer bargaining because of the description of the voting constituency. There was some question as to whether your unemployed members who are on the dispatch job board would be allowed to vote or if it would only be the members who are actually working for the signatory contractors at the time that it was invoked. You might have a case where you have 500 unemployed carpenters and only 40 working, and those 40 would be the ones who would be allowed to vote and chart the destiny of the other 500. That was the reservations that the building trades had with the final offer selection, not with the idea of it in general.

Mr. Doer: Yes, the building trades organizations across the country have gone through some pretty tough times in their various jurisdictions, both in Canada—more so in Canada lately—and in the United States. Is there any analysis being done on a national-wide basis on this innovation in Manitoba? Is there any initial assessment of that?

Mr. Martin: I cannot tell you what the reaction has been, but I in fact have been asked to circulate copies of the FOS Act or the legislation to at least three other provinces and the Yukon Territory through our carpentry national body. There is a great deal of interest in its usage. I have not got word back from all those places as to how excited they are over the idea.

Mr. Doer: Yes, then Mr. Martin, in discussions with the other places in Canada, is it not conceivable that this innovation could be seen as a leadership position for the rest of Canada, and that you would be able to speak to other organizations that this too could prevent the turmoil that we sometimes see that causes so much harm to people, employers, and their families and communities?

Mr. Martin: I would say that would be very much the case, in fact people from other parts of the country look to Manitoba for progressive labour legislation in a number of areas, including the first contract and final offer selection. We get a great deal of interest from all across the country when workers are trying to promote fair labour legislation in other provinces, particularly in places like Alberta where the Labour Code, in fact, has been all but gutted.

Mr. Doer: You mentioned that 60 percent of the group in the bargaining unit that utilized the final offer selection were women, very low-paid women I might add. Of course, we are aware that women's groups now are supporting the legislation because they see this as one of the vehicles for dealing with the discrepancy of wages of 66 percent from women to men. Do you think that the lower paid workers, especially, would have a greater utility for final offer selection because of their actual economic vulnerability in terms of using the right to strike?

Mr. Martin: The answer to that would be very, very much so. In this case study again, it was in fact that body of workers that was very much promoting it. We had other workers in that plant making \$15 an hour—the men on the other side of that invisible barrier, who did not really see the need for going out. But after a number of consecutive meetings they realized that certain of the issues that we had on the table were for the benefit of the group as a whole. For instance, pay equity was in fact put in place in this shop, and classification committees to study the inequity between that invisible line that existed in the shop for all the women who worked on one side at under \$7 an hour, and all the men who worked on the other side at up to 15 bucks an hour. That was one of the major advances that came about out of these negotiations.

Mr. Doer: It is very interesting, for us who believe in pay equity. I assume all Parties support pay equity; we have different ways of achieving it. Are you saying that in this round of bargaining, through FOS, there was some innovation in pay equity for women workers in this plant, as a part of this process?

Mr. Martin: Yes, Mr. Chairman, to the best of my knowledge it is the first company of its kind to voluntarily recognize pay equity with the same type of language and binding qualities that exist for the public sector in The Labour Relations Act. So in fact we did accomplish—we broke new ground, which I realize was one of the criticisms that I have heard of FOS, that it would be very hard to introduce new progressive concepts through the final offer selection process because a selector might not want to set precedent,

or take the helm. In fact, that was one of the happy results of this round of negotiations.

Mr. Doer: Thank you very much, and I certainly was not aware of that before. I appreciate the information before this committee, because I think all of us agree the statistics that have just been released in Canada, with women making 66 or 67 percent of men—I think it is 66 percent—is intolerable and we have to do something about it. Could you see final offer selection being used in other similar plants with low-paid workers to perhaps make the same innovation in pay equity that you were not able to realize before in collective bargaining?

Mr. Martin: I think that might be one of the only possible recourses that a shop might have like that, to implement new and innovative advances in terms of day care, or tech-change, or in fact pay equity, like we were lucky enough to get introduced.

Mr. Doer: I could not hear all the answer, Mr. Chairman, because the Member for St. James (Mr. Edwards) who probably has—well, I do not want to get into that—his experience on collective bargaining. Could you please repeat the answer because I could not hear?

Mr. Martin: Yes, Mr. Chairman, I would be happy to. I really firmly believe that final offer selection process might be the vehicle by which small, weak bargaining units may in fact achieve otherwise unreachable goals, such as pay equity, tech change, day care, et cetera, because frankly the two parties are at the table without threatening to beat each other up. The room for movement and the advances as soon as that occurs, as a practitioner I can tell you, are really a pleasure to watch.

Mr. Doer: Thank you. That was new information for me. I hope all of us on the committee take note of that. That is why we are here—to listen.

The final question, you were mentioning the workers, primarily women at \$6 to \$7 an hour in the plant, utilized final offer selection to achieve some settlement to prevent a strike or lockout and also for production loss at the company. Do you think it is fair that the final offer selection is proposed to be repealed, and some political parties are proposing that arbitration, although a different form, be proposed for high-paid doctors in our society?

Mr. Martin: Mr. Chairman, I think the workers that I represent—this came up at our last general meeting in fact; we are mystified by that. We really cannot understand. I think we are so far off base with this that it is really a tragedy. I really hope we have some chance to turn this around. The very, very highest people on the social ladder might in fact have the luxury of using this form of arbitration. The very lowest at the bottom scale will be denied this option and will still be under the gun, be threatened and be browbeat by the threat of lengthy lockouts or job actions. It is simply an inequitable situation.

Mr. Doer: You mentioned free trade. Whether you are for or against free trade, and I think you know which

way most political parties are on this situation in terms of free trade -(interjection)- I said most, I did not say all. There is obviously transition in free trade, no matter which way you stand on it. Do you see that there is some transition for some of the employees you represent, and do you see the utility of final offer selection during this transitional period?

* (15 10)

Mr. Martin: I think final offer could be useful in contract negotiations to implement protective measures, certainly in terms of building in clause language that would protect workers in the event of plant closure, advanced technological change. Certainly, that is going to protect workers in terms of strikebreaking. As we all know, the American trend lately has been to smash unions. The last figure I heard was the AFL-CIO was down to like 10 or 12 percent of the American workforce from a high of 34 when the Reagan years started.

I think, as more and more of that sentiment comes across the border with the free trade, we are going to be under the gun as we never have been before to try and protect the way of life that we have built up here and the enshrined labour legislation that Manitoba people have seen fit to put into place to protect workers' rights. As that is threatened, it is going to be very hard to implement that sort of protective measure into a collective agreement, especially with the threat looming over the head of the economic hammer. The best way to bust a union is the law on prolonged lockout or to force a strike that a small, weak bargaining unit simply cannot win. If we have a method and alternative route to alleviate workers from that threat, we may in fact be able to protect ourselves a little bit longer until the free trade deal can be annulled.

Mr. Doer: Mr. Chairperson, so therefore you would argue that this is one tool for employees in Canada to prevent the harmonization or the level playing field, or as Ronald Reagan said, the economic constitution with the United States, North American constitution. This is one tool that employees can use during this very, very difficult time where there is going to be the harmonization goals of companies, both north and south of the border. This would be one tool that you would see as useful for employees in this immediate implementation period of this agreement—notwithstanding the annulment that I would personally agree with, but just in terms of this—that we have the Free Trade Agreement now, and in terms of this transitional period.

Mr. Martin: Yes, certainly Mr. Chairman. I think tool is probably the right terminology too, because it is in fact an avenue of recourse that can be invoked or it can be not invoked. If the employees believe that conventional free collective negotiating is the best route, there is no pressure to actually opt for the FOS process. Both parties can apply for it; management can apply for it, or the union can apply for it. The workers ultimately decide whether to use the process or not, and certainly having that, another tool in the tool chest that builds a negotiated collective agreement will be an asset and will be some protection.

Mr. Doer: So therefore, Mr. Martin, we can conclude that a repeal of final offer under The Labour Relations Act is an erosion of the tools available for employees to deal with the implementation of the Free Trade Agreement?

Mr. Martin: Mr. Chairman, I would certainly agree that the repeal of final offer selection would be a serious erosion and would be an unwarranted erosion at this time, because we have not had a chance to fairly evaluate the qualities of the process that was put in place for a five-year period. It is scheduled to sunset in a very short period of time. At that time we can analyze and review and put the facts under a microscope and decide whether or not it is of benefit to workers.

At that time I feel confident the statistics will be building in favour of the workers' arguments, and the workers of this province, because in fact there is not one labour organization in the province that is in favour of the repeal to FOS. And although I see Mr. Edwards picking his ears, in fact we know he has been phoning CAIMAW regularly, trying to get them to come onsite, and CAIMAW told him in no uncertain terms to—I cannot repeat it here. Now I have this on good information.

