



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

---

**STANDING COMMITTEE**

on

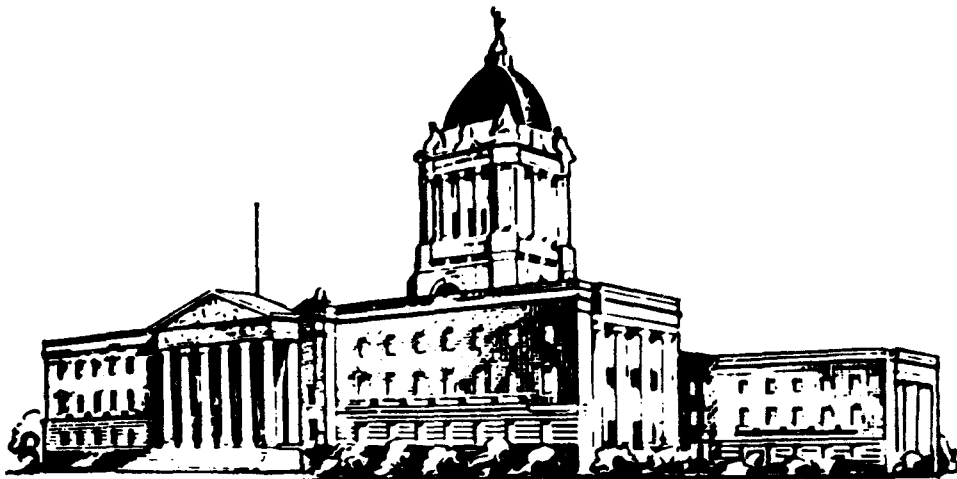
**ECONOMIC DEVELOPMENT**

---

42 Elizabeth II

---

*Chairperson*  
*Mr. Jack Reimer*  
*Constituency of Niakwa*



**VOL. XLII No. 5 - 11 a.m., THURSDAY, JUNE 3, 1993**

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

**Members, Constituencies and Political Affiliation**

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

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON ECONOMIC DEVELOPMENT**

**Thursday, June 3, 1993**

**TIME — 11 a.m.**

**LOCATION — Winnipeg, Manitoba**

**CHAIRPERSON — Mr. Jack Reimer (Niakwa)**

**ATTENDANCE - 9 — QUORUM - 6**

*Members of the Committee present:*

Hon. Mr. Stefanson

Messrs. Dewar, Helwer, McAlpine, Penner,  
Reimer, Mrs. Render, Messrs. Rose, Storie

**APPEARING:**

Sharon Carstairs, MLA for River Heights

Clayton Manness, MLA for Morris

Daryl Reid, MLA for Transcona

**WITNESSES:**

Charles Finnbogason, Bramalea Limited

Joan Seller, Canadian Union of Public  
Employees-Manitoba

Paul Moist, Canadian Union of Public  
Employees-Manitoba

Robert Ziegler, United Food and Commercial  
Workers Union, Local 832

Art Kerr, Manitoba Association of Shopping  
Centres

Cliff McMillan, Winnipeg Presbytery of the  
United Church of Canada and The Association  
of Christian Churches in Manitoba

**WRITTEN SUBMISSION:**

Toby Oswald, Canada Safeway Limited

**MATTERS UNDER DISCUSSION:**

Bill 4—The Retail Business Sunday Shopping  
(Temporary Amendment) Act

Bill 23—The Retail Businesses Holiday  
Closing Amendment, Employment Standards  
Amendment and Payment of Wages  
Amendment Act

\* \* \*

**Mr. Chairperson:** Will the Committee on  
Economic Development please come to order.  
The committee will continue to consider the

following bills this morning: Bill 4, The Retail  
Business Sunday Shopping (Temporary  
Amendments) Act; Bill 23, The Retail Businesses  
Holiday Closing Amendment, Employment  
Standards Amendment and Payment of Wages  
Amendment Act.

As agreed last night, we will continue to hear  
from presenters this morning.

Before we adjourned last night, I read the list of  
presenters who requested to return this morning,  
and they are: Mr. Charles Finnbogason, Mr.  
Walter Kucharczyk, Mr. Ken Nolan. On your list,  
you have Ms. Toby Oswald, but she is instead  
giving a written presentation, which has been  
distributed.

We also have these presenters: Ms. Joan  
Seller along with Mr. Paul Moist, Mr. Robert Ziegler,  
Mr. Randy Cameron, Mr. Art Kerr and Reverend  
Cliff McMillan.

At this time, I will call Mr. Charles Finnbogason.  
His presentation has been distributed. You may  
begin, Mr. Finnbogason.

\* (1110)

**Mr. Charles Finnbogason (Bramalea Limited):**  
Thank you, Mr. Chairperson. My name is Charles  
Finnbogason. I am appearing before you this  
morning in my capacity as vice president of  
Manitoba and Saskatchewan for Bramalea Limited.

Bramalea manages St. Vital Centre and Unicity  
Mall in the city of Winnipeg. I am also appearing  
on behalf of Cambridge Shopping Centres Ltd., the  
managers of Kildonan Place; and the Cadillac  
Fairview Corporation, managers of Polo Park  
Shopping Centre and Portage Place.

As an industry, we were pleased with the  
government's decision in November of 1992 to give  
retailers the option of being open for business on  
Sundays without the arbitrary constraint of limiting  
the number of employees.

As I am sure you are aware, the retail industry  
has been suffering over the past several years due  
to consumer uncertainty, unemployment and

cross-border shopping. The key to success in retailing is to provide the customer with what they want and when they want it. Based on our experience since November of 1992, our customers want the option of fulfilling their shopping needs on Sundays, and we want to be able to continue to give them that option.

Under the current legislation, consumers have the option of staying at a hotel, eating in a restaurant, taking an airplane flight or attending a sporting event on Sundays. We feel the shopping public should have the same option.

Does a change in legislation to permit Sunday shopping mean that all retailers and all shopping centres will be open every Sunday? We do not believe this to be the case. Our hours of business have always reflected the needs of our customers and will continue to do so. For the same reason, we chose to remain closed on Easter Sunday and Victoria Day.

Given the option of shopping on Sundays, our customers will vote with their wallets, clearly indicating their preferences, and we will react accordingly. We feel the decision to open on Sundays should be based on customer requirements and not government legislation. While our preference would naturally be for unrestricted Sunday shopping, we feel the proposed legislation gives our retailers the ability to serve the needs of their customers. As such, we urge you to recommend the passage of the proposed legislation.

This concludes my presentation. Should you have any questions, I would be pleased to address them.

**Mr. Chairperson:** Thank you very much, Mr. Finnbogason.

**Mr. Jerry Storie (Flin Flon):** I want to thank Mr. Finnbogason for his presentation.

The first question is that in your final paragraph you suggest that your preference would have been for wide-open Sunday shopping, and you say this legislation gives our retailers the ability to serve the needs of the customers. The legislation that you are referring to is Bill 4.

**Mr. Finnbogason:** I am talking about the two bills together. [interjection]

**Mr. Storie:** Yes, Mr. Chairperson, I was going to ask that question. I appreciate Mr. Finnbogason

clearing that up. But, of course, Bill 23 does not do that. Bill 23 gives the municipality the right to decide. I am wondering whether you think that is an appropriate way to develop provincial policy.

**Mr. Finnbogason:** We operate under the same constraints in other provinces and do not have any difficulty with that.

**Mr. Storie:** Mr. Chairperson, I recognize that other jurisdictions have also chosen the option of piecemealing this kind of policy. Manitoba, obviously, is quite different. I am wondering whether, given the fact that you represent shopping centres in the city of Winnipeg, whether you have had a chance to meet and discuss the concerns, for example, of representatives of the Manitoba Chamber of Commerce, who fear that this legislation is going to contract their opportunities.

**Mr. Finnbogason:** No, I have not. I am appearing on behalf of three real estate developers with properties in the city of Winnipeg and none outside. So, no, I have not.

**Mr. Storie:** Mr. Chairperson, the other question I had, had to do with the suggestion that everything was going well within the current system, the wide-open trial period. I am wondering why it is that, for example, today in the press we saw reports from downtown merchants that suggest that this experiment has been a failure, that Sunday shopping has not increased traffic, that it has not seen an increase in the volume of sales. How do you account for those discrepancies even within the city of Winnipeg?

**Mr. Finnbogason:** I would suggest that the issue is not whether Sunday shopping would be successful or is successful, because in some cases, particularly in downtown developments, it may not be. I think the key here is giving the retailers the option to be open.

**Mr. Storie:** Mr. Chairperson, in terms of the centres you represent, would the majority of tenants not be able to open under current legislation given the fact that many of them, if not the majority, could operate and perhaps do operate with fewer than four employees already?

**Mr. Finnbogason:** I think the idea of imposing arbitrary restrictions on the ability of a retailer to properly serve their customer needs is not the way to approach the issue. There is no question that some small stores may be able to open with one

employee or two employees or as many as four; obviously, a department store would not be able to do so.

We feel the retailers must have the ability to properly serve the needs of their customers with whatever number of employees are required.

**Mr. Storle:** I guess the question was, given the experience of many of the small businesses in your shopping centres currently, and in shopping centres other than the ones that you represent here this morning, has not been a successful one, I am wondering whether that means, then, that the argument that this represents an economic opportunity and a business opportunity holds any water. What was said before is that it is the government's argument for pursuing it.

**Mr. Flnnbogason:** If Sunday shopping proves not to be successful for retailers or for shopping centres, they will not be open. The key issue and the point that we are trying to make is that the consumer will decide. If they shop, we will be open, the retailers will be open. They will be successful. Based on our experience, in a situation where the retailers cannot be compelled to open and the employees cannot be compelled to work, the vast majority of our stores continue to be open and continue to do well. If they were not doing well, they would not be open.

**Mr. Storle:** You are here representing Bramalea Limited. The Manitoba Federation of Independent Business, in a survey that was done in Manitoba amongst their members, more than 4,000 members, suggested almost 60 percent of retailers are opposed to this legislation. I am just wondering how this squares with your support of it and whether, in fact, you have done a survey of your own tenants.

**Mr. Flnnbogason:** The retailers who do not feel it is appropriate, profitable or whatever to be open on Sundays under the proposed legislation have that option. The fact that they continue to open indicates to me that there is a consumer demand which we want to fulfill.

**Mr. Storle:** Mr. Chairperson, the legislation, as Mr. Flnnbogason knows, provides for exceptions to existing commercial leases with your tenants, which will allow them to close notwithstanding provisions in the leases which would require them to open.

I am wondering whether, if this committee were to ask businesses in shopping centres, not only the ones that you are representing but others, if they would suggest that there is pressure, subtle or otherwise, to remain open? Do you feel that it is possible that the owners of some malls will subtly put pressure on small businesses to remain open?

**Mr. Flnnbogason:** I obviously cannot speak on behalf of other developers, but I think the legislation is absolutely clear. The retailers cannot be compelled to open. I would suggest that if there was any indication that they were being compelled to open, then obviously I would assume that the government would take appropriate action in that regard.

**Mr. Storle:** One of the malls that is managed by Bramalea is Portage Place and, of course, there have been rumours of discontent—

**Mr. Flnnbogason:** It is managed by Cadillac Fairview, not Bramalea.

**Mr. Storle:** I am sorry, Cadillac Fairview. But you are saying that certainly in your case, despite the fact that it is probably in your interest to have all of the tenants open on a Sunday, you do not feel that it is likely that there would be any pressure to remain open?

\* (1120)

**Mr. Flnnbogason:** Because a shopping centre is a retailing unit, obviously, if a customer comes to a shopping centre on a particular day to shop at a particular store and the store is not open, they may be upset that they made that shopping trip.