If you cannot get CAIMAW onsite, it is, you know—because we all know the reason CAIMAW did not come on stream right away when FOS was first implemented is that they were worried it was not militant enough. It would in fact pull things down to the point where if a bargaining unit—their fear was if a bargaining unit used FOS 10 or 15 times in a row, by the time a good strike issue came along there would not be anybody left in that bargaining unit who would remember how to carry a picket sign. Now my personal feeling is if you can spend your lifetime without ever having to hit the bricks, you are living under a fairly civilized system.

Mr. Doer: You raise another point. We too watch very carefully what the Liberal Labour Critic has to say, and it was stated that, oh, all kinds of groups silently agree with the Liberal Party about supporting the repeal of The Labour Relations Act. I do not have the contacts you have or the sources. We try to call it like we see it in the House, but I do know—I have been advised, there have been lots of phone calls made, but do you think that statement is factually correct in terms of the majority of workers silently support the repeal of the final offer selection as the Liberal Critic has articulated, or is it incorrect in your opinion as a worker and a representative of working people?

Mr. Martin: To intimate that the majority of workers in the province secretly favour the repeal of final offer selection is an absolute falsehood and a fabrication, because we contacted every labour organization in the province, and no one will publicly state that they support the repeal of final offer selection. Even those who were lukewarm at one time, the Canadian Auto Workers, and the Canadian Union of Postal Workers, are in fact sitting on the committee to stop the repeal of FOS currently. What does that leave, really?

Mr. Chairman: Thank you, Mr. Martin. Mr. Storie, you had one further question? Carry on, Mr. Storie.

Mr. Storie: Mr. Chairperson, yes, I have a number of questions that arise out of the comments, I think, the very interesting, informative comments that have been made by Mr. Martin.

Perhaps we should deal with the other side of it. It is unfortunate that some who oppose final offer selection have not come before the committee to be more specific about what their concerns are. We of course heard at one time that there were unions who were concerned about using final offer selection because it might undermine the leadership of the union, in that the employers could go around the leadership directly to the members. Has that been a concern that was ever discussed, or can you indicate what the current views are of the leadership with respect to that question?

Mr. Martin: I think that is a sort of stereotypical view of labour leaders. I do not know any labour leaders who would be putting their own jobs or their own authoritarian sort of values in front of the needs of their constituencies. I have certainly never heard anyone in private meetings on this subject intimate that to any degree whatsoever.

Mr. Storie: Perhaps it is unfortunate that the presenter was not in the Chamber when the Liberal Member for Springfield (Mr. Roch) said the only ones supporting FOS were union bosses, kind of the rhetoric we have heard from Conservatives and Liberals over the years. I am glad you set that notion to rest, Mr. Martin.

Second, Mr. Martin, the Leader of the Liberal Party (Mrs. Carstairs) said in the paper, was quoted as saying, that they were opposed to final offer selection because it was unfair to organized labour; one of the most pretentious, presumptuous remarks I have ever heard made by anybody. I am wondering whether you can indicate how someone who is supposedly intelligent could come to that conclusion.

Mr. Martin: Mr. Chairman, I have not seen that comment, but it truly is one of the most convoluted bits of pretzel logic I have ever run across. Seriously, I wish had seen that because I would have responded to that in my remarks. The only thing similar I have been hearing is when Mr. Edwards commented that when the MFL says, jump, the NDP says, how high. The only way I could translate that was to say that the NDP listens to what workers want. There is probably a lesson to be learned there, really, rather than a criticism to be made.

* (1520)

Mr. Storie: Mr. Chairperson, the only unfortunate part of that is when the Minister of Labour (Mrs. Hammond) heard that the Leader of the official Opposition (Mrs. Carstairs) said that, she said, I wish I had said that.

An Honourable Member: What? Hold it.

Mr. Storie: I retract that, of course. The Minister of Labour -(interjection)- Mr. Chairperson, I think most people will know that was intended to be humorous. The Minister of Labour (Mrs. Hammond) has said nothing in defence of this legislation.

Mr. Chairman: Mr. Storie, I would like to warn you once again to keep your questions to the presenter.

Mr. Storie: Mr. Chairperson, one final question in the area of the relationship that FOS creates in the negotiations themselves. Again, one of the criticisms was that lingering animosity would be created by the imposition of a settlement. Is there any indication that any of the people you have talked to have used it, apart from your own situation, found anything like that as a result of using FOS?

Mr. Martin: Through the chairman, Mr. Storie, I have already intimated what our personal experience was. I do have knowledge of some other groups, some in contact. I was not here for Mr. Jim Murphy's presentation from the Operating Engineers. I understand he presented earlier today. Jim has told me that relations in fact in some of his personal dealings with final offer selection have improved much like ours, where it would not be necessary next time, because for the first time in their bargaining history, the two parties have in fact been able to communicate on a real level and on a truthful level where they were not threatening to beat each other up across the bargaining table. That fostered an understanding and a level of communication that had never existed before.

It vaulted them into a new type of negotiating where they are getting to the yes position without being rough on each other, without threatening each other grievous economic hardship. In fact their relationship improved to the point where they are talking real issues for a change instead of threatening one another. That can only help to promote a harmonious relationship for future negotiations.

Mr. Edwards: Just a couple of questions, Mr. Martin. I really look forward to hearing from the employers as to this new era in harmonious relations in this province.

Mr. Martin, with respect to your comment about any conversations I might have had with Pat McEvoy at CAIMAW, I have never had a discussion with him that became all heated. He may have told you that in order to save face, but it certainly did not happen. In fact, I have heard from many unions that they had changed their mind simply to keep peace within the movement and get rid of the Tories. The irony of the situation is of course that their Party of choice has propped up the Tories for a year and a half. Mr. Martin, I simply—

Mr. Martin: Is that part of your question, Mr. Edwards, or what?

Mr. Edwards: Well, you know, it is the nature of the beast. I have taken a lot of shots here, Pat, a lot from you personally, and what is fair is fair.

Mr. Martin, I have just one final question. One of the suggestions I have received from a union leader in this province is that the same right to go to final offer selection be given to an employer. That is, this suggestion from this gentleman was that the employer go to final offer selection simply by ratification at the Labour Board, not by having the membership take a

vote. Now that suggestion shocked me. It shocked most other union leaders who have taken the position you have. Certainly it shocked Susan Hart-Kulbaba at the Manitoba Federation of Labour. Can you give me your thoughts on that spectre as a suggestion from a union leader in this province?

Mr. Martin: To be fair, Mr. Edwards, I would be against that kind of a position. I would not feel it was right to chart the destiny of workers without giving them the opportunity to vote on that. In fact I would think there could be room for abuse if the employers were given the right to invoke the process without having the workers vote on it first.

Mr. Edwards: In fact it would be a very serious incursion into the right to strike of the workers, would you not agree, which is a right that was fought for for decades in this province and indeed in this country by workers?

Mr. Martin: I would think to lose the ability to strike by outside forces and without voluntarily surrendering that, temporarily putting that privilege aside, I think that would be an intrusion on the right to strike, that is correct, Mr. Edwards.

Mr. Chairman: Any further questions? If not, I want to thank you very much, Mr. Martin, for your presentation. Is Mr. Bruce Buckley here? Mr. Bob Bayer? Mr. Michael Campbell-Balagas? Mr. Art Demong? Mr. Wayne Andon? Mr. Alain Trudeau? Mr. Eugene Fontaine? Mr. Roland Doucet—is he here? Do you have a written presentation, Mr. Doucet?

Mr. Roland Doucet (Private Citizen): No, I do not.

Mr. Chairman: Okay, please proceed.

* (1530)

Mr. Doucet: As far as I am concerned, from my point of view, the repeal of final offer selection is just another gift to the Chamber of Commerce, to the business crowd, from the Government. We have a federal Government that has an incredibly right-wing agenda, to hand over to the business community exactly what they want, and our local Government here, the provincial Government is following suit, not really that they need anybody to tell them who to favour in our society. They do not really need that kind of leadership, but they are getting it from Ottawa and they are following suit.

As far as FOS is concerned, from my point of view it is an optimum way of settling a labour dispute. It is not perfect and it certainly does not favour workers to the extent that some people would like to claim, but it is one of those optimum settlements that just guarantees more or less an as equitable a solution to an impasse, as is possible. For instance, we are all aware of the old method of dividing a piece of something between two people. One cuts, the other selects. It is optimum. The person who selects cannot claim to have not gotten their fair share—they selected; the other person did the cutting.