Certainly, from the viewpoint of a customer, it would be preferable to have the ability to be consistent in terms of a customer coming to a shopping centre and knowing that all of the retailers would be open.

Again, are other developers bringing pressure to bear on their retailers to open? I do not know.

**Mr. Storle:** Final question, Mr. Chairperson. It strikes me as odd that an organization the size of yours would be here before the committee supporting legislation which could result, for example, in the City of Winnipeg saying no to Sunday shopping, no to the operation of your malls in the city of Winnipeg, while at the same time municipalities representing communities like Winkler and Emerson, Carman could be open—Stonewall, the surrounding areas.

I am interested to know philosophically why it makes sense to allow municipalities to make these kinds of decisions, to allow this kind of patchwork quilt potentially to develop in the province with respect to Sunday shopping.

**Mr. Finnbogason:** I touched on this point earlier. I think the key issue is the ability to decide whether or not we are going to be open.

You are quite right that under the proposed legislation, the decision of whether or not a particular municipality is going to be open will be up to the municipality. As an industry, we will cross that bridge when we come to it. I have no doubt that the City of Winnipeg will be holding hearings similar to this one and it is our intention to make representation at those hearings as well.

**Mr. Storie:** Final question, honest. If you had had your druthers, you would have rather seen the provincial government take responsibility and say that we are going to have wide-open Sunday shopping. Am I correct in that assumption?

**Mr. Finnbogason:** Our preference as an industry would obviously be to be able to open, or to enable our retailers to open, during those hours when our customers wish to shop. Whether the decision is a provincial one or a municipal one, we work under those constraints in a number of different provinces across the country and have no problem with either of them.

**Mr. Storie:** Thank you very much, Mr. Finnbogason.

**Hon. Eric Stefanson (Minister of Industry, Trade and Tourism):** Mr. Chairperson, I just have one question. You touched on the issue of consumer preference, consumer opportunity and so on. I am wondering if you have any information, since the trial period began back in late 1992, for the clients you represent, the shopping centres you represent, how Sunday would compare to other days of the week. Do you have any information you can share with us in regard to that?

**Mr. Finnbogason:** I heard a comment from one retailer indicating there has been a hundred percent increase in Sunday sales since they had the ability to open on Sundays, but that is obviously not the information you are looking for.

We do not split our sales out by the day of the week. However, by observation, the traffic counts on Sundays at this point probably make it the third

busiest day of the week after Saturday and Friday. The sales productivity during those five hours on Sunday would appear to be significantly higher than a number of the days during the week.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Finnbogason.

We will now call on Mr. Walter Kucharczyk. That is the second time he has been called. Mr. Ken Nolan. Mr. Ken Nolan has been called twice now. Not here. Ms. Joan Seller and Mr. Paul Moist, president of CUPE Manitoba.

The presentation has been distributed. You may begin at any time.

**Ms. Joan Seller (CUPE Manitoba):** Mr. Chairperson, CUPE Manitoba represents 20,000 members who work in the public sector throughout the province in areas such as health care, municipalities, school boards, daycares, nursing homes, Manitoba Hydro, the Workers Compensation Board and child welfare agencies.

While our members do not work in the retail sector, we believe that Bill 23 touches upon an important area of public policy, one which has spawned much debate throughout our communities and one which we feel compelled to speak on.

Many CUPE members work in operations which require them to provide coverage and services seven days a week, 24 hours a day. These operations, such as our health care system, are essential and require this level of service. The same, however, cannot be said of the retail sector, where until recently it was acceptable to the vast majority of the population to have access to retail stores and businesses six days per week.

The only groups which seem to be requesting expanded rights to open on Sundays are certain business groups; however, even amongst the business community there does not exist a consensus on this point.

Bill 23 represents this government's attempt to toss a political hot potato onto municipal governments for their decision. The reasons for this action, in our view, is the obvious absence of consensus both within the Legislature as a whole, and indeed, within the government itself.

Should Bill 23 be adopted, the inevitable result would be the absence of a consistent, standardized, provincial-wide policy in favour of a

patchwork of differing Sunday shopping provisions. Bill 23 represents a nonsolution to a thorny political issue for this government, and for the reasons outlined herein, CUPE suggests that the bill be withdrawn.

As mentioned, there does not exist a consensus within the business community on the issue of Sunday shopping. The Winnipeg Chamber of Commerce has lobbied long and hard for expanded Sunday shopping laws, while the Manitoba Chamber of Commerce has reaffirmed their opposition to such expanded laws.

What is clear is the fact that many businesses which have opened on Sundays have only done so in response to their competitors opening for business on Sundays. I quote from an article in the Winnipeg Free Press, March of this year: "Even my boss doesn't like to open the doors on Sunday and make us come in to work, but if our competitor is doing it we don't have any choice."

In rural Manitoba, the experiment initiated in December of 1992 has not been met with widespread agreement or consensus. Many communities have even stronger views about the inadvisability of expanded Sunday shopping after the experiment.

Again, I quote, this time from the Brandon Sun, March of this year: Manitoba's second largest city is now officially opposed to Sunday shopping and there was no shortage of debate yesterday on both sides of the issue . . . Reverend Cliff Bergman, pastor of McDermid Drive Alliance Church called it 'the pinnacle of irony' that the province was cutting the workweek for its own employees while endorsing a seven day workweek for retail workers."

The final area of concern from rural areas is the absence of public hearings on this bill outside the city of Winnipeg. Many have called upon the government to hold hearings throughout the province in order to adequately gauge the results of the expanded Sunday shopping rules which went into effect throughout the province. The views of business and community leaders from rural Manitoba deserve to be heard on this important province-wide issue, and CUPE supports their call for full public hearings throughout the province.

The proponents of expanded Sunday shopping regulations have cited increased retail expenditures as one of the reasons to adopt such

legislation. In December, Industry department officials predicted that a best-case scenario could result in annual increases in expenditures of as much as \$300 million representing a 2.1 percent increase. It was also predicted that this increased economic activity could result in more than 4,500 jobs and more than \$15 million for the provincial treasury.

These best-case scenarios were at best just predictions, probably fueled by the results in the first few weeks of the trial period of expanded Sunday rules which coincided with the Christmas shopping season whereby all reports said sales were up over the same period the year previous.

However, there is virtually no empirical evidence to substantiate the optimistic predictions for enhanced sales in business and for increased employment. Consumer spending habits are dictated by disposable income available along with one's confidence in the economy and their own employment security. It is difficult to imagine how extending shopping hours will somehow expand the amount of disposable income available to shoppers.

\* (1130)

Statistics Canada recently released a study which confirms what many working people already knew, namely, that their real incomes have been declining, and there does not appear to be any end in sight. Indeed, this government itself is removing in the area of \$129 million from the pockets of some 100,000 consumers who are public employees throughout the province through the introduction of Bill 22.

Yet we are asked to believe that these people, along with thousands of Manitobans who are unemployed, underemployed or on fixed and declining incomes, will somehow increase the amount they are buying through their having another day to shop.

Manitoba's economy is one of the poorest performing economies in this country, and it would benefit greatly from some government stimulus. Bill 23 provides no such stimulus. It simply represents this government's attempt to appear to be doing something positive in tough economic times.

The current legislation which allows businesses to operate on Sundays with no more than four employees was the result of a previous debate on

this subject matter and represented a compromise of sorts between business and government.

It was not a perfect compromise. It allowed retailers of all sizes to open, but the legislation still favoured small retail outlets, often those run by families where it was feasible operationally to open. Large retailers had the right to open, but the size of their operations dictated that it was not functional or practical to open with only four employees allowed to staff their outlets. While not a perfect situation, this left a sizable portion of Sunday business to smaller retail outlets whose share of retail business has shrunk considerably over the years.

The current experiment and the proposed enabling legislation allow large retailers to assume a greater portion of the available Sunday business at the expense of small businesses.

This point was confirmed recently by a small-business person in the city of Brandon, and I quote from the Brandon Sun of March 1993: "I guess what I'd like to see right now is if it even had to go down to two or three (employees) . . . it would probably be better for stores our size and smaller . . . . Since the government thought it would be adequate for medium-sized stores like ourselves and the smaller people, but obviously it wasn't."

"Since the four-employee rule was set Phillips has encountered increased competition from large operations who have entered a market once reserved for corner mom and pop operations . . . . The grocer said his declining Sunday sales are a sign of things to come if wide-open Sunday shopping continues."

In summary, the expansion of Sunday shopping laws, while in our view not contributing greatly to the province's overall economic performance, also has the distinct probability attached to it that it will hurt small businesses. In turn, this leads to increased unemployment and further weakening of our economy.

All matters of public policy of which this subject is but one ought to be examined for moral, ethical and public interest points of view.

On the subject of Sunday shopping, there is widespread support within our community for Sunday to remain largely a day of rest. This cannot and is not the case for many people, including many CUPE members who provide essential public services. But does Sunday

shopping come anywhere close to meeting the test of an essential service?

Manitobans have access to supermarkets for some 108 hours a week, from Monday to Saturday, 8 a.m. to 11 p.m., and to retail department stores some 90 hours per week between Monday and Saturday. Will six more hours on a Sunday represent a much needed addition to these totals? Are there not now enough hours per week available between Monday and Saturday?

Any arguments in support of the need for expanded Sunday shopping hours must be weighed against the family, religious and other legitimate needs that many working people have traditionally realized on Sundays when such days were observed as days of rest. While we cannot place economic price tags or predictions of the value we derive from having such days of rest, it is important for our laws to be measured from a moral and ethical perspective in addition to the economic perspective.

Sundays represent a day when children are not in school, and are a time when whole families can spend quality time together. Many Manitobans attend churches or other places of worship on Sundays. Many Manitobans volunteer within their communities as coaches and community club activists, and many of these pursuits occur each and every weekend, with Sundays being just as busy as Saturdays.

These are but a few of the legitimate pursuits that are normally associated with Sundays, and the treatment of Sunday as another business day detracts greatly from the quality of life in the families, churches and communities where those workers, who must work on Sundays, live.

CUPE neither accepts or views as credible arguments to the effect that expanded Sunday shopping laws are simply fulfilling a need within our society. The other side of that argument is that such expanded laws are the result of a lobby from some businesses which this government has chosen to accede to. This decision offends many Manitobans, including groups such as the Association of Christian Churches of Manitoba who have come out against expanded Sunday shopping.

The Canadian Conference of Catholic Bishops have captured the thoughts of many Canadians with their recent commentary of the plight of the



unemployed in Canada and on the evils of our current system which places such little value on labour at the expense of capital.

I quote from the Canadian Conference of Catholic Bishops, a document of April 1993: "Progress, according to the supporters of the free market, would be the 'inevitable' result of the 'invisible hand' at work. With sufficient time, there would be general improvement, they insisted, forgetting the human and social consequences involved . . . . The lesson is obvious, but apparently never finally learned. We cannot abandon people's lives to the vagaries of the free market. Markets can play a useful role in an economy but only if they are people friendly."

The quality of life of many Manitobans will suffer through their being made to work on Sundays. The assertion that said workers are spared the threat of dismissal by the proposed legislation is a proposition so naive that it begs response.

The question of many workers is not whether they wish to have Sundays off or not, rather it is can they afford to refuse the offer of hours of work on any day of the week? All branches of the retail sector are dominated by the increasing use of part-time workers at the expense of full-time jobs. These workers are just scraping by in many cases and refusals of assigned hours will see them punished economically. The fact that they may not be able to be punished via the dismissal route is at best a trite point.

By all moral, ethical and fairness perspectives, the proposed expansion of Sunday shopping is a wrong move and ought not to be sanctioned by the provincial government.