As far as I am concerned, the basic dynamics concerning final offer selection are more or less like

that. You choose a selector, both parties choose a selector. You are forced to come up with your most reasonable position, because if you do not, you are not even going to be in the hat, to be selected, and so as far as I am concerned it is as equitable as can possibly be. It forces people to be realistic, to be reasonable.

As far as statistics are concerned, from what I can gather, 49 of 58 cases finalized by the Labour Board were settled by the parties, which tells me that once final offer selection has kicked in, people have applied for it, that there is a real desire on the part of the parties to try to resolve, by themselves, without having the decision made by a selector, which is a lot more arbitrary than if the parties come to a settlement themselves. So to me it speaks eloquently for the fact that FOS does in fact work. Of the five cases where a selector has selected, three went union, two went to the employer. It seems pretty balanced and reasonable to me. Six of 11 strikes have been settled by FOS, not a bad batting average.

To me it really seems, from these statistics, from the way it has been working for the two years or however long it has been in effect, it really seems to be a very civilized, balanced and reasonable way of dealing with impasses in collective bargaining. On the point that some people claim that FOS is pro-labour, it really does not make any sense. It just makes no sense at all. It simply, as far as I am concerned, gives us a better kick at the cat. We are not quite as much behind the eight ball with FOS as without.

In my particular case we have fallen behind. The group I am in, we have fallen behind in the '80s, 12 percent. So let us just take that case hypothetically. A union has fallen behind 12 percent in the '80s. So if we were to just keep up, if we were to make up what we have lost, and keep up with inflation, we would need a settlement of somewhere around 18 percent just to keep up, just to keep our bottom lip above the water line, basically.

Now, imagine if we were to go to final offer selection, we can make a good case for 18 percent. Let us say that a union can make a good case for 18-20 percent. They really deserve it according to the statistics. They are going to final offer selection where the company is going to come in at 4, 5, 6 percent maximum. That is what the settlements have been in the past year or so. So we know there is no point in going for 18 percent even if we can back it up, no point. We are going to have to come in realistically or else our name is not even going to be in the hat. We are going to have to come in at 6 or 7. How could anybody say it is pro-labour?

In that sense we know we have to be realistic to the point of even scuttling a good case that we have for what we think we deserve. It just simply gives us a chance to not have to completely be at the whim of the company. It gives us some chance of having a settlement that is not totally weighted towards the company's side.

I am sure it has been argued in other presentations. It really seems like one of the reasons the companies

want to get rid of FOS is just simply because it prevents them—it does not prevent them—it gives the unions a bit of a better chance to not have the company bargain to impasse with the view of forcing a strike to break their backs, have recourse to a process that does not give the companies complete freedom to manipulate and rape and pillage basically on the economic front, particularly in the case of the most vulnerable workers—as has been brought up by the last presentation—women, recent immigrants, minorities who do not have very strong bargaining power in the workplace.

So obviously for them final offer selection offers a real opportunity to not be completely be at the whim of the company. Basically, to repeal final offer is simply to give to the business community the freedom of the fox in the chicken coop, just more freedom in the marketplace to do what they feel like doing to maximize their profits, just simply tossing out a mechanism unions have that gives them a little bit more strength or a little less weakness.

Another point that people argue concerning FOS is that it will prolong strikes, because the second window—to get to FOS is between 60-70 days after the strike begins. For people to hold such a position is just so completely absurd and so revealing of the prejudice of the mind-set of people who are not like average working people, whose economic situation is not such that they are basically just keeping their bottom lip above the water line. For people with good jobs, with two good incomes and a lot more than that it is maybe not a big deal to have 60 days where you would not have any income. For the average worker—it is ridiculous that a worker could cavalier, they just prolong a strike to 60 days to get to FOS instead of wanting to settle Day One, day two, whenever. It is absolutely ridiculous. The average worker could not stand 60 days of just waiting for an opportunity to gamble on FOS and then still possibly not win anywhere near what they think they deserve.

According to Department of Labour statistics, in the first three-quarters of 1989 strikes averaged 6.3 days, so I do not think that final offer selection or anything else worked towards prolonging strikes. It just does not make any sense whatsoever.

It was mentioned earlier one of the problems in the labour movement with FOS was simply that some people thought that it was such a sane and realistic way of resolving labour disputes that possibly we would not have very many strikes and as was brought out before, it could easily be that a union could go for years without having a strike and then when an issue came up that there was no choice, that strike readiness would not be there. As far as I am concerned that speaks rather eloquently for the fact that FOS really works.

Mr. Chairman: Have you something else that you would like to add, Mr. Doucet?

Mr. Doucet: No.

Mr. Chairman: That completes your presentation?

Mr. Doucet: That is right.

Mr. Chairman: Are there any questions for the presenter? Mr. Storie.

Mr. Storie: Mr. Doucet adds some new insights into the question of the usefulness of final offer selection. I have to say, his analogy with respect how for example my kids decide how they are going to share a pie is, one cuts and one chooses. It tends to force realism. I think that was the point, and you made an excellent point. You cannot afford to be cavalier in making your decision.

That leads me to the point that realism is one of the things that we felt FOS would bring to the bargaining table. This will force both parties to be realistic. I do not know whether you have had the unfortunate circumstance of being on the picket line, but perhaps you can just indicate in your experience, what causes strikes?

Mr. Doucet: The fact that you find yourself between a rock and a hard place, the rock being your working conditions, pay, benefits, working conditions are not anywhere near what you think you deserve, what you need to live, and the fact that you have no choice but to go on strike. Strikes are extremely, extremely undesirable for working people; they are undesirable for most people, companies as well. They are disruptive, there is no doubt about it, although there are situations when companies want to force them for their benefit, but for working people, strikes are extremely costly; you never make it up.

The reason people go on strike is that they have no alternative. It is the last straw. You have no choice. You are faced with conditions that make no sense. You are not getting any co-operation, and you know you are not going to achieve your goals whatsoever or even come close without threat of severe financial action like that. You do it because you have no choice.

Mr. Storie: I think that is as good an explanation as any I have heard. I guess the question would be then, what would possess someone to oppose a method that would reduce the likelihood of strikes? Who would oppose it?

Mr. Doucet: Who would oppose it? I guess people who are in a strong enough position that they feel that they can withstand a strike more than their adversary and who would be—the company, I am talking about—in a position to not want to have any hindrances to do what they want to do. If they feel that to force a strike which they can win is in their interest, they do not want to have a mechanism which may prevent that from happening as easily as they would like it to.

* (1540)

Mr. Storie: In your experience, to what extent have unrealistic expectations caused strikes, either on the part of the employer or the employee?

Mr. Doucet: What was the question again?

Mr. Storie: To what extent do unrealistic expectations cause strikes, either unrealistic expectations on the part of employers or employees?

Mr. Doucet: I do not think union leadership or involved membership would have many illusions as to what you can achieve in most strikes. It is well known, you always talk about it, that you never make up what you lose in a strike. You simply go on strike because you feel you have no choice. As far as unrealistic expectations of a strike, I cannot see how it could possibly be that way, because it just does not happen that you go on strike and win anything more than what you ask you, which in the first place was very likely realistic. It is hard to see how you could have unrealistic expectations, because in the buildup to a strike it is obvious there is going to be some economic hardship. So the issues get discussed and I cannot see how workers could have expectations that are not realistic.

Mr. Chairman: Are there any further questions? If there are no further questions, I want to thank you, Mr. Doucet, for your presentation this afternoon. Our next presenter I believe would be Mr. Grant Rodgers. We will call the next one and then we will come back to him. Ms. Anne Watson. We are on page 3. There is no one else here on page 2, so we have proceeded to page 3. Do you have a written presentation, Ms. Watson?

Ms. Anne Watson (Private Citizen): No, I do not. I just have some notes, Sir.

Mr. Chairman: Please proceed.

Ms. Watson: Hi, my name is Anne Watson. I am presently unemployed. I am not going to stand up here and pretend that I know everything about FOS, because I do not, but I would like to tell my story as a member of the public.

I have been involved with SuperValu. I have worked there for almost six years up until January of this year. I became involved with the union during the time of the Westfair strike. I was a member of the negotiating committee and I guess most of you know that it was a pretty messy strike. I had to explain to my children why we were not going on holidays and why they could not have this, why they could not have that.

It was especially hard with my son because he would come to the picket line with me and wanted to know, why were these people going into the store, why could he not go in there because they had a really neat toy department, and I am saying, you know, it is hard, but you cannot go in there. I cannot help but wonder now that if FOS had been in place then if I would have had to have walked 175 days. We look at this window that is 60 days and in comparison to 175 days, yes, I would rather walk 60 days, but I would rather not walk at all.