As mentioned at the onset, CUPE members are not going to be directly affected by the expansion of Sunday shopping, at least not in their own working lives. Like all Manitobans, however, we will be impacted negatively by the fact that Sunday will increasingly become just another day to do business.

What is even more disturbing is the government's tossing of this issue into the laps of municipal governments throughout the province. This is a classic example of the issue being tossed because the government has neither the fortitude nor the consensus within its own ranks to deal with it. We find it deplorable that this issue is being referred to municipalities for them to deal with the

political fallout that will likely occur from whatever decision may be arrived at. Such matters of provincial-wide interest ought to be dealt with by the level of government elected to deal with such law making.

As the certified bargaining agent for many municipal workers, we believe that many Manitobans recognize the disdain that this government has shown to our municipalities. Their grants have been cut. The pressure on their tax base has been increased severely by the decision to reduce the provincial property tax credit, and the inequitable sharing arrangements of VLT revenues further compounds their fiscal situations. Bill 23 represents but another intrusion onto this level of government by the province. It has little if any merit and ought to be withdrawn.

**Mr. Chairperson:** Thank you, Ms. Seller.

**Mr. Storie:** Mr. Chairperson, I want to thank Ms. Seller for an excellent presentation, particularly on the issues apart from the economic issues which we debated quite extensively last night with the Manitoba Chamber and the Canadian Federation of Independent Business.

I was particularly interested in your suggesting on page 5 that there are no really credible arguments to suggest that Sunday shopping laws are simply fulfilling a need. I guess my question would be, are they fulfilling a want?

**Mr. Paul Molst (CUPE Manitoba):** Through the Chair, in response to the questioner—no want that we have heard articulated by any group purporting to represent normal Manitobans and average Manitobans.

\* (1140)

I sat through the delegations last night, and we have researched and read everything we can get our hands on, on this subject matter in Manitoba, and there is no group within our membership or the population at large we have come across that is asking for this, apart from a certain component of the business community.

**Mr. Storie:** Well, Mr. Chairperson, the reason I am trying to differentiate between what may, in fact, be a need for essential services—and Ms. Seller mentioned in the presentation that, of course, CUPE members do work on Sunday to provide essential services.

The government has attempted as one of its only and certainly still feeble excuses to support this legislation the suggestion that consumers want this. So it leads me to the question—obviously there is no need, no imperative, that we open retail businesses on Sunday for shopping. The question is, is there a want? Is there a desire? You are saying none of your members, none of the people that you are in contact with, that you are aware of, have been at the minister's door begging for Sunday shopping.

**Mr. Molst:** Through the Chair, we know of no groups who have put forward that position. There may well be Manitobans who access those outlets on Sundays if they are open, but that has been a matter of convenience or happenstance.

There has not been widespread consensus to ask for expanded Sunday shopping, and, to the contrary, we heard from delegations last night in communities in Manitoba who are completely opposed to that.

**Mr. Storie:** So, Mr. Chairperson, if Mr. Moist were to speculate on where the pressure is coming from, the presenters last night, the vast majority of them, do not support the legislation.

We have seen the two major chain stores that presented last night suggest they would be prepared to close on Sunday. Their only concern was maintaining market share. They did not agree with the government apparently that this was an economic issue, an issue of adding value to the pie.

Where is the pressure coming from then?

**Mr. Molst:** Well, I think it is clearly coming from delegations such as the one that just preceded us at the microphone here, from big business and larger interests for the most part who are not based in our communities, who are based elsewhere in the country.

We are of the firm view that not only is there not a hue and cry for this thing, it is going to hurt small business, and it is ironic that as a representative of the labour movement, we are here speaking to a majority Conservative government about them injuring a significant player in our economy which is small business.

We do not think the previous legislation was perfect. There is not an answer to Sunday shopping that is perfect in any jurisdiction in

Canada, but the previous legislation or the existing legislation, pardon me, unless it is altered, provided access and market share to small businesses on Sundays.

We heard from small-business people last night. We said it in our brief here, that not only is there not a hue and cry, there is a significant probability that small business's portion of market share is going to be negatively impacted upon by expanded Sunday shopping.

**Mr. Storie:** Mr. Chairperson, you are not alone in that view, and, of course, last night one of the presenters, a private citizen said, and I quote from his brief: Sunday openings reflect an absence of political principle. It places the interests of the advantaged over the disadvantaged.

That view, I think, is supported by the concerns that the Canadian Federation of Independent Business found amongst retailers. Some 60 percent approximately opposed this legislation.

Mr. Chairperson, my question, I guess, to Mr. Moist is: Given the concerns that were expressed by Manitoba Chamber and rural opponents to this legislation, is there an alternative you can see to the present legislation that would be as acceptable to all as an alternative to what is being proposed? Is there some other solution that we have not hit upon?

**Mr. Molst:** Well, we did not make a specific recommendation in our brief, and there are delegations representing employees who work in the retail sector coming up after us, but I think the person we quoted in the text of our brief from the Brandon Sun, the small-business person in the city of Brandon, said that the current law to be amended, perhaps downward to two or three employees, would significantly entrench that market share on Sundays to the small family-run operations and make it absolutely improbable, if not impossible, for Canadian Tire or a large chain to open up on a Sunday.

We have not devoted a lot of thought to legislation beyond that which currently exists, but I think the small businessman from Brandon is pointing us in a direction that the answer, if there is an answer to this thing and there probably is not one that is acceptable to everybody—but the duty of you and people opposite you at the table is to forge some consensus for our community, and that is not evident in Bill 23 or Bill 4.

**Mr. Storie:** I have just a comment and I guess a final question. I have raised, and other presenters have raised, the issue of Sunday shopping and the frenetic pace of our lives being a phenomenon that is kind of unique to North America. Many other jurisdictions, many other countries in the world, do not have Sunday shopping. They have limited Saturday shopping. They have limited weekday shopping. Obviously, there are other ways to conduct retail business and business in general that seem successful for other countries.

In your brief on page 6, you talked about how the quality of life for CUPE members is not going to be directly affected because most of your members are not working in the retail sector, but I am wondering whether you can help this government determine how this legislation is going to affect the quality of life.

How can we set some benchmarks today so that we can isolate the impact of this legislation? Are there some social consequences, if you will, that we should be looking at to help us determine whether this legislation, assuming that the government uses its majority to push this legislation through—how are we going to tell?

**Mr. Molst:** We chose, in our written submission, to use the words of others, not of people from the labour movement. We used the Canadian Conference of Catholic Bishops, small-business people outside of the parameters of the city of Winnipeg, and I think the government would be well advised to listen to groups who sometimes more naturally fall within their political constituency than in any other party's.

Secondly, I heard a presenter has left. He decided not to present a brief a few moments ago and felt that this process was flawed somehow, and he just left. He is not going to make a presentation. I think he is wrong. I think we are probably fortunate in Manitoba to have a system that allows public hearings on all matters of public interest and all laws, and any government, including this one, is well advised to pay heed to those Manitobans who come forward to make submissions on any laws.

Our union is not directly affected. Our people, to a large extent, work 24 hours a day, seven days a week. The occupations they work in meet the test of an essential public service—delivery of our water system, our health care system and things

like that. This does not meet that test by any stretch.

There are components from all sectors of the community—business, labour, business groups—who are giving the same message to these public hearings, and the government and members opposite would be well advised to pay heed to that advice.

We are not the main players in this bill, but on any matter of public policy, we think it is important that any government hear from all sides of the issue, and this is our small contribution to that debate.

**Mr. Storie:** Thank you, Mr. Moist and Ms. Seller for an excellent presentation.

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** You spent some time in your brief talking about need and the fact that Manitobans did not need it because they had a considerable number of alternative hours, particularly in the city, to do their shopping.

If Manitobans do not need it, and if Mr. Storie is correct that they do not want it, why did so many people and have so many people taken advantage of it on Sunday in your opinion?

**Mr. Molst:** Well, we heard a presenter last night—I do not believe you were present, but a presenter from Canadian Tire, and he cited stats, some unpublished stats, but some stats which indicated that business was up on Sundays. He mentioned the month of April and I can understand that.

The month of April is when many consumers go and buy their outdoor supplies, their gardening supplies and all that, and if the outlet is open and accessible, I expect people are going to access it.

\* (1150)

The telling point for us though is there was not a hue and cry for the expansion when the experiment began last November. It might make great sense to do that at times of the year, like Christmas, when people are into their high-consumption mode.

Many of the retailers whom we talked to, and you will hear some mention of them in the brief that is following us here from the United Food and Commercial Workers Union—most retailers' portion of their market share beyond the Christmas season is pretty minimal on Sundays. They are staying open, as the person was quoted here,

because their competitors are open. Just like the delegation said last night, they do not really want to, but they are not going to lose market share to other large competitors.

I think it is a bit of an anomaly that people do access these outlets because they are open, but they never really lobbied for it.

**Mrs. Carstairs:** Did you do any kind of surveying of your own membership to find out how many of them actually did take advantage of Sunday shopping?

**Mr. Molst:** We have not surveyed our membership of 20,000, but through convention and through discussion on issues such as this, we have confirmed the point that I made a little while earlier, that they do not have a great hue and cry for Sunday shopping, and they, in fact, support the day-of-rest argument we are advancing, but we did not survey them on their own shopping practices.

**Mr. Jack Penner (Emerson):** I want to establish, if I may, for my own edification a position I thought I heard you take, and that was you would be satisfied that we revert back to the legislation we currently or previously, previous to the last six months, had operated under. Is that correct?

**Mr. Molst:** The current provision, we believe, favours small business and family-run businesses, and it is not perfect, as we say in the brief, but it might be the best compromise.

**Mr. Penner:** So the legislation that is in place with the four-employee business being able to open would satisfy you.

**Mr. Molst:** It would satisfy the concerns we have presented here in our brief, yes.

**Mr. Penner:** Can you, sir, distinguish for me the difference that you discern or you make in the employee who works on a Sunday in a business with four employees or less and the employee who works in a business with more than four employees? Can you make that distinction for me?

**Mr. Molst:** Through the Chair, firstly, we are not here purporting to represent employees of the retail sector.

Secondly, we draw a point in our brief from a business person in Brandon who has a family operation. We quote him. He says there that his

share of Sunday business declined during the experiment.

So he has been open prior to the experiment beginning in November, throughout the experiment, and he is still open today on Sundays with a declining share, because the proportion of the shopping public on Sundays is going elsewhere. They are going to the larger retail chains—not retail, the larger food stores in the city of Brandon, so I think your experiment has cost that small businessman, and he put the proposal forward, which I responded to a few moments ago, to even go beyond the level of four to two to three.

We did not make that recommendation, but we see the wide-open expansion and the institutionalization of your experiment as being wrong.

**Mr. Penner:** You are a public employee union, is that correct?

**Mr. Molst:** We are.

**Mr. Penner:** The question I ask you again, make the distinction for me between the employee that works in a place of business with four employees or less or four employees or more. What is the difference?

**Mr. Molst:** I, through the Chair, do not understand the question because we are not purporting to represent any individual employees.

**Mr. Penner:** . . . any differently in a business that employs four people or less or four people or more? Are the concerns of your union any greater for the welfare of the family that works on Sunday employing four employees or less or four employees or more? Where is the distinction—[interjection]

I did not ask Mr. Storie the question. I asked the question of the union representatives.

**Mr. Molst:** Through the Chair, I guess, as a matter of public policy, we favour legislation which reduces to an absolute minimum the number of employees who have to work on Sundays. We also take this from the business community because we do not operate small businesses, but reading what the business community is saying, many of the small businesses who owned the largest share of the business available on Sundays prior to the experiment were small family-run operations.

They have traditionally remained open on Sundays. That was their decision. They had the option all along of not opening on Sundays. But I guess, if you chose a career to run a family groceteria, what went with that career was seven days a week operation.