From what I understand, a strike is supposed to be a level playing field. It is not so with Westfair anyhow. Before the strike, even before we got to the point with the negotiating committee of discussing the possibility of a strike, the employees of Westfair were harassed by management. Where are you going to go on strike? Where are you going to walk the picket line? If you cross the line we will give you extra hours.

I am not sure if you are aware but at Westfair approximately 8 percent of the total employees are full

time. The other 92 percent are part time. There are very few of us that were guaranteed hours, and we were fighting for our guarantee. After six years I never managed to get past 21 hours a week unless I stayed home and listened for my phone to ring so I could get an extra call in.

They used a lot of intimidation tactics on us. Well if you cross the picket line we will give you all the hours you want, which is hardly fair. Give us the hours so we do not have to cross the picket line.

You hear companies talk about FOS and how it is bad for them, but what about the little people. Do they not care about us? If they do not have the little people how do they run their businesses? We are the labourers of the country. We are the people that run the big companies. How do we survive if we cannot work? If they are going to lock the doors and say, you are not working anymore, go on strike, how do we survive?

I know how many financial difficulties we had during the strike. My husband does not work during the summer, so he does not collect a pay cheque from June 30 until September 30. That happened to coincide with the time we were on strike. It was at the point where we had discussed selling our house so that we would not lose it. Luckily, we made it through. I know of other people who did not make it. It was a long strike. My marriage almost fell apart, and I am speaking for other people too, who had a lot of marital difficulties because of money problems. Because I was on the picket line so much—my husband sitting by the phone waiting to find out if the police had taken me down to the police station because I had gotten involved in a squabble.

We had so many restrictions placed on us on that picket line, eventually we were like cattle that were penned it. We could only picket here; you could not go in front of the door; you could not speak to people; you could not do this; you could not do that. That is not fair. If we cannot tell people what is happening to us, how do they understand? I got so tired of being out on that picket line and people saying to me, why do you not go get a real job? This is my job. What was wrong with the job I was doing? I did a good job. I was proud of my job, but they made me stand out there like a cattle in a pen. This is your circle; stay in it and do not go out.

Then they had the Westfair hiring the replacement workers before we had even gone on strike. I mean, they are training these people before the store opened. That was intimidation as far as I was concerned. They have got 50, 60, 70 people trained. Go outside, they said. Go walk your picket line. We are not going to suffer. It was said to me by management, we have enough people to take your place. Well, thank you. I feel really good.

I think that to repeal off FOS would be a mistake for the little people of the country, for the workers, the people like me. That is all I have to say.

Mr. Chairman: Thank you. Are there any questions for the presenter? Mr. Storie.

Mr. Storie: Mr. Chairperson, you had indicated in your first part of your remarks that you believe if final offer

selection would have been available at the time that you were having this dispute with Westfair that you probably would not have ended up on strike, or it would have obviously been shorter. Why do you suggest that final offer selection might have saved you that turmoil and your family that disruption?

Ms. Watson: Because I feel that with the final offer selection we probably would have reached an agreement a lot sooner. We went through the mediation process with Mr. Ready. He came up with what we thought was a fair deal, but even at that point, Westfair said, no, and it still continued.

Mr. Storie: So, Mr. Chairperson, the bargaining that you had done had not gone anywhere till the point a mediator was assigned. Had you made any progress in negotiations prior to that?

Ms. Watson: Just on little—

Mr. Chairman: Ms. Watson.

Ms. Watson: Sorry. Just on little things, nothing that was relevant. We were basically concerned about our guarantee of hours.

Mr. Storie: How many people were out for these 175 days?

Ms. Watson: I do not have the exact answer on that, sorry.

Mr. Storie: A guess?

Ms. Watson: Approximately 900 to 1,000.

Mr. Storie: So, in your opinion, Westfair was not only prepared to create this work stoppage, but appeared anxious to create it.

* (1550)

Ms. Watson: Yes, I believe that is correct. If they had not been anxious to start the strike, they would not have been imposing the questions they had before the strike.

Mr. Storie: You mentioned you worked for six years with Westfair. You intimated they had used intimidation techniques, that they had attempted to bribe workers to cross the picket line, to take the employer's position. Was this standard practice, or was this circumstances surrounding just this dispute?

Ms. Watson: I am not sure if it is standard practice. I would like to think it is not. I cannot speak for other disputes, because this is the only one I have been involved in. I know the dispute is still on now, which is why I am unemployed; I am hoping that is a temporary situation. I am still being picked on.

Mr. Storie: Obviously this work stoppage, this disruption affected a lot of people apart from your family and immediate friends you know. Do you think most

Manitobans would support the idea that whatever could be done to prevent work stoppages should be done?

Ms. Watson: I would think so. The public played a major part in our strike. When the company goes and advertises a 12-litre box of Tide for \$4, I mean, they know are going to get a run on it. That was again an intimidation factor to us, because the same people crossed our picket line 10 times a day and came out with one box of Tide and one package of toilet paper because it was \$1.75. When if you went to Safeway it was \$8 and \$2.99, so the intimidation goes on and on. I think it disrupted a lot of people, and the public, too.

Mr. Storie: Do you think that Westfair was attempting to bust the union?

Ms. Watson: Yes they were.

Mr. Storie: Well, Mr. Chairperson, we have heard several presenters, Mr. Bergen earlier this morning, others suggest that there were a small minority and I emphasize that even the unionized work force of Manitoba believe that it is a small minority, but certainly a small minority of people or companies would like to, in the words of Mr. Bergen, crush a democratically established bargaining unit. If I understand you correctly you think this was one of those examples. Certainly we believe that in circumstances like this a bargaining unit, particularly in the service sector, is particularly vulnerable.

Is it your opinion that final offer selection might serve weaker collective bargaining units, service sector bargaining units in the event of a dispute?

Ms. Watson: I think that final offer selection would make it a lot fairer for everybody. You might not get the contract that you had wanted to get, but at least you would be back at work and if it is a give and take then sometimes you have to give to go back. I would rather be at work than be outside.

Mr. Storie: Mr. Chairperson, I guess the final question is do you believe that even if a selector were to choose, under the FOS scenario, the employer's position, final proposal, that it would be fair?

Ms. Watson: If I was back at work, like I say, you have to give some so I would set my sights on the next set of negotiations and hope that things would get better, and if you had to take your lumps for a little while then you take them and hope that next time it is better, but is still better than being outside.

Mr. Storie: Thank you, Mr. Chairperson.

Mr. Chairman: Are there any further questions? Mr. Doer.

Mr. Doer: Perhaps I could follow Mr. Patterson.

Mr. Allan Patterson (Radisson): This possibly does not relate directly to the final offer situation, but I am rather curious. You mention you are unemployed now,

that is, you are not working. I am not clear as to whether you are no longer on the payroll of SuperValu, or they are just not calling you in for work.

Ms. Watson: Westfair has terminated me effective January 25, 1990. I am presently working with the union to get my job back.

Mr. Patterson: Thank you—I am sorry, Mr. Chairperson. You mention the matter of hours. Obviously, these types of operations have peaks and valleys; they do need some flexibility in their workforce, but nevertheless there are a lot of hours there in the aggregate. In the large number of employees that there are, are there some that it is convenient for them and it is all they want, let us say, 15 to 25 hours or so; are there others—would this include yourself, that would like to have, say, 30 to 40 hours of work a week, you are able to handle that and would like to have it, but you do not get the hours you would want?

Ms. Watson: There are a lot of people at SuperValu who would like to have more hours. I was a cashier. In my store alone, which is the Grant and Kenaston store, there are over 300 employees. On the front end in the cashier department, there are approximately 70 cashiers, with hours ranging from four hours a week to 24 hours a week. There are 24 of us guaranteed up to 18 hours a week. The rest get the pickings. I think that if they were to quit hiring the four-hour-a-week people and give them to us, we would be more than willing to take them and everybody could be happy. There is no need in that store for 70 cashiers when there are only 20 registers.

Mr. Patterson: Yes, and there could be some amount of work for those who could put in a full 40-hour week.

Ms. Watson: There is definitely room for some full-time employees. Westfair's reasoning for not having full time cashiers is that our productivity goes down, which I can say is not true, because there are many times when I have worked an eight-hour shift. They keep track of us by what they call a ring time, which is the number of articles we put through our till per minute. Now, they expect, for you to be a good cashier, you are supposed to put 30 articles through per minute. I have worked an eight-hour day and have maintained my ring time of 39 to 40. I had no problem whatsoever, so I do not believe that their reason for not giving us the hours is productivity, because I know that it is not true.

Mr. Patterson: Thank you, Ms. Watson.