The status quo, if that was a deal or an arrangement that favoured small business, is being upset by the experiment and by the entrenchment of the experiment through this legislation. So I am not purporting to stand here and represent or get into a debate with you about the fairness of one employee versus another employee because I think that detracts from the overall message we are trying to impart on you.

That message is that we believe the expansion of Sunday shopping is not being requested largely, and it is going to impact negatively on the overall quality of life in Manitoba.

**Mr. Penner:** I am a bit confused. When I go back in history and read why unions were established and why employees of certain companies or groups of employees needed a broader-based support for their position, they in fact formed unions and/or federations and associations to make their point and be represented by people like yourself.

I hear you saying that you really have no concern about those people and their position at work compared to the others. You do not want to make the distinction. I ask you again: Are you concerned as a union about the differentiation that you are proposing, or are being a proponent of, that is being set by the current legislation versus what we are proposing now?

**Mr. Molst:** One comment and Ms. Seller is going to add another comment.

Firstly, there are two questions. One, do you have a job, period. This legislation, according to many business spokesmen, including a proponent of the legislation last night from Canadian Tire—he argued that the market share of those small people has been going down and will continue to go down. This will help that. This will fuel that. So if you are asking me, do I not care about people in four-person businesses or smaller, I am sacrificing their interests and advancing the interests of people who work in larger institutions. I am saying a job first is important, and this will help put small

businesses out of business. It is reducing their market share.

**Mr. Penner:** Mr. Chairperson, the representation we heard yesterday, representation by businesses asking for a level playing field, do you propose that same proposition for your employees or for employees in general that there should be a level playing field?

**Mr. Chairperson:** Ms. Seller, I am sorry, you wanted to make a comment too.

**Ms. Seller:** Actually, I wanted to make a comment on the previous statement.

You asked the question about whether we cared and it is emphatic, yes, we care. The difference is, I mean, we do not like it at all in some respects. If it is a difference between three people being forced into a situation of having to work on Sunday and 300 people throughout a community having to work on Sunday, there is a very large difference there. We work very hard in essential services to maintain a minimum level of staff on statutory holidays and on weekends, for example, so that the service is not affected, that the service is still being given, but that the minimum amount of employees have to work through those conditions. Another fact is that if you are working in a retail outlet and you are working four hours a day, then economically you cannot afford to turn down any extra hours. You are literally being forced into working on that day.

\* (1200)

We could go on for hours talking about the other things, the other disadvantages that are going to bring into play for those same employees that are not amongst your high-wage earners in this province and how it is going to affect them even further than just an extra four or six hours wages on that day. Yes, emphatically, we care very much about those people.

The present legislation, which maintains a minimum of people who are going to be adversely affected by that, as opposed to a piece of legislation that is going to force a very large portion of the retail employees in this province to work on a Sunday, there is a very large difference between that. We had a small-business person here last night who, in his presentation, said it meant the difference between having 30 people working on a Sunday and being able to run the operation with

eight people. You cannot just disqualify statements like that.

**Mr. Penner:** There has been a lot of advertising on one issue or another over the last while that we have heard from public sector employees unions, whether it be health care—and some of them are questionable at best. However, I would like to ask you: How much money has your union spent over the last while in advertising on this issue?

**Ms. Seller:** On Sunday shopping?

**Mr. Penner:** Yes.

**Ms. Seller:** The amount of money we have spent is nothing, absolutely nothing.

**Mr. Penner:** Can you define for me, if this province passed legislation to shut down all retail businesses on Sunday, where would you draw the line? Which should be allowed to remain open as a public-service-type work area? Where would you make the cutoff?

**Mr. Moist:** I think that is sort of a rhetorical question. That, through public policy debate and through the establishment of public services that we now enjoy, the ones we still enjoy, that debate has been had already. The community is well aware of which services are available on Sundays. We could start going through the list of our hydroelectric utilities, our water system, our health care system, but those debates have been had already, and it is well documented what is open.

**Mr. Penner:** Drugstores should be among those that should be allowed to be open. Is that correct?

**Mr. Moist:** Drugstores have traditionally been small enough operations that they fit under the ambit of the current legislation, and they have been open.

**Mr. Penner:** Should drugstores be allowed to sell hoes and shovels and those kinds of things?

**Mr. Moist:** I am not going to get into a debate about what outlets that have four or under employees should be allowed to sell. If you are attempting to advance an argument that a drugstore is going to detract from Canadian Tire's market share in the sale of hoes and shovels, I think we are getting into fantasy land that too often prevails in here. I am not going to get into it.

**Mr. Penner:** Mr. Chairperson, fantasyland or not, the argument was advanced yesterday very, very forcefully that the reason we are probably into this

situation is because of the four-employee prohibition on opening that we have, and the essential services that were needed to be provided on Sunday through the opening of drugstores and those kinds of things. The argument was made that that is why we are into the situation we are into today.

Then there are some very innovative entrepreneurs out there, and I give them a tremendous amount of credit for being innovative; yet, when a drugstore becomes a hardware store under the same roof, where do you draw the line? That is the question I ask you: If they, in fact, the province should pass legislation to shut down the retail sector in a province, where do you draw the line? Where do you make that cutoff?

**Mr. Moist:** Mr. Chairperson, we are moving from the member asking questions from a perspective of fairness amongst employees to now asking a public sector union to draw the line for retail business in Manitoba. I will say this—

**Mr. Penner:** No. I am just asking you the question as to where you would draw the line.

**Mr. Chairperson:** Order, please. Mr. Moist to continue his answer.

**Mr. Moist:** One of the recommendations contained in our brief is for this government to send this committee throughout the province and consult with all Manitobans on that point.

I am not going to, for a moment, say that the existing legislation is perfect. There probably is not a perfect body of legislation for this particular subject matter. What the current legislation did, though—notwithstanding that some drugstores may have stocked some of their shelves with clothes. What the current legislation does is provide market share to small business in Manitoba that you are destroying with this legislation. I am not going to, and we are not going to, get into a debate about drawing the line.

**Mr. Penner:** Mr. Chairperson, the legislation that we are proposing is enabling legislation, allowing municipalities, local governments to make decisions on whether they would want business to be open in their communities.

I happen to represent an area where a number of communities would like to be open on Sunday and a number of communities would like to be closed on Sunday. This legislation accommodates

exactly that. It allows the City of Winnipeg to either open or close; it allows the Altonas of the world to either open or close as they choose. Those businesses within those communities then would abide by those rules set up.

Are you agreeing that we should allow that kind of flexibility in legislation in order to be fair to the people who live within those communities and the employees who work within those communities?

**Mr. Molst:** Through the Chair, the questioner uses the word "fairness" at the end of his question, and with two points we have a response to that.

One: This is a question of public policy, which is provincewide, and it deserves attention from the provincial government and some leadership from the government. Secondly, you do not extend that same logic to municipalities and school boards throughout the province when you do things like Bill 16 in the education sector. You are not representing and recognizing an autonomous level of government. They cannot, in consultation with their ratepayers, set a tax increase beyond your own predetermined level.

Secondly, in the area of video lottery terminal revenues, you are not going to let municipalities determine—and they are elected to do that—their own order of work, and their own order of public and capital works projects. You are going to share revenue with them, with lots of strings attached to it.

Thirdly, you upset those levels of government in Manitoba to the tune of one-third of the property tax credit being eliminated, and put more pressure on municipalities. But here you come before us now with Bill 23, and you tell us you want to recognize the autonomy and integrity of municipalities. This is absolutely farcical, and this is an issue for the Province of Manitoba to deal with. You have shown your disdain for municipalities and for school boards through various other pieces of legislation. Do not try now to argue that you recognize the integrity of those levels of government.

**Mr. Chairperson:** I would just make point of the fact that this is a time for questions and not a time for debate; it is for the questioning of witnesses.

**Mr. Penner:** Mr. Chairperson, I could certainly enter into a debate with the honourable member, or the member representing—and he might be an honourable member some day—but the member

representing CUPE. I would entertain that at some point in time outside of this room, but this room is set aside for questioning specifically on the legislation that is before us, and I think I have attempted to do that.

If the member for CUPE would want to debate the other issues, autonomies of local governments and those kinds of things, I would certainly entertain that, because the tax structure or the tax credit system that we put in place or that governments at some past time had put in place are certainly not fair. The education funding systems that have been put in place by previous governments certainly do need review. I do not think he would argue that.

So I would suggest to the honourable member, if we want to enter that area of debate, I would certainly welcome that. I, however, ask again: Do you agree with allowing local governments more autonomy in the setting of regulations or rules governing business and/or other things in this province?

**Mr. Molst:** If there was a policy or legislation struck by this level of government which was orientated towards curtailing Sunday shopping but left some flexibility for municipalities to work within that ambit, I would answer yes. But this legislation opens it up far too wide.

**Mr. Stefanson:** Mr. Chairperson, Mr. Moist or Ms. Seller, I want to go back to something along the lines of what the Leader of the second opposition party touched on. I do not think anybody disagrees that there is certainly not unanimous consensus on this issue amongst Manitobans one way or the other.

In the last period of time, there have been a series of surveys done. We have had a couple submitted here over the last 24 hours to this committee from different organizations. Each and every one does show that when you look at Manitobans in total, a majority do support what we would call wide-open Sunday shopping. I am referring to Manitobans in totally. We get examples like today from a manager of many shopping centers in Manitoba suggesting that Sundays are their third busiest day of the week.

I come back to your comments in your brief about who wants this and who this is for. I guess I take a degree of exception with suggesting that it is only for a certain segment of the business community,

that there are many individual Manitobans out there who do in fact want it and, I would hazard a guess, many of your members whom you indicated to us you have not surveyed, but I would suggest, if you did survey them, you probably would find that many of them do want it as well.

I guess I would ask you to comment on the whole issue of consumer, whether it is want and/or need, and that is often a difficult issue to determine with a high degree of accuracy, whether it is preference and want or whether it is need, but clearly, many Manitobans are suggesting they prefer changes to the Sunday shopping.

\* (1210)

**Mr. Molst:** You are right in saying it is a difficult thing to measure, but I am hoping we are not getting into sort of government by popular opinion or government by polls. If we were to take a poll, through the Chair to the questioner, of Canadians' attitudes about capital punishment, for example, we might find a majority of them respond in saying they favour that, but as a matter of public policy, the delegates we have elected to serve in the House of Commons have decided against that. Sometimes we elect governments to make laws often which are in the greater public good which may not be eminently popular. This perhaps falls within that parameter.

**Mr. Stefanson:** Just one follow-up question. I would imagine this affects some of your membership, and again, there is not extensive research across Canada or the United States, even though every state in the United States has wide-open shopping and eight out of 10 provinces now have wide-open shopping.

A survey done by a Goldfarb study in the province of Ontario showed that support is highest among single parents, working women and those who work irregular hours. A large majority indicated Sunday shopping does not interfere with their family activities. Realizing that for many individuals who perhaps work the Monday to Friday and use their Saturday for personal activities, recreational, family activities, sports, arts, culture, whatever it might be, Sunday does provide them with an opportunity to go and meet some of their other needs such as shopping for food, clothing and whatever.

I am wondering if those statements and that research that has been done would reflect certainly

the needs in much of your constituents and many Manitobans.

**Mr. Molst:** I guess it is a question of degree. Are 108 hours in terms of grocery shopping enough per week, or do those additional six hours contribute so greatly to our list of choices available to us?

There are two types of individuals we have to deal with: those who have to work—

### Point of Order

**Mr. Chairperson:** Order, please. If the members do have a conversation, I would suggest that they do it at the back of the room. **Mr. Molst** has the floor, please. **Mr. Molst** to continue.

\* \* \*

**Mr. Molst:** —and those employees who have to work as well, not just the people who are accessing the establishments, and there is an overall quality-of-life issue here.

Again, you might make the same argument about, would it not be more convenient to be able to purchase liquor on Sundays or beer from a corner store on a Friday night or anything like that. To date, successive governments have curtailed that as a reasonable limitation on our right to access that particular product. I do not believe it is impairing our society at all.

**Mr. Stefanson:** This will be my final question, but because of your final statement and what you said earlier, **Mr. Molst**, you referred to essential services in Manitoba as being something that you were supportive of. Picking up on that, that then leads to the whole issue of a definition of essential services, and the opposite can be asked of you, as to whether or not you support the wide-opening of restaurants, whether you support the wide-opening of recreational facilities and activities, whether you support the wide-opening of hotels.

I could go on with an extensive list of other sectors—manufacturing facilities that are allowed to produce, the transportation industry that can function wide-open on Sunday, the agricultural community that can function wide-open on Sunday, every other segment of our society that can. You said essential services, so is it a safe assumption that you suggested many of those functions should be curtailed in this province and cut back to more restrictive roles?



**Ms. Seller:** There again, we could enter into a very long debate on what an essential service is. A retail outlet does not have to depend on the weather for whether or not they can do their job, like in the agricultural field. There is no comparison here.

It depends exactly on what you are saying, that the whole purpose, the whole evolution of recreational facilities, such as parks and in the wintertime rinks and that, were to provide places for families to go and spend time together, that is the reason they exist. That is a debate that could go on forever.

Again, we are not here to debate. I mean, if you want to scrap this piece of legislation and come up with a new one, then we are more than willing to start talking about that one. What we are trying to deal with here is our opposition to the legislation that is being proposed here.

Another point that I want to make to something Mr. Penner said a little earlier was that this is supported, through surveys and that, by single parents and women. Again, I have to say to you that if I am a single parent who is struggling to make ends meet on a very low hourly wage, and it is a difference between me perhaps being able to provide quality child care for my children; or perhaps pay for some of the school supplies that I now have to pay for that I did not have to pay for before; or to pay for the extras like getting into the zoo that I did not have to do before; and if it means that I can pick up a few extra hours on a Sunday, then it is not a matter of my choosing to do that in place of my family time, it probably means I am not getting any family time anyway.

I think there are a few real, very basic realities here that are not being looked at when you quote things like saying these are the kinds of people who support this kind of thing. You cannot stop it right there by saying that I support it, yes, and that is where it ends. There are a million other factors that are forcing those people into supporting these kinds of things, and you cannot look at them in isolation. That is not a reality.

**Mr. Chairperson:** Thank you, Ms. Seller.

**Mr. Bob Rose (Turtle Mountain):** Just a quick question. I am still having a little difficulty establishing your position on local option. In your introduction, you say the government's attempt to toss a hot political potato onto our Manitoba

governments. I understand that your first preference would be total withdrawal of the legislation. It seems to be that your second preference would be for the province to impose it provincewide rather than local option.

I have difficulty understanding why you would not be concerned about families and workers in communities like Dauphin or Flin Flon or Thompson, local communities that might very well decide, under the local option procedure, not to allow Sunday shopping.

Why would you rather have it provincially imposed across the entire province and not have the opportunity for local communities to do the very things that you are suggesting should be happening? I am not saying I disagree with them. I do not understand why you oppose the local option.

**Mr. Molst:** I guess we look to government at a central level like the province to foster some harmony and some standardization within our community. Whether or not the quality of family life is affected by legislation such as this ought not to be predicated by your geographic location within the province of Manitoba and the strength of, say, a religious lobby in your community. That ought not to be the deciding factor about whether you or your family get to spend a traditional, for the most part, day of rest together.

For that very point, we think that the province as a whole ought to decide the question. I do not believe there is any answer that is going to satisfy each and every single group in society's position on this particular matter, but it is an important enough matter that impacts on people's lives that it ought not to impact on my life in Winnipeg in a significantly different way than your life in rural Manitoba.

**Mr. Rose:** Obviously, the people that are most interested in Sunday shopping are living in Winnipeg. What I hear you saying is that, if the legislation goes forward, the province should insist that every community in the province follow that law and not give them the opportunity to use local option to stay out of it. I do not follow your logic.

**Mr. Molst:** We certainly favour the Province of Manitoba dealing with this issue and setting out guidelines for it. Within that framework, if it is not as open-ended as this is, I believe there is room—perhaps the small-business person in

Brandon is correct. Maybe in that area it should be two-to-three-person businesses. I do not know. I am not a small-business person.

I do not mind municipalities having some discretion within an overall framework which is set by government. You are not setting an overall framework here. You are tossing it.

**Mr. Chairperson:** Thank you, Ms. Seller, and thank you, Mr. Moist.

I will now call Mr. Robert Ziegler, United Food and Commercial Workers. Your presentation has been distributed. You may proceed.

\*(1220)

**Mr. Robert Ziegler (United Food and Commercial Workers):** As you know, originally this was going to be presented by one of my coworkers, Darlene Dziewit, but I am here and informed on the issue and have been involved in it in the past.

I do not intend to read totally from the brief. It is more of a highlight from which I will read certain portions and comment on others.

Starting off, though, as it says on the first page, the United Food and Commercial Workers Union represents about 40,000 Manitobans. That includes our members and their families and dependants. Of those, about 60 percent work in the retail sector, predominately in the grocery industry, but we also have them in some of the other retail areas.

We are opposed to Bill 23 which brings in wide-open Sunday shopping, because we feel for a number of reasons: one, that it is unfair, the way that it delegates that out to the municipalities rather than dealing with it on a uniform basis; but more importantly just the whole concept of wide-open Sunday shopping.

Looking at the so-called trial period that we had since November of '92 to the present time, we would say that has been anything but conclusive. Looking at some of the quotations, Minister Stefanson quoted, 75 percent of the people during that four-month period saw their sales either stay the same or go up.

The survey did not reveal how many businesses had their sales go up and how many stayed the same. We could be looking at 60 percent, 70 percent that stayed the same and only 10 percent that went up. If we have an important issue like

this trial period was supposed to be, we believe that this survey should have been made public, so Manitobans could get a better feeling of what the results of the sales were.

Further on, Mr. Stefanson was also quoted as saying that 11 percent of the people hired additional staff. Well, with our experience in the retail sector, unfortunately, the retail sector is not like a lot of other businesses. Some stores have up to 95 percent part-time employees. Hiring 11 percent more people does not mean any more pay going to Manitobans.

What we have seen in a lot of the units we have had is they have taken the hours they have had over six days and spread them over seven, and where they have hired new people to work on the Sunday, what has happened is they have also given them a few hours during the week because they cannot maintain them for just working one day a week, and then they have taken those hours from the middle of the week away from their existing employees. Hiring more people does not create more work in Manitoba just by numbers.

The result of the survey was not made public, as I have said, and we feel that it should have been, so we could get a better feeling of that.

Some of the reasons why we are opposed to Bill 23, on the following page, is that in the past, there has been pretty consistent opposition by a lot of organizations, including the Conservative government, the Liberals, the New Democratic Party. They were unanimous in limiting Sunday shopping, and we believe that is correct.

The aspect of trying to move it to the municipalities, we do not believe is the proper way to do that. Doing that will create an unfair situation where you have one municipality who has to stay open to be competitive with another municipality. All the small communities around Winnipeg will have to stay open, otherwise they will lose their business on weekends.

There is a justification that this Sunday shopping and opening up will stop cross-border shopping. That is a fallacy. I will talk about it a little bit further on in my presentation. All you have to look at is Ontario and British Columbia, where they have had wider-open Sunday shopping, and their economy has not turned around greatly because of that.

Looking on the next page, Sunday working, Sunday shopping, is not needed. There have

been a lot of questions to the last presenter about the issue of need versus want. I think it is a very important question to look at because we have to balance. The question is, how much money do Manitobans or do consumers have to spend? When consumers have \$100, they do not get \$120 just because the stores are open a seventh day.

As I mentioned before, in addition, all that is happening is part-time hours during the week are reduced and transferred to the Sunday operation.

Sunday shopping in the last four months has not been beneficial to our members. We have no more members working for us now than we did when this started last fall, and we represent Safeway and Westfair, the big food stores who have been wide open seven days a week.

At one of our stores, in fact, we have had a decline of hours of almost 50,000 hours over the same time last year. Where are these extra hours? Sales might be up slightly, but at whose expense? The small grocer's. They key to Manitoba, the majority of our businesses are small businesses. Those are the ones who are going to get hit the hardest by this legislation.

(Mr. Jack Reimer, Acting Chairperson, in the Chair)

There is an also an increased cost. You have seen a lot of comments in some newspapers to operating a seventh day, and that is at the bottom of the page. Many retailers have had additional overhead costs for staying open on Sundays, and no doubt have passed those costs on to consumers by increased prices or not giving better service.

On the following page are the ones who really benefit by this legislation, and that is the large shopping centres, the developers. Those are the real winners in this situation. It is the large malls that have benefitted the most since the wide-open Sunday shopping in the last four months. That is where people go to shop on Sunday. They do not go to the corner store. They go to the shopping centre. They go to the mall, and mall owners get a percentage of those sales. That is why I am not surprised that we had a real estate representative supporting it, because it is in his interest to have those malls open to increase their sales. As well, newspapers gain through the process of being open on Sunday, because there are more ads for them.

In the past, a lot of—in at least our sector—those stores were open. Safeway was open on Sundays. There was not a large cry. There was not a large line-up at those stores to be open. Manitobans were not doing it for that reason. That is the difference between a need and a want. Canadian Tire was open seven days a week. They had four employees. There was not a lot of employees. It is not a need that Manitobans have been going to those stores. I suggest to you, it is more of a want, something to do on that day. It is not something that we need.

Also, the issue of goods and services tax is what really is driving Manitobans, or one of the two things that is driving Manitobans to cross-border shopping. The reasons Manitobans, especially when it was first introduced, headed across was a protest. Introducing Sunday shopping is not going to stop cross-border shopping, especially when up until now and continuing at this point, you can get a rebate of your tax when you go down to North Dakota. You can get a rebate of the sales tax, so it is another plus to go there. Being open on Sunday is not going to affect that.

The other, the second big factor as to why cross-border shopping is so attractive to people was the value of the Canadian dollar as it stands. That fluctuates up and down. When it goes up, it is more attractive to shop in the United States. When it goes down, as it is right now, there is less shopping in the United States. I suggest to you, that is why there has been more of a drop in cross-border shopping recently, the American-Canadian exchange rate rather than the Sunday shopping.

A figure on March 15 from The Globe and Mail talked about, the low Canadian dollar compared to the U.S. dollar has made U.S. goods more expensive. The Globe and Mail on March 15 indicated that comparing cross-border shopping between March of '92 and March of '93, the border crossing dropped by 19.3 percent, mostly due to the exchange rate on the U.S. dollar. I guess the best example of this as to why cross-border shopping is not the panacea that some people asked for is to look at B.C.

British Columbia has had Sunday shopping for 10 years. They still have a problem. They have had Sunday opening for 10 years, cross-border shopping during that period of time. It is one of the largest areas, and it is not because they could not

shop on Sunday that they went to the States. It was the price. It was the tax. There is a third factor that comes in there that we are going to have trouble controlling, and that is, it is almost like it is a holiday to go across. If someone drives down to Fargo or Grand Forks, it is a getaway. It is a combination of both, but they spend the money there. Do not think that opening on Sunday here in Winnipeg is going to stop that.