Mr. Doer: Yes, thank you very much and thank you for your presentation. I think all of us as citizens observed the tremendous conflict. We all feel that is inconsistent with the Manitoba spirit of co-operation and working together, not severe conflict that took place during that dispute.

It seems to me, again I have not checked this out, but it seems to me that Safeway has achieved settlements in the last number of years and just recently

with very little turmoil and conflict. Is that not correct, or would you be aware of that, Miss Watson.?

Ms. Watson: From what I am aware, that is quite true. Safeway has no problems negotiating in the way that we do; they may have problems but they seem small in comparison to ours. I was a member of the negotiating committee during the strike. I sat in the negotiating committee in a room with Westfair's management, took notes, went to my store after the negotiations, and relayed to people what had gone on. The next day a bulletin came out, Westfair Strike Update number whatever-it-was, and it said the exact opposite of what my notes had said.

* (1600)

Mr. Doer: Yes, the issues are the same, the bargaining is the same, yet there is a great discrepancy between what it would appear to a citizen to have happened between the two settlements in the same industry. Would you think that in your opinion there is a different attitude of management towards workers, in a negative way, at SuperValu, Westfair versus Canada Safeway, in this province at least?

Ms. Watson: I know a great number of people who work for Safeway, as I know a great number of people who work for SuperValu. As a matter of fact, I was just talking to one of the girls who works at Safeway down the corner at my street, and she had just finished serving a three-day suspension for what basically was the same sort of infraction as mine, and I have a termination.

Mr. Doer: It also seems to me, and again I am just going by subjective opinion when I go into the two stores, that there seems to be a lot more people working a lot longer period of time and of a higher average age in a Safeway store than there is in a SuperValu store. Is that not correct?

Ms. Watson: That is quite true. A number of your full-time Safeway employees are long-time employees. You go into SuperValu, and you do see a younger crowd of people. A lot of people quit simply because they cannot take the pressure from management, because they are constantly on our backs all the time.

Mr. Doer: In your opinion, in the whole issue of hours and security of work, is there a deliberate attempt at SuperValu or Westfair to prohibit more longer-term hours and greater stability in the workforce as a management objective?

Ms. Watson: I believe so. Westfair does not seem to like to have people around for too long. Once you get up to that top rate of pay, they do their best to get rid of you.

Mr. Doer: Something, I am just going by observation, I have never thought through before quite frankly, does it not make sense in terms of loyalty to companies and loyalty to our own communities to have the opportunity to have greater hours so that you can stabilize in our own communities, and therefore be more stable in your

own economic future for purposes of purchasing items in Manitoba and raising families here? Would you not think, in terms of the two companies?

Ms. Watson: Yes, I think I would have to agree with you on that one. It seems to me that if they would give us the hours and allow us to work that we would probably spend the majority of our money here. I know that I would probably spend half my pay cheque at SuperValu every payday, just on groceries alone. Quite frankly, I am enjoying shopping at Safeway and having somebody bag my groceries for me. It has been a real pleasure.

Mr. Doer: As an old part-time bagger at the now defunct Dominion Store, I would kind of like to see if I could still do it, but I can't do it with those bags. I always get the milk on top of the bread; I still do it and always did it before. Well, I do get it right side up, but I still squish the bread.

The final question on this then, when you have one employer that seems—again just from observation, we all go in the stores—to have one attitude toward employees that allows older workers and a more stable environment versus another one, would it not make sense to have final offer selection in the Westfair situation so some of the conditions in the same industry can be implemented through an intelligent—another process, rather than having it look like a scene out the War of 1812 as we saw in the last situation at Westfair?

Ms. Watson: Yes, I have to agree with you again. It makes good sense. It would be nice to see Westfair co-operate, but they do not seem to know what co-operation is. Safeway does not seem to have any problems negotiating; I do not see why we have so many problems when, as you say, it is the same sort of business. It would be nice to have the FOS to go back on, so that we do not end up walking again for another 175 days. It was too long.

Mr. Doer: Do you think if FOS was to remain in place that the Westfair Corporation in their bargaining would have to meet the pattern reached at Safeway or suffer an invoked settlement or an imposed settlement as part of the obvious reality of collective bargaining? In other words, would you see Westfair moving closer to the Safeway conditions, in which, I assume, one of the conditions is not just wages but hours of work and the ability to work? Would you see much more progress at the table with that other bargaining vehicle at workers' disposal to the Westfair situation?

Ms. Watson: I think that if FOS could be invoked, Westfair would be more likely to give us what Safeway has, not saying we want the identical contract, but we would like some of the benefits they have. We would like some of the hours they have. We would like to be treated as human beings. We would like to have some respect.

When you are told, do this, do that, there is no please, there is no thank you. Your shift is over, your relief does not come, you phone for your relief and they say, you have to stay. I am saying, I have a doctor's

appointment in 20 minutes, and they say, who cares? Reschedule it. It is bad enough that we do not get our schedule until two days before the week starts.

Mr. Doer: Thank you very much for your comments. It is one of the great puzzles, I think, for me, same union, same industry and the discrepancy. I think your comments are very instructive at least for myself on the committee. Thank you.

Mr. Chairman: Any further questions for the presenter? Mr. Storie.

Mr. Storie: Thank you, Mr. Chairperson. Yes, a couple of other questions. I am wondering, obviously most of the people—or maybe you can tell me what percentage of the people that went out on strike on this particular work stoppage were women.

Ms. Watson: I believe the majority that were out on the picket line were women and were part-time workers.

Mr. Storie: I guess there has been a concern of mine, No. 1, that women tend to be a smaller proportion of the unionized workforce in this province. Across North America generally there are fewer women in unionized activities. It also seems that those unions, and perhaps it is because a greater percentage of women work in the service sector, tend not to be on strike, to take work stoppages. Their benefits obviously are usually less. Women usually do not have the same pension benefits.

It was our belief, I think, that final offer selection would again begin to create some equity in terms of employment, benefits, wages in the province. I am wondering whether you can give us any insight into the dynamics within the collective bargaining unit amongst the people who are making the decision to go on strike and to stay on strike for that length of time. You mentioned some personal hardships. I am wondering whether you can enlighten us as to the feeling, the thoughts, the fears perhaps of some of the people who are involved in this work stoppage.

Ms. Watson: I had a few friends that were out on that picket line with me, some that had taken jobs when they were not picketing. There were quite a few single mothers out on that picket line who were trying to guarantee themselves some sort of stability when they went back to work so that they knew they had 24 hours a week, or they knew they had 21 hours a week. They could at least plan what they could do with their children.

The big thing over the strike was the issue of hours. Westfair wanted to cut out our guarantee. For a single mother who has two children, who is facing going back to work at four hours a week and has basically no training to go and get a better job, it is pretty scary.

Mr. Storie: Exactly; I am glad you raised that point. Obviously there were issues of principle that forced the issue, that created the necessity for that work stoppage.

My question is: if there had been an alternative, if there would have been a chance in the minds of the

employees that they could get a fair settlement without going on strike, would you have had a strike?

* (1610)

Ms. Watson: I do not believe so. I think if there had been another option available to us, we would not have walked. None of us looked forward to walking. It was a long walk. I wore out a pair of running shoes. If we had had an option, I think that we probably would have gone for it.

Mr. Storie: Mr. Chairperson, I guess, although you do not have access to the data and neither do I with respect to the percentage of women who are single parents living, as one of the previous presenters mentioned, from hand to mouth, from day to day, who cannot withstand or could not stand the thought of, or financially bear a long strike, that they would be a large percentage of the people who are out on the picket line with you.

Does it not seem reasonable to have in the province a mechanism to prevent those kinds of circumstances creating the necessity of a strike? What in your opinion can you share with us why someone would oppose that kind of a tool? Why would someone in your opinion be opposing FOS?

Ms. Watson: I do not really understand why anybody would want to oppose FOS. I think it is one of the best things that the province can do for the little person. Talking about the hardships, I have a friend that is a single mother that was involved in the Westfair strike. Shortly after the strike was over the company did a few other things and she lost her guarantee of hours. She has lost her house; she is now living with her parents with her two children, trying to get her feet back underneath her. If we can have FOS and it will stop that sort of thing then I am all for it and I think we need it.

Mr. Storie: Mr. Chairperson, I could not agree more with the presenter and I would just like to thank Ms. Watson for being here and sharing some of her thoughts with us. My only hope is that the next round of negotiations for her colleagues are more satisfactory and the SuperValu workers do not have to go through this again. Let us hope that FOS is around to prevent that kind of stoppage from a company that clearly set out to be disruptive, to be confrontational, when it did not have to be clearly.

Mr. Chairman: Thank you, are there any other questions? If not, thank you, Ms. Watson, for your presentation.