A lot of the presenters, I understand, have talked about the importance of a day of rest and the value to our society. I think that is true. Sunday working, Sunday shopping, would be a death knell of a day of rest which I know many retail store workers want to spend with their families. Shopping on Sunday is not an absolute crucial or essential service such as police, fire protection, hospital services. Manitobans have done fine without it for a long time, and they will continue.

\*(1230)

Now I bring back that issue that the retail industry is predominantly part-time employees. There is another difference that comes into that. In the food stores, for example, an employee does not know until Thursday of this week what hours he is going to work next week. You cannot plan your life, your time with your family, your friends, like you can in a lot of other jobs. When you are a full-time employee, you have that ability to say, I am going to work, and I am going to have these two days off. Now we are opening a seventh day that takes away the one day a week that employees could be sure of trying to arrange a family get-together, a christening, a baptism, a whatever. That was the only day that the employees knew that they could get together. That was discussed, I believe, or asked of the previous presenter: Well, what is the value of that?

Our society is moving more and more away from the family unit, and I think we are seeing the damages to our society in ways other than retail and economic factors. We are seeing it in a lot of other ways where our society is going down as a result of that. I say that giving someone a day off on a Tuesday does not help when your kids are in school. How does the single mother—how does the couple, when the husband is working on that day and the wife is off but the kids at school, how does that build a family unit? It does not. That is why we believe the previous legislation was much better than what we had. We would prefer to have

no Sunday shopping, but we realize that is not realistic, so we say the present legislation, as it has worked over the last years, is the better alternative.

(Mr. Chairperson in the Chair)

The issue of need. There is ample opportunity to shop six days a week in the grocery industry and most of the retail area. We are looking at—and I think the previous presenter talked about 108 hours. It is actually more than that. You can go to the major stores for over 108 hours per week, but you also have all the other mom-and-pop stores. You have the convenience stores that are open 24 hours a day—you can do theirs—and the retail sector on average of about 90 hours a week for people to shop and do their business.

It was talked about earlier with the two presenters ago. If you look at a mall like St. Vital, probably every company but four could operate on Sunday with the present legislation. If you knock off Eaton's, The Bay and probably Woolco, most of those stores do not have more than four people working at one time. It is a decision that they have realized over time that it is not logical for them to be open, but as soon as the other three are open they have to be open. It is the small Manitoba business that is going to suffer. The small Manitoba business is the key to Manitoba.

It is also the strip malls that are going to be suffering badly because of this legislation. Most of the strip malls—and I do not know the figure, but I will only guess that probably 90 to 95 percent of the strip malls in this city, leaving out Unicity, Portage Place, the big malls—could operate under the old legislation with having less than four people. No need for this legislation, all the retail could be there. They chose not to because I think they realize that it was not in their best interest to be open. It is only in their best interest to be open if the big boys are open.

That continues on the next page of my presentation, that this proposed legislation will hurt small retailers and they may go out of business. We represent not only the large grocery stores; we represent some of the IGAs, some of the small Tom Boys, some of the small grocery stores. Those are the ones that are going to suffer the most under this legislation, especially in some of the rural communities around the cities, around the larger areas. A city like Steinbach, if they open up Sunday, it may be good for Steinbach, but for all the

small businesses around there, a good portion of the business is done on those types of days.

The government is only satisfying the Winnipeg Chamber of Commerce. The Manitoba government is only answering the request of some Winnipeg members of the Chamber of Commerce who wrongly believe that Sunday shopping will improve their business overall and bring tourists to Manitoba.

The following associations and groups and thousands of citizens are clearly opposed to Sunday shopping: the Manitoba Federation of Labour, which represents about 160,000 Manitobans; the Manitoba Chamber of Commerce representing hundreds of businesses in this province, the Union of Manitoba Municipalities, the Association of Christian Churches and private citizens.

On the following page I give some of the quotes from entrepreneurs about their comments about Sunday opening.

From Ross McBain, a veteran retailer who operates six camera stores in Edmonton: "I have no use for Sunday shopping whatsoever. The costs are much higher than the benefits."

From Petris, whose Alexandria boutique is open on Sundays, while his Suzy Creamcheese store is closed, "Sunday shopping has been over-rated. The expenses are going to be much higher than the additional sales will be."

From the Winnipeg Sun, Stan Halbesma, Manager of Harry's Foods, is quoted as saying "We're taking a stand. I look at it from a family value aspect. I need my time and my employees need their time with their family on Sundays."

January 4, Mike Penney of Florsheim Shoes' Polo Park location is quoted as saying "The businesses are losing a lot of money paying people. This does not pay the utility bills."

From the Winnipeg Free Press on January 25, Pat Schmitke, a Canadian Tire store manager in Portage la Prairie is quoted as saying "We just don't feel there's enough business to warrant being open seven days a week."

And remember, Canadian Tire was open in a lot of their locations under the old legislation.

We also had Advance who refused to stay open on Sundays. We also now have the rumour that The Bay and Eaton's are going to close for the

summer months. If it is so good, why are they closing?

What really comes into the next issue is the tourist industry. Is it important to have Sunday shopping for the tourist industry? Well, if we are hoping that Sunday shopping is going to save our tourist industry, I think we are a little misguided. The majority of people who come to Manitoba do not come to Manitoba for shopping, especially the Americans. With the exchange rate, the GST, the value of the dollar, it is the last thing they are looking at doing, and what they want to do is probably the specialty shops, the Osborne Village, those areas which can open under the old legislation.

The recession is the real cause in the drop in retail sales the last little while. You look at store closures, store closures are not limited to Manitoba with restricted Sunday shopping. Store closures are all across Canada, in jurisdictions where they are wide open on Sunday. So do not think that is going to be that.

Turning now to another area that we wanted to comment on, and those are some flaws that we see with the legislation as it is drafted, that although it is indicated that the legislation as drafted will protect Manitobans, we do not believe that.

The overwhelming majority of people working in the retail industry, probably 60 percent to 70 percent, are part time. Full-time employees are becoming fewer in number every year, and at least 50 percent of those employees are female. Many of them are depending on those hours as their sole income or to survive. Some are single mothers.

On the question of not being able to fire an employee who refuses to work on Sunday, the employer will be able to find many other ways to get rid of an employee especially in a nonunion situation. You do not have to have a reason. All you have to do is give notice and they are gone, whether it be poor work performance, poor attitude, lack of courtesy, punctuality and a thousand other reasons.

It is nice to say you can have recourse to try and fight that, but how am I, as an individual who has no experience, going to know how to do that, have the ability or the money to try and fight that? I am going to go up against a lawyer, against the Employment Standards to say, I was fired for this. The company is going to bring in their lawyer who

will say, no, no, you were fired because of your work performance. It is not a feasible scenario.

What is more important though is that what will happen is that if you refuse to work Sunday—what is happening in our food stores? Very well, likely you are going to lose hours during the week. They will hire another employee to work on Sunday, give him some of your hours from Monday to Saturday. You are both losers, but the existing employee is the most loser in that scenario.

\* (1240)

Second point, nonunion workers, as I mentioned, do not have the benefit of union counselling. Unfortunately, the majority of workers in the retail sector are not unionized, and that is a problem. They do not have that right to try and control their destiny.

Nothing stops the employer in the proposed wording of legislation to reduce even full-time employees to part-time because they do not want to work Sunday or to reduce the hours of a part-time employee. As a result of that, we are proposing wording that we would suggest, and you will notice it on the right-hand side in italics, that would be added to the legislation. We think it should be scrapped, but at least one improvement would be adding the words: "No employer or person acting on behalf of an employer shall discharge, threaten to discharge, refuse hours of work, reduce benefits, deny opportunity for promotion, advancement or transfer, or in any way discriminate against or act unfairly or unjustly towards an employee."

As well, at the bottom of that page, we feel that there should be a realistic penalty for an employer who does force an employee or does penalize, and that is talked about, for example, like The Labour Relations Act, the \$2,000 penalty for discriminating, denying promotion, et cetera. You have to have teeth to it if you are going to go forward with it. We prefer you not, but if you are going to, you better have legislation that works.

The next issue that concerns us is, the legislation we believe is flawed in regards to the tenants and leases and the restriction about being open on Sundays. Bill 23 purports to protect commercial tenants who have a lease with a shopping centre, but the problem is that only applies to existing lease prior to the legislation. In the renewal of a lease, the tenants will not have that protection and also

leases signed after the bill will not have the protection.

We are therefore proposing, and you will notice in italics in the bottom right, to add another section: "A commercial tenant referred to in 4.2 above shall not be denied the renewal of his or her lease solely by reason that the said tenant did not, does not or will not remain open on a holiday, or on Sunday, as referred to in Section 4.1(2)(b). No commercial tenant's lease shall contain a clause compelling the commercial tenant to open on Sunday or on a holiday as indicated above."

Next page is the issue I have touched on briefly, but it is the issue of, legislation should be province-wide. This is a provincial issue. It is a cop-out to try and pass it off to the municipalities.

Prior to 1976, municipalities had the right to pass a by-law prohibiting Sunday shopping. The net result was some merchants were put in an unfair position when one municipality would be in favour of Sunday shopping and another would not be. The return to this pre-1976 era, as I mentioned, is a cop-out. It will create more work and more cost for a number of parties: the businessmen, the lawyers, et cetera.

I guess it is like Pontius Pilate is the comparison I see here. I wash my hands of it. It is the municipalities. So if the municipality opens it up on Sunday, blame them, do not blame me. But yet I take the credit. I gave you the right to be open. I do not think that is the way for responsible government to deal with an issue like that.

A couple of points that are not in my brief, before I do the conclusion, is that it is interesting that the people who support Sunday shopping, and there are Manitobans who do support Sunday shopping, are by and large the people who do not work Sundays. It is by and large the people who work Monday to Friday, who never have to work a Saturday, a lot of them, and especially not a Sunday. Those are the people who support it because it does not affect them, and we—I say you as a Legislature—have some responsibility to look after the interests of all Manitobans.

Why are not more offices, why are not more plants open on Saturdays and Sundays? Why not the government services? There is a recognition that there is a balance and that is what this is.

Yes, we have certain rights and we want to protect those rights, but there is a balance between

that. It is like the scale of justice. Well, it is a scale of human justice—the rights of our society and our individuals versus the rights of the businesses to do a profit. I say that scale tips strongly in favour of our members, of Manitobans in our society.

I say the old legislation is the best balance for that scale because it allowed people to be open when there was a need for it. The question from the Honourable Mr. Penner about the difference between four employees and not, they all have rights, but when you look at a store, Canada Safeway, with a hundred employees, you can find four employees who do not have children, four employees who do not have spouses working, but when they are open full blast, it is not the same scenario. It is harder to find those people.

There is a difference between essential services, and I talked about that, and that is the difference between wants and needs. A lot of the areas such as restaurants and recreational, that balance is tilted a different way. That has always been accepted historically as being a day that they work. Society in Manitoba has gone along quite well without being open on Sunday.

The final issue that affects a lot of our workers, our members directly is child care. Opening up on Sunday has made it very hard for a lot of our members to get child care for their children on a Sunday.

In conclusion, we believe that this legislation is wrong because it is not needed by the citizens of Manitoba. We believe it is wrong because it will not stop cross-border shopping. We believe it is wrong because it is only going to increase overhead costs and consumer prices. We also believe it is wrong because workers will be forced to work on Sunday, and if they do not they will either be fired or discriminated or penalized as a result of their refusal. We do not believe that the four-month survey has shown that there is any need for the legislation.

I have not talked much about the family need, but it is key to our understanding. For those reasons, I submit that the legislation should be turned down and we go back to what we presently have.

Those are my comments, thank you.

**Mr. Chairperson:** Thank you, Mr. Ziegler.

**Mr. Storle:** Thank you, Mr. Chairperson, and as well thanks to Mr. Ziegler for his presentation.

I wanted to follow up on—and I know Mr. Ziegler sat through a number of presentations already so I do not want to necessarily cover a lot of the same ground with each presenter. I wanted to follow up on your idea that perhaps the majority of people who are supporting wide-open Sunday shopping are in fact those who will never have to face the reality of having to work on Sunday. It is an interesting point because last night, of course, Mr. Borowski, presenting as a private citizen, suggested that perhaps the optimum time for legislative committees to be held would be on Sunday when in fact people have the day off.

So I am wondering whether this would maybe be a useful test because I think, quite rightly, you pointed out in the beginning of your brief that in fact the government is using surveys. We are not sure how the question is framed and if you ask something, do they want something, if they are not going to have to pay any price for it, generally, they say yes.

**Mr. Ziegler:** We all know, as you say, about surveys and recent referendum and everything else. The phrasing of a question is very important to the result that you are going to get.

Clearly, it was an issue raised by the last presenter, is that these briefs, these sessions should be at a time when more Manitobans could be available. They should be in rural Manitoba so that some more Manitobans—we look at Winnipeg as being our 600,000 or slightly over there, centre of Manitoba, but we should be going around to see what other Manitobans want.

Definitely, once we have that survey, we should have shown the questions and what the exact results were, not just some comments on that. I strongly believe that the people who support Sunday shopping are the ones that do not have to work it. That is from personal experience and from comments that I have had.

\* (1250)

**Mr. Storle:** I could not agree with you more. I think that that is quite likely. I think it is also a question of what people want and that, as other presenters have suggested, if you ask people, would they want to be able to buy beer and wine at their local store, do they want to be able to go

whatever speed they want, people might say, yes, that is the case.

The government has a responsibility, it seems to me, to provide the broader social context of legislation.

**Mr. Ziegler:** Even on that issue of wants, and I think you have touched on it, it is that balancing of what they want and what they need. A lot of Manitobans would like to take their pension money out, but the government of Manitoba has decided you cannot cash your money out. There is a purpose for that. That is the role of this government, to balance what someone wants with what they need and what is best for our society and for Manitobans. That is what I think this legislation does not do.

**Mr. Storie:** Well, Mr. Chairperson, Mr. Ziegler has twigged on a great idea. Perhaps it is time that the government did a survey of this issue for Manitobans in a formal way to find out what they are thinking and perhaps defining who in fact is interested in Sunday shopping.

It would be quite interesting, I think, to find perhaps, as Mr. Ziegler suggests, that the people who are most supportive of Sunday shopping are those who will never have to work on Sunday. I agree with Mr. Ziegler. I do not think we should be setting public policy by referendum or by survey, but that appears to be the way the government is—the government is determined to do this, and in failing to be able to set policy by survey, they are going to ask some other jurisdiction to set policy.

My question was that your brief did not deal with it in detail, and that was the question of the impact of this legislation on your members perhaps in rural Manitoba and whether you have heard from rural members of your union in terms of their concern or their thoughts.

**Mr. Ziegler:** Two comments, one on the first one, the issue of surveys, I just wanted to touch on one other point.

I even had experience where one group of survey was being done for Sunday shoppers. They had people outside the till saying: Are you in favour of Sunday shopping? I think this was even before the legislation came out. Well, obviously, the people who were there on Sunday shopping are going to be in favour of Sunday shopping.

Your second question in regard to rural Manitoba, yes, we have heard from some of our members who work in those communities. What is said is that if the larger community opens, we will have no choice but to open. We do not want to open. This employees hearing it from their managers. Obviously, it is hearsay, but that is—it is very reliable hearsay. They are saying, we do not want to be open, but if the large community is open, we have no choice. You see that just as a private citizen driving around, more and more stores in small communities.

I grew up in the Interlake area for a number of years. Stores are disappearing. They are all moving to the larger centres. That is not in Manitoba's interest.

**Mr. Storie:** Mr. Chairperson, Mr. Ziegler mentioned the fact that the UFCW represents workers at Westfair and, I think, perhaps was at committee last night when the Westfair representative suggested that they do not want to be open on Sunday necessarily. They will if they have to, but their concern was the question of market share.

Why is it not possible to find an alternative to wide-open Sunday shopping that would allow them to compete with their major competitors on some sort of level basis while maintaining—

**Mr. Ziegler:** Unfortunately, I was not here last night, but I support that. I do not believe that there has been any great growth or profit for the food stores being open on the Sundays, I really do not, when you add all additional costs that come into it. I believe the old legislation was that balance of allowing them because, as they were here, I am sure they would have said, they cannot be at a disadvantage.

It is the same thing for the municipalities. They cannot stay closed if Safeway is wide open. They cannot in Teulon be closed if a larger city is opened. It is that level playing field. We believe the old legislation was good. Maybe there is some variation in that area, but that is a much better choice than what this legislation is, yes.

**Mr. Storie:** Mr. Chairperson, I think that point is worth pursuing because the member for Emerson (Mr. Penner) was asking the previous presenter about why it was fair that a small four-person operation could sell hoses that would compete with Canadian Tire.



I guess it sort of begs the question, in your view, is it a simpler and a better option to revise the existing legislation and make it more difficult to open, if you are not providing essential services, than to expand this?

**Mr. Ziegler:** Yes, definitely that would be a much better choice to go. Realistically, I do not believe that we have this new legislation because a drugstore was selling a hose or a hoe or something else. I really do not believe that is the cause of this legislation, but if it is, there are much better ways to control that. There are much better ways to modify the legislation, to clarify it. It is the essential areas of food, et cetera, that are to be sold.

There was a time when Superstore was open, and they walled off part of their store and they operated with four employees. They did that. They found that it was not—but there are ways, so maybe we have to massage the legislation to make sure that the one or two companies that are selling the garden hose, the hoe, the whatever, cannot do that and disadvantage the other retailers.

Again, the balance of scales—nothing is going to be perfect, but that is a much better way to do it than just go holus-bolus, we are wide open.

### Point of Order

**Mr. Penner:** On a point of order, I just want to correct the honourable member for Flin Flon (Mr. Storie) that I did not talk about hoses. I talked about garden hose and I was thinking that I might go out to these drugstores and buy a stack of garden hose and give them to young people that were rumbling in St. James area and put them out in my beet field to give them something meaningful to do.

**Mr. Chairperson:** Order, please. The member did not have a point of order. It is a dispute over the facts. Mr. Storie to continue his line of questions.

\* \* \*

**Mr. Storie:** Mr. Chairperson, those remarks were interesting, to say the least. Perhaps at some other future date the member can expound on his new theory of social justice somehow.

I wanted to deal with one other issue that you touched on, and it is the question of tourism. It seems to me that there are two things happening

within the province that sort of undermine the province's contention and some people's contention that somehow this legislation is going to support tourism activity.

One, of course, is the possibility that different jurisdictions will do different things. It is possible, conceivable, that the City of Winnipeg, for example, is going to say no to Sunday shopping. The city of Winnipeg would obviously be one of the major destinations for people coming from out of province.

It is also obvious that many of the individual retailers who will still retain the option, if they have fewer than four employees, in any municipality of opening, and as well, some of the department stores in downtown Winnipeg for example are going to close on Sundays. How is this going to support any kind of tourism effort, feeble as it may be, that the province has launched?

**Mr. Ziegler:** Well, clearly, I think you are right. I do not think they are going to come here to shop and that is not a major issue. The recent announcement, at least I thought I heard of Eaton's and The Bay looking at closing, those are in the downtown area where the bulk of our hotels are.

I mean, if we are looking at tourism attracting, when are they closing down—some of the heaviest periods, June, July and August or the end of June for July and August, the time when a lot of people come during their holidays with their kids. Here we are, the major stores saying we are not going to be open.

If we are looking at this to improve our tourism business, we are barking up the wrong tree, Sunday shopping of this magnitude is not. Where they are going to go is the specialty shops, the Osborne Village, the little craft—those are the types of areas, The Forks.

The Forks is not going to be affected by this legislation. That can be open now, all those small businesses. It is the unique flavour of Manitoba that a lot of tourists go to shop for.

They have Woolco stores in Saskatchewan, folks. They do not come here to shop at Woolco. They do not come here to shop at The Bay. They come here to get Manitoban and Manitoba is small business.

**Mr. Storie:** Perhaps you can clarify the multiplication and tell me that if it is not for tourism;

it is not going to increase the economic pie; it is not supported in rural Manitoba: Why are we doing it? Why is it being proposed?

**Mr. Ziegler:** It is a question that I asked also. I think there are probably three main groups that are supporting it. There are the large retailers who will be supporting it. There will be some real estate people who will benefit from that, and possibly some of the newspapers and some people from the Winnipeg Chamber of Commerce. I do not know why. I really do not know why, but those are the only ones who really stand to benefit from this. There are a lot more people, individuals who will lose and the few people who will gain, because there will be some people who will gain. There is no doubt about that. But a lot more Manitobans will lose.

\* (1300)

**Mr. Storie:** Just one or two final questions on the proposed amendment so that the clarification that the UFCW is supporting and one deals with, I guess, protecting the interests of workers who may wish to refuse to work on Sunday.

I am wondering whether your proposed wording, well, two things about this proposed amendment: No. 1, whether your proposed wording would be enforceable because of its broad, general nature; and No. 2, the issue of penalties. Were there no penalties that would apply? I believe this section falls under an amendment of The Employment Standards Act. I am wondering whether, in fact, there were not previous penalties and if there were, what is the change that you are proposing here?

**Mr. Ziegler:** Two parts. Number 1, you are probably correct that this legislation and the wording we are proposing does not go far enough. We really believe the legislation should be scrapped, but we are not saying those should be the exact words. We are saying that probably it should even be stronger than that, but I could spend hours and days drafting legislation, and unless certain people that control the Legislature are going to accept my wording, I do not think it was worthwhile for us to draft the specific wording to cover every possible scenario.

So it is not strong enough. We think it should probably be stronger, but this is at least pointing out some of the flaws of the legislation.

The issue of penalty. Yes, there was some penalty in the last legislation, but it dealt more first

of all under the old act with employers being open or being more than four employees. There was a \$2,000 limit, period, per person versus—we are talking \$2,000 a day. We are trying to increase the penalty and make it easier to be applied. There was an unfair labour practice talked about a \$2,000 penalty per person. We are trying to make it as a deterrent, and that is why we increased the amount.

**Mr. Storie:** My final question is on your last proposal regarding commercial leases and protecting commercial tenants, and I think a very good amendment, something that we would wholeheartedly support as well.

Mr. Chairperson, I know that the minister has indicated, and indicated last night that the legislation is going to ensure that tenants have the right to close, notwithstanding the commercial leases they have signed. I think this raises an additional issue and perhaps the minister can tell us whether it is covered. But it is certainly worthwhile.

Apart from that, I want to thank Mr. Ziegler for an excellent presentation and for his work on behalf of a lot of people who are going to be affected by this legislation if it sees the light of day.

**Mrs. Shirley Rønder (St. Vital):** I was not going to make any comments, but I have heard quite a number of times, a statement made by Mr. Storie and by our most recent presenter that it appears that those who support Sunday shopping are those who will never have to work.

I guess I take issue with that statement because I have made a point of shopping at the Safeway stores around the city. With a pair of jeans and a sweatshirt on, I am just a casual customer, casually asking that part-time clerk why he or she is there. In all instances I have been told because they want to be there. I have said: What about some of these other people here?

Apparently, the policy, whether it is a formal policy or just an informal policy has been for the, I do not know whether you would call it the management, to simply say who wants to work on a Sunday, and there have been enough people who have opted to work on a Sunday that no part-time people have been co-opted. So, as I say, I just simply take issue with the statement. I do not think it is wise to make black-and-white statements that all those who are working on

Sunday perhaps might not be there, they may be there against their own wishes.