Ms. Watson: Thank you, sir, for the time.

Mr. Chairman: We will go back to page 2 now to Mr. Grant Rodgers. Have you a written presentation, Mr. Rodgers?

Mr. Grant Rodgers (Private Citizen): Well, not exactly, you see, your honour, when I phoned in to ask to put

my two bits worth in on this, I asked if I could do it over the phone and they said, no, I had to appear so I am glad to be here and I know that you are glad to be here on a Saturday afternoon too. She said if I did have any written notes I had to provide copies, so I do have my notes here and I do have copies for everybody.

I also wanted to wait until all the big shots were finished and that would likely be Saturday. So the timing was not too bad.

Mr. Chairman: Please proceed.

Mr. Rodgers: Just by way of introduction, probably you are wondering what I am doing here. I do not have a real job or at least that is what people tell me. I am trying to become one of these free-lancer political lobbyists. I think if I can do a good job here I can maybe get a job with the Chamber of Commerce or something.

If you look on my little notes there it says something about the U.S. experience. With free trade and all these days it is kind of sexy I guess to compare ourselves with the States. I can see that the NDP boys here have learned something from the Americans in terms of they must have been listening to the old radio programs with Senator Claghorn because they have obviously learned how to filibuster legislation here.

The other thing about the U.S. experience I would like to point out is in terms of final offer selection. I am not really sure what all the fuss is about here. Down there—I know, for example, in the Teamsters Union they have it. I have a friend in Chicago in the Teamsters Union, and what he does is he goes to management and he says, well, you give us what we want or you are going to go for a swim in Lake Michigan with pair of cement boots. Now that is what I would call final offer selection, not this wishy-washy stuff we have here. I think in Manitoba here we are little more civilized than that, and we should have some sort of final offer selection law.

I want to say what my position is on that. My position is that if we really want to have a final offer selection law that shortens strikes, then what we should do is to make a law that says all the contracts have to expire in December, and if you are going to go out on strike, you will have to go out in January. After a couple of days out there in January they are going to go back to work and take a final offer, the company's final offer. That would shorten strikes. That is my position, and as I said, I am a free lancer here, and I talk to a lot of people. Talking to people around this province, most of them do not agree with my position. Most of them, as far as I am concerned, do not want strikes. Whether you are a company or the worker or the Government, nobody wants strikes.

We have a piece of legislation here that is just an alternative to strike. It does not mean there will not be strikes, but it does provide an alternative to the strike. As far as I know from talking to people, there have not been a lot of problems with it. Other groups have forms of arbitration, the police, the firefighters, teachers.

The sky has not fallen because people have gone to arbitration. Here it is not a compulsory thing. It is just an alternative. My understanding and from listening to some of the previous speakers, there have only been, since the time it came in, about five cases that have actually gone, and it is 3:2 for the union. That does not sound to me like management is taking a real kicking on this final offer selection. If there have only been five cases that have actually gone, then obviously it must mean that the contracts are being settled.

It has been suggested that, this is in negotiations, it makes it more adversarial and you get down to the issues quicker. I did bring a document for you. It is not a written presentation. It is sort of an article.

Mr. Chairman: If you will just pass those to the Clerk, they will be glad to distribute them. Please proceed, Mr. Rodgers.

Mr. Rodgers: We have not had much time in Manitoba here to give this thing a chance to work. As I say, from what we have heard, it seems to be working okay. If it is not broke, I do not know why we are trying to fix it here. They put this thing in a college in Alberta a number of years ago, Red Deer College. They have had some experience with it, and this article sort of says what their experience is. So you do not have to take my word for it or anyone else's word for it here; here is an experience of another group outside the province, in a Conservative province, with final offer selection.

I just want to draw to your attention a couple of things that they say about it here. This is at the bottom of page 4, their experience: FOS has removed the stigma of the labour tactic of strike action, an action considered by many members of the faculty at Red Deer College to be abhorrent and counterproductive within a professional context.

* (1620)

Well, I can tell you it is not just professionals that find strikes abhorrent; all workers find strikes abhorrent. A suggestion has been made that with this FOS that workers, you know, they are going to go out on strike for 60 days so they can get FOS, and anyone who seriously believes that, I am going to quote from my friend Sterling Lyon over here: Anyone who believes that is living in cloud cuckoo land. Workers are not going to go out for 60 days to take a chance that they might end up with management's final offer. That does not even make sense to me.

On page 5 there it says, where did this idea come from in Canada? As I say, it is not the American model there. We are a little more civilized than that. It was first introduced in Canada by an association of professionals, believe it or not, The Society of Ontario Hydro Professional Engineers and Associates. Most professional engineers that I know are members of the Conservative Party. It was proposed during negotiations with Ontario Hydro in 1964 and surprise, surprise, most negative criticism came from management. That is where it started in Canada. It did not start with unions, with the trades, with the Safeway workers; it started

with professional groups. That is where the idea has come from. It has been in Red Deer College in Alberta for a number of years.

What has their experience been? Page 7. No, there were the usual horror stories. Management argued that it would be unfair collective bargaining; it would be too much in favour of the worker, and it just would not work, and that it would have a chilling effect on negotiation, that parties would not settle because they knew they could go to FOS. They would not bargain meaningfully. Well the bottom of page 7 there says, fortunately, FOS does not work that way. By the time a selection officer has anything to do with the process, very few issues indeed would need to be settled, and it behooves both sides to select reasonable candidates for selection officer in the first place.

One of the main objections that the AACF has voiced, and that is the management group in Alberta, was that the procedure was adopted by coercion, and that is not what happens. The parties can agree to a selector. Experience is on the bottom of page 8 and this is what you have heard other people say, more important that any contractual gains one way or the other is the fact that FOS has enabled us to avoid adversary approach to bargaining. Is not this what Manitobans want?

Do we want strikes? Do we want adversarial collective bargaining? Do we want less adversarial collective bargaining? The Labour Relations Act said it is in the public interest to have collective bargaining. I suggest it is in the public interest to have less adversarial collective bargaining. This is what FOS gives us.

It goes on that relations between the negotiating teams, the board and the faculty have remained relatively unstrained. We attribute this as much to the bargaining procedure as to the individuals who served on the committees. Bluffing and posturing have given way to a let us hurry up and get down to business approach which has resulted in effective use of limited time.

This is what they are saying. They put this in in the early '70s and this is written in about '78-79. After five or six years of experience, this is what they found less adversarial bargaining, quicker bargaining, less bluffing, less posturing, less adversarial labour relations.

Just a last comment they make, every procedure has its drawbacks but our experience indicates that for community colleagues which is the group they were talking about, FOS represents a desirable alternative to either free collective bargaining or compulsory binding arbitration. That is all we are talking about here is an alternative that either parties can use. The experience is, it means less adversarial collective bargaining. Now, I am not sure why the Government is looking at getting rid of FOS after it has only been in for a little while. There has only been—a few cases have actually gone forward. All of the horror stories that were presented by management at the outset obviously have not taken place. The experience in other provinces has been positive. I cannot see any justification for tampering with it now. It is not the biggest change to the labour law that has ever taken place, but it is something that gives an alternative to the parties and in some cases a viable alternative.

You heard what happened at SuperValu, a big company, and I notice that Ryzebol was No. 1 on the list. I do not know if he showed up or not but I would have liked to have heard what he said. What they did was they knew they had a young work force, a lot of part-time employees. They felt they could sustain a strike, with unemployment in the country they felt they could get lots of young unemployed people to come in and they did. They basically tried to break the union with that strike. That is probably the dispute that gave rise to FOS, and if so, so be it.

That is not the kind of labour relations we want in Manitoba. We do not want the Teamsters kind of labour relations that they have in the States. We want less adversarial labour relations. That is what, I think, the people of Manitoba want.

You have the picture of Uncle Ed up there. You see that bunch of papers he has in his hand there, the big batch of papers. What this is, it is all the changes that he made to the labour laws back in 1972 and '73. He made much bigger changes to the labour laws than FOS is today. What happened in 1977, he gets kicked out and Sterling Lyon comes in. Does Sterling Lyon fool around with that labour legislation? No, he still have it. It is still there. He was allowed to keep it. It is still on the books. Why did Sterling Lyon not fool around with the labour legislation? Because he had bigger fish to fry. He had to deal with the fiscal situation of the Government. Fooling around with the labour legislation was not something that was deemed to be a priority.

I suggest here, the Government has got bigger fish to fry. Instead of fooling around with the labour legislation that is scheduled to expire in two years anyway, let us let it go for the five years. Let us see if our experience is the same as Alberta's. It looks as if it has been so far. Let us not fool around with it now. Let us scrap this Bill to repeal it. Let us get off our butts, and forget this and get our \$100 million back from Ottawa that is supposed to be going to our community colleges and to our health care system. Let us forget about final offer selection, let it go for five years, and get our \$100 million back.

* (1630)

Mr. Chairman: I must caution the people in the audience. Are you complete with your presentation?

Mr. Rodgers: Yes.

Mr. Storie: Mr. Chairman, I would like to thank Mr. Rodgers for his presentation. I want to also thank him for a bit of levity at the end of a long day. It was much appreciated.

A serious matter, nonetheless, and he asks the question perhaps rhetorically, why is the Government getting rid of FOS? Other presenters have had their own rather cynical views of why it is being done, to placate the Chamber of Commerce. We noted that they are the only two groups, these nameless, faceless spokespeople for business, who have come before us touting the myths the Government has used to support

the withdrawal of final offer selection. On the other hand, we have not had anyone who has come before us to present any real experience, or employer experience with FOS, and that is indeed unfortunate.

You also asked the question, do we want adversarial relationships in labour-management in the province? Clearly the Tories and the Liberals do want adversarial relations. They want working people to have to choose between their jobs and a picket line. To date, there have been no rational explanations for their opposition to final offer selection. I am wondering in your review of the literature, and obviously you have done considerable research, have you been able to find any logical explanation for the Government's intention to withdraw final offer selection? Is there anything inherently wrong with final offer selection that should have created in the minds of the Government the need to withdraw such legislation?

Mr. Rodgers: The only argument that I have really heard made is that it is unfair, that it shifts the balance too much in favour of the worker. I do not see how that is the case. I mean if there is a 50/50 chance you are going to get stuck with management's position, I do not see how that shifts the balance in favour of the worker. Maybe they say, well, because you only have to go on strike for 60 days. Well, 60 days you have heard is a long strike. People cannot afford to be out for eight weeks. Each week the salary that you lose is 2 percent of your pay cheque. If you are out there for eight weeks, you have lost 18 percent. In eight/nine weeks you are never going to get that back.

Sixty days is a long strike, and there is nothing that I am aware of in the legislation that says the strike has to end after 60 days. It is only if one of the parties requests it, and the bargaining unit votes on it and says, okay, let us go FOS. If they want to stay out on strike, they can stay out on strike. I do not see how in any way it has shifted the balance over to the side of the workers. The only argument that I have heard against it is that it has somehow upset this balance that we have in the labour legislation, but the same complaints were made when Uncle Ed had his batch of papers there. The guy with the dog there was not that upset about it. He did not think it was upsetting a balance and now he is a judge ruling on this stuff, on the first contract. You know, he upheld the first contract legislation. If Sterling Lyon thinks it is okay, it cannot be that bad.

Mr. Storie: Mr. Chairperson, you mentioned the word "balance," as other people have, the question of whether this brings balance. It is interesting that when Mr. Newman was here making his presentation he referenced Uncle Ed's Labour Relations amendments and had mentioned that since the 1970s the number of days lost due to strikes had actually been decreasing. We heard the same kind of concerns from the Chamber of Commerce, et cetera, when those amendments were made to The Labour Relations Act, that in fact it was going to create unequal balance, it was going to be disruptive and put us out of step and, of course, none of that has happened.

If final offer selection had not been working in the Province of Manitoba, what would you have expected

to see in terms of the climate, the work stoppages? How would we be able to detect if it was not working?

Mr. Rodgers: Well, if it was not working I think you would expect there would not be the settlements, 85 percent or whatever, of all agreements that are settled without strike or reference to final offer. You would see the trend, if anything, would be the other way, that there would be more days lost. We would have more Westfair strikes and more person days lost to strikes in the province. What this does, and you can see from the article I gave you that management there predicted the same sort of horror stories and it was not to be, that in fact what happened was quicker settlements, less acrimonious settlements and a better collective bargaining climate.

I do not think there is any evidence that it is not working. It has not been in very long. There have only been, to my understanding, five cases that have gone the limit. It was given a five-year trial period. At the very least it should be allowed to run its course in terms of the five years and evaluate at that time whether it is working or not, but certainly indications that I am aware of is that these horror stories have not come to place and that we are getting more settlements.

Mr. Storie: One final question and this may be out of the domain of the presenter, but I would ask for some advice. Perhaps Mr. Rodgers can tell us, me in particular, how we, as Members of the Opposition and a Party that supports final offer selection, are to fight Opposition Parties that are not prepared to deal with the substantive issues of the debate, how we are to deal with a Government whose Minister responsible for the repeal of this legislation did not even debate or close debate on second reading after second reading had been concluded in the House, Opposition Parties that will not put up speakers or defend their views that final offer selection needs to be repealed. Opposition to final offer selection continued to spout myths about final offer selection, how are we, as legislators, to defend against this kind of mindless opposition?

Mr. Rodgers: If I knew the answer to that, then I would no longer be a free lancer, I would be working for the Chamber of Commerce.

Obviously your position is a minority position and under our system that is tough bananas. All you can do is try to make them listen to reason, that the thing was put in for a five-year period, that there is no evidence that it is not working. The horror stories that were predicted at the beginning of the thing have not come to pass. We have more important things to do, such as dealing with the severe fiscal problems of this Government, particularly in light of the Wilson budget.

I think that instead of going through all this and spending a lot of time on it, let it run its five-year period. Let us get back to the business at hand and get our \$100 million plus back that Ottawa has just taken away from our health care and education system. I think that is more important than this. This can wait another couple of years to see, give it more time to work. My advice would be to simply keep trying to make them see the reasonableness of that position.

Mr. Storie: Those are all my questions, Mr. Chairperson. Thank you, Mr. Rodgers.

Mr. Edwards: Thank you, Mr. Rodgers, for coming to the committee to speak to us today. I actually agree with you there are much more pressing problems facing this province today, particularly in light of Mr. Wilson's budget of the 20th. To that extent, our Party has been trying to get rid of this Government for a year and a half. We unfortunately have not been supported by the third Party in that.

Mr. Rodgers, you strike me as a man who gets to the point, and I like that. It is evidenced by your very brief notes. Simply in reference to the comments by my friend, Mr. Storie, about speaking in the House, you would be interested to know that on second reading in this Session, our Party has put two speakers. Both have spoken for 40 minutes. It has been 80 minutes. If you cannot say your argument in 80 minutes, I am sure you will agree with me, you do not have much of an argument.

Mr. Rodgers, I simply want to ask you—and I appreciated this article from Alberta, where of course they do not have final offer selection legislation such as we do. You do understand, I am sure, that there is absolutely nothing in this province to prevent parties voluntarily agreeing to use final offer selection as a means to resolve disputes. Certainly it does not require the legislation which we presently have to achieve that.

* (1640)

Mr. Rodgers: That is true, but the problem with that is, you get a Ryzebol or a Westfair who is going to take advantage of a young, predominantly female part-time work force and try and bust a union with it. That is the problem.

The balance, if anything, is in favour of management in that situation. What this does, I think, rather than shift the balance to the workers, is that it evens the balance. Basically you have 60 days to try and bust us where we can ask for FOS.

It is something that is needed to prevent that type of unfair tactic against the work force. We heard that Safeway settled after that, but do not ever kid yourself, if they had busted the union at SuperValu, Safeway would have been next, in my opinion. That is why we need some protection against that type of unscrupulous tactic. It should not happen in this province. I do not know where Ryzebol comes from, but those tactics are something that we do not need in Manitoba. People do not want it.

With respect to your comment in terms of trying to get rid of the Government for the last year and a half, it is my experience that not only do people hate strikes, they also hate elections. Just as final offer selection should be given a chance to work, I am of the view that a Government that comes in with a minority should be given a fair chance to do what they would like to do; you know, to dump a Government within six months or so after an election. I think, we know how costly elections are and how costly strikes are and, in the

same way that people do not like strikes all the time, they do not like having elections all the time. I think it would be irresponsible to not give the Government at least a chance to do its work.

Mr. Edwards: Mr. Chairperson, I find that analogy intriguing. I guess the ultimate question in both cases is, at what point do you sacrifice your principles?

The statement at pages 9 and 10 of this article is that the philosophical assumption—the statement in this article, Mr. Chairperson and Mr. Rodgers, pages 9 and 10, is that the philosophical assumption of FOS is the willingness to be reasonable. I think that is an interesting comment in particular, in light of your speaking of its usefulness with respect to highly antagonistic situations like Westfair. Do you disagree with that statement in the article that the willingness to be reasonable is at the root of FOS, and in this situation where the parties agreed to use it, it seems to be the rationale that is one the major reasons why it worked? Do you disagree with that conclusion that this author draws?

Mr. Rodgers: No, it was the willingness to the desire to be reasonable that led to the introduction of the legislation. What you find and what the experience has been is that over time, parties that were less reasonable or even unreasonable have become more reasonable as a result of having this approach to collective bargaining.

So even if it is not predicated on a desire to be reasonable over time, at least from the experience here and from the statistics that we have heard with respect to Manitoba, it would appear that parties are achieving settlements quicker with fewer days lost to strikes, and to me that suggests that the parties are becoming less adversarial and more reasonable.

Mr. Chairman: Any further questions? Mr. Doer.

Mr. Doer: Mr. Chairperson, I enjoyed the presentation today. Collective bargaining in 1990, and you have raised one point of it, seems to me to be a pretty rough year. We have high interest rates, free trade, particularly putting pressure on the private sector. The public sector—now I think your point about continuing to fight for a hundred million because it is in the base in perpetuity along with the \$142 million cut in last year's budget in health and post-secondary education, is going to undoubtedly put tremendous pressure on services and people in the public sector in Manitoba. We have organized groups, I would suggest, looking at a GST coming in if we cannot stop that in Parliament in 1991.

My question to you is: Is it your assessment that the collective bargaining calendar in 1990 leading into '91 with all those issues is going to be fraught with difficulties and therefore FOS is useful at any time, but particularly in the present and predictable climate in 1990-91 would even be more important?

Mr. Rodgers: Clearly in the last few years in terms of wage settlements in this province, you heard the fellow earlier that his wage increases have not kept up even

with the cost of living. I think that is the case with most agreements in the province. In 1990 I guess a lot of agreements are up and there is going to be some desire to recoup some of those losses. In anticipation of the GST, which by the Government's own admission, is going to be inflationary although the amount of that is in dispute, I think workers are going to want some protection that their wages are not going to be further eroded by the cost of living. Real wages in this country have in fact declined over the last 15 years, particularly the last five years.

So I think there is going to be a climate of workers wanting to at least get back to where the cost of living is and employers saying, we cannot do it, and potentially it could be a rough year. It could be a year that FOS might be invoked more than it has been. It is difficult to predict, but certainly there is no question that people are upset about the interest rates, about the GST, even in Brandon. I cannot believe the reaction in there. They are usually pretty quiet out there.

* (1650)

It could be a difficult year. This is a tool. As I say, it is an alternative to having protracted strikes on these issues, and it may very well be that if it is repealed now, the Government may in hindsight say, that was the worst mistake we could have made because now we have left the workers with no alternative but to go out and to go out for as long as they can stay out. Nobody wants to see that happen, certainly not the workers.

I think most employers, with the possible exception of a couple, would not want to see that happen. If this is an alternative that could help resolve those types of issues then I think it is worth hanging onto, as I say at least for the five-year period and, given that 1990 is going to be a big year, let us give it a chance and see what happens. In '88—when did it come, in '88?—a lot of major bargaining units had three-year agreements then and have not been up there, up in 1990. Let us give it a chance to work in a real busy year and see what happens.

Mr. Doer: The community colleges in Ontario—I noticed you referenced a community college in Alberta. In Liberal Ontario, I believe it was a major strike of community colleges in the last year with considerable number of days lost per worker, courses lost per student and communities losing tremendous economic payrolls, et cetera, from the Queen's Park Government. Is my assessment correct? Was there a bitter strike between the Liberal Government of Ontario and the community colleges, and is there any instruction for us here in Manitoba or other community college jurisdictions where another alternative besides strike would be available?

Mr. Rodgers: Certainly that is what they are suggesting in this article, you know, that it is a viable alternative. My understanding is that there was a strike last fall in Ontario of some three to four weeks duration. You know, you take a month out of somebody's school year, and that is a big chunk of time to lose. My understanding

is that now I think both parties have accepted a mediator's recommendation, but had something like this been available to them, they may have been able to avoid the strike. It is hard to say, but the answer to your question, was there a strike, it is my understanding that there was for about three to four weeks.

Mr. Doer: I believe in Ontario there have been strikes in the public school system with no other alternative, although Manitoba is different. I believe that the only way they could settle a strike in Ontario eventually was bringing in Stanley Hart who has mediated a settlement with the public schools in Ontario, a person now who is working for the Prime Minister.

Again, there was no other alternative. I know you cannot compare it, but just the days lost and the pain that parents and students feel in Ontario. There is no other alternative I believe in the Province of Ontario.

Mr. Rodgers: That is my understanding and the point I made earlier. We have FOS now. Previously we have had arbitration for the public schools, and it has not been said that is an unfair balance in favour of the teachers, that that has not worked. It has produced settlements in the public school system that have been reasonable, more than reasonable, in fact less than the cost of living in the last few years. I do not see how that form of arbitration or this form of arbitration creates any sort of unfair balance.

With reference to the colleges and so on, with the cut in transfer payments, it is possible that there will be problems there with program cuts and so on, which, if it leads to loss of jobs or threatened jobs, could lead to unrest among the employees of the colleges and exacerbate the problem that is already there in terms of wage increases having fallen by, the cost of living and the GST. If that is now coupled with cuts, it is only going to make it tougher, not easier, to get a settlement.

That is why I say let us leave this go for the period. Let us try our 100 million and some odd dollars back, so that we do not have to compound the problem by having to implement cuts in health care and education. The nurses are up for bargaining I believe at the end of 1990. Nurses' settlements in B.C. and in other provinces have been above the cost of living in the last year. There is potential there for a problem. If it is exacerbated by further cuts in health care, it could be a rough go. We should keep this alternative on the books.

If it is producing settlements and it is 3-2 now for the union, or if that pattern continues, I do not think employers can say they are being screwed by it. It would I believe just be foolhardy to repeal this now and take away that alternative when we are looking at a very tough year and maybe tough two to three years ahead in terms of labour relations.

Mr. Doer: One last question, are you aware that the Liberals are proposing binding arbitration for high-paid doctors in the province, yet they are supporting the repeal of final offer selection which is for people, as we have heard, at minimum wage and part-time wages, who seem to be the group that needs it the most. Do

you think that is a fair way and a principled way of addressing the challenges we have with workers in our society in terms of labour relations?

Mr. Rodgers: I am not sure if I understood the question. Is what a fair way? -(interjection)- The arbitration or the position, you say, the Liberals have taken? Which were you referring to?

Mr. Doer: Do you think it is fair that a political Party would propose the right of binding arbitration to people and doctors making amongst the highest salaries in our society, yet they are proposing to repeal a piece of legislation that lower paid workers and people just recently have said is important for the little people? Do you think that is a consistently fair position for any political Party to take?

Mr. Rodgers: It certainly is not consistent, but I would say it is typical. This thing started—as I said, final offer selection arbitration started with professional groups. So it is not something that was originally pushed for by the lower paid groups. It was always felt that professionals like teachers, doctors, they find strikes repugnant, therefore they should have arbitration. What I am saying is that it is not just doctors or engineers or teachers that find strikes repugnant; everyone does. The SuperValu people did not want to go out on strike.

Nobody wants strikes. If there is another alternative, then I think we should have it. Bernie Christophe has always been accused over the years of being strike-happy. He supports this. He wanted this as an alternative. Nobody wants strikes. It is not just professionals that find them repugnant. I think it is inconsistent to say to a professional group, well, if they do not want to strike, or we do not want them to strike, they should have arbitration, and then on the other hand to say to somebody else, well, we really think you should have to go on strike to get what you want as opposed to having an alternative available to you. Doctors, well, you do not have to go on strike, or we do not really want you to go on strike.

It is almost like telling these other people, we really do want you to go on strike, which I do not think is the case. There has to be another way. Over the years certainly the strike weapon has been the ultimate weapon the workers have, but now with—

Mr. Chairman: Mr. Rodgers, I believe our time is up for this afternoon. I want to thank you for your presentation today.

Mr. Rodgers: Thank you. I would not want to be accused of filibustering like Senator Claghorn either.

Mr. Chairman: Just prior to rising for the day, I would like to remind committee Members and members of the public that the committee will also be meeting on the following days to hear public presentations: Monday, February 26, at 10 a.m.; Tuesday, February 27, at 10 a.m. and again at 8 p.m.; Wednesday, February 28, at 8 p.m.; Thursday, March 1, at 10 a.m. and 8 p.m.; Friday, March 2, at 2 p.m.; and Saturday, March 3, at 10 a.m. and 2 p.m.

Saturday, February 24, 1990

The time is now 5 p.m. Committee rise. Is it the will of the committee? Committee rise.

COMMITTEE ROSE AT: 5:02 p.m.