Quite a number of the people that I talked to were students who wished to work on a Sunday because they were studying. They were at school or at university during the week. They preferred the option of being able to work on Saturday and Sunday.

I have also heard comments with reference to the small towns. Kenora, Ontario, is a small town. Safeway and Canadian Tire are open on a Sunday. The small hardwares, the small grocery stores are closed. This has been in operation for quite a few years. The small mom-and-pop stores are still thriving. They are still there.

So, again—[interjection] The new store? The Safeway has been there for a long time. I go to Kenora each summer, the Safeway has been open. My son works there on Sundays. So I just simply make the comment that, yes, in a small town both, hopefully, can thrive. But, as I say, my bottom line is simply to say, I do not think it is smart to be making black-and-white statements that all are against or all are for. I think there is always room for both sides of the argument.

**Mr. Ziegler:** A number of things. First of all, I did not say all people. What I said was, the majority of people or most people who support or the people who support Sunday shopping are basically those who do not do it. I still stand by that. That is different from the people who are working on the Sunday.

As well, dealing with your point about—I do not know how many stores you go to—I have a lot of knowledge about Safeway because we represent Safeway. There are 30-some-odd stores in the province. In some stores it works well and there is no pressure. In other stores it does not work as well, and people are pressured there. In other nonunion places it is not as good.

We have worked out, we are lucky. Some of the Safeway employees are lucky. We have worked out procedure to deal with that. It is not going to affect most of the people in Manitoba. Yes, there are some people, the students who do like it in there. Those are the people that used to work when there was four people in the store. You may have a lucky store, but there are a lot of other stores where people do not work.

I suggest to you that the majority of employees working at Safeway do not, and they have told us through surveys, do not want to work Sunday and do not want Sunday shopping.

The issue of Kenora I do not believe is a fair comparison, because Kenora lives and dies by the—does not live and die, but it is a major factor in the tourism industry of Kenora. It is not my local, but it is our membership out there. We see the growth in that food industry during the vacation period. That is a major issue to them in that community.

Yes, there is room for both to co-opt, small store-big store, in that community.

**Mrs. Render:** I will pass.

**Mr. Stefanson:** Mr. Chairperson, just a clarification on the point regarding leases that is in the brief and touched on by Mr. Storie. That issue is covered. It is covered on page 9 of the bill. I think the confusion arose—the section that is quoted in your brief, Mr. Ziegler, relates to the extension of the trial period. But the provision that I am referring to relates to what would occur if a municipality were to implement wide-open Sunday shopping.

If you go through the details on section 4.1(6) on page 9, I think you will find that that concern is, in fact, covered.

**Mr. Ziegler:** It very possibly could be. I did not do the written brief on this organization, but it was an area that we were concerned about, because we are lucky, again. I mean, a lot of employers that we deal with are reasonable. We can negotiate with them not to be open or to give people days off.

So we want those employers to have the right to say, no, I do not want to operate. We think that is an area that has to be covered. If it is covered, great.

**Mr. Stefanson:** Mr. Chairperson, I think we all agree on that. I just have one or two questions, and I want to go back to Mr. Storie's line of questioning of you, which is an interesting one when he keeps going back to some of the presentations last night from organizations like Westfair and Canadian Tire and so on.

I think we can all put in place our own interpretation of what we got from what they were saying last night, but my impression from them was

that, unless we are going to have what they did call a level playing field, then they would say revert back to a system of significantly fewer employees and create a situation where they would all have to close, where Westfair would have to close, Safeway would have to close, Canadian Tire, Beaver Lumber, the list could go on and on of those kinds of establishments that would then all be officially closed. It would be no four employees, and they would not be open whatsoever on Sundays. Is that something that you support and your union supports?

**Mr. Ziegler:** Again, I was not here last night, so I cannot comment on exactly what they said. We say that the old legislation or the current legislation—I keep calling it old because that is the way we looked at it—was the best scenario. If we cannot have the best, then a modification of that might be better, is definitely better, than what we have. This is not good legislation. A modification to cover the comments made last night might be a better scenario than what we have here.

**Mr. Stefanson:** Mr. Chairperson, so you are suggesting that rather than seeing changes that are proposed here that you would prefer to see those kinds of facilities shut down completely on Sundays then.

**Mr. Ziegler:** I am not saying that they should necessarily be shut down completely. I was not here to hear all their comments. I am saying that a better scenario would be to massage the legislation that we have now to make a fair situation if there are inequities. I cannot comment on those; I was not here.

So that is fairer. I do not know that necessarily they should be cut down. I would love to. That is my first choice, but I do not know that that is the best balance between the two.

**Mr. Stefanson:** That is interesting. It would be interesting to see what your membership and employees thought of that, but I want to move to an issue that Mr. Storie and you discussed at length. I was somewhat confused by it, whether or not you believed in or supported or put any merit in the whole issue of surveys or not. At one point it seemed there was not any validity to surveys, then I got the impression from Mr. Storie that maybe there was some validity to surveys.

Have you surveyed your own membership and found the results of what your membership's views are on this issue?

**Mr. Ziegler:** We have had a number of discussions with our membership at conventions and through different areas. They are by and large strongly opposed to Sunday shopping. I do not have the results here, but in Manitoba and across Canada we have had some surveys, unofficial surveys, but we have definitely discussed this at our various conventions—overwhelmingly opposed to Sunday shopping.

\*(1310)

**Mr. Stefanson:** That is interesting, Mr. Chairperson, because I have had feedback from many of your membership on both sides of the issue, and to me I think they reflect Manitobans, the kinds of things we are seeing in other surveys done by other independent organizations, showing that Manitobans are fairly split on this issue, that a small majority favour wide-open Sunday shopping.

So you indicate you have had discussions, but you have no survey that in any way shows clearly the position or mood of your membership on this issue.

**Mr. Ziegler:** I believe that we have done some surveys either through our national office or at the time of negotiations, and I believe that our membership has shown that they do not support it. I do not have those statistics with me, but I believe we have done some work either locally or nationally.

**Mr. Stefanson:** That being the case, I am awfully surprised, if you have that kind of information that it would not be in your brief considering everything else that has been covered in your brief.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Ziegler. We call on now—I believe Mr. Randy Cameron is not here, but—Mr. Art Kerr, Manitoba Association of Shopping Centres.

The presentation has been distributed. Mr. Kerr, you may proceed.

**Mr. Art Kerr (Manitoba Association of Shopping Centres):** Mr. Chairperson and members of the committee, I think the association's role here is a little bit different than the other presenters in that the association is not here to take a position one

way or the other by virtue of the aims and objectives of the association.

Maybe to clarify that position a little bit for those members who may not be too familiar with the association as maybe the minister or the deputy minister is. The association is made up of members of a much fragmented retail sector, being from the city itself, the small towns in the Interlake and as far up as Thompson and those areas. The purpose of the association is not to take a position on behalf of an owner, landlord, developer or whatever, but more in fact to pass on, simulate or gather information that might be of value to them within the industry itself.

The reason that the association came about is that in the industry itself there is an association called the ICSC, which I believe is referred to in here, and there is an article indicating some editorial as to what they feel about the cross-border shopping as it relates to Sunday shopping.

The problem with the ICSC, which is the International Council of Shopping Centers, is it is more U.S. oriented. Therefore, for political purposes, tax purposes their source of stats or information does not really apply to the Canadian retailer. We felt there was a need to deal with a local, in this particular case in Manitoba, with issues of that nature because we might be—and I say we; there are many classes of shopping centres from super regional down to the little convenient centre that is on your neighbourhood corner—we might have more access to certain information than they would have.

So I want you to understand that the purpose of the association is purely and simply to pass on information or points of interest as it might relate to those areas. What we did in that regard—and, I might add, just before I go any further into this, that this information you have in front of you really pertains to Bill 4 in that, when this was done, Bill 23 was not at the table at the time. We, being the association, in this case Randy Cameron and myself, had met with the deputy minister and his associates on March 9, and that was prior to the determination of their decision based on the results of the November 22 to April 4 trial period.

The purpose was to ascertain as to whether we could assemble some information from the owners, developers, managers and landlords of commercial real estate. As such, what we did then was we

prepared a questionnaire which you have in front of you. We compiled the results both by percentages of the response to the questions and, at the same time, included in there some of the answers, which you will find affixed by schedule numbers, Schedule A through B, C and D. This survey was then turned over to the minister's office. Of course, the thrust of the survey is detailed by questions showing the percentage of yes and no answers, followed by the specific answers which, again, I refer to as a new schedule.

I think, rather than going through this whole thing, what is important here, in that you can read what the results here are, is that, in general, 75 percent of the respondents felt there should be no restrictions with respect to Sunday shopping. Again, I want to make it apparent that I really do not speak on behalf of Cadillac, Trileta, Bramalea, Cambridge, Oxford or whoever.

What we are dealing with here is an area, and again I am getting away from what I just said, but I think for clarification here I am getting into an area whereby an owner, a developer, a landlord may look at that commercial or contract agreement, being the lease, on the basis of how can we provide Sunday shopping if you are going to tie our hands. I do not care to comment any further on that, because now I am getting into areas on somebody else's behalf.

However, in general, 75 percent of the respondents felt that there should be no restrictions with respect to Sunday shopping. One hundred percent of the respondents felt that there should be no provisions in the legislation which affects or alters existing lease agreements with tenants. Eighty-eight percent of the respondents felt that the shopping public would prefer to shop on Sundays. Seventy-five percent felt that the availability of Sunday shopping would help move to improve cross-border shopping tourism in our favour. Sixty-nine percent of the respondents felt that employees hired before the legislation should not be required to work on Sunday if they chose not to while that same 69 percent of the respondents felt that any employees hired after changes to the legislation should be required to work regular scheduled Sunday shifts as a condition of employment.

Now, I want to instill in your thinking, again, that this covers from the Interlake right through to the city and to the suburban towns. In the schedules

where the questions are answered it does not specifically say who answered them, but you can tell pretty well where the answers are coming from. So I guess what our role here is, because this was for Bill 4, and, of course, I guess the intent was that any information that we could compile on behalf of the minister to in fact help them make a decision obviously has changed somewhat now in that the direction is gone towards the Bill 23 which is something else again. Unfortunately, for us, being the association, to comment on that we would therefore have to go back and look at that bill and ask pertinent questions to the industry in order to come back with a similar situation like this.

I guess what I am saying in reference to Bill 4 and then now into Bill 23 that we would hope that in making any decision on the legislation, that the committee would take into consideration these comments as this is a cross reference of everybody that is involved, big or small, in the retail industry. That is really my purpose for being here.

**Mr. Chairperson:** Thank you very much, Mr. Kerr.

**Mr. Storie:** Thank you, Mr. Kerr, for your presentation and for being here this afternoon. I am not sure whether I missed it or whether Mr. Kerr said at some point how many members are in the association.

**Mr. Kerr:** Well we actually have 65 members and of that I believe it was 31 that responded. I am sorry, of the 31 that sent it back some of them did not want to respond and so I think the 16 of them which represented 52 percent of the ones that came back—but the actual membership is 65 members.

\* (1320)

**Mr. Storie:** So, Mr. Chairperson, when we read that 75 percent of the respondents were from Winnipeg the 75 references the 75 percent of the 31 were from Winnipeg.

**Mr. Kerr:** Right.

**Mr. Storie:** So we are talking about relatively small numbers.

**Mr. Kerr:** That is right, we are.

**Mr. Storie:** Mr. Chairperson, I also would like Mr. Kerr to comment on, I guess, some of the rather negative comments about this legislation that are referenced in terms of his survey. The first one,

and perhaps Mr. Kerr was suggesting that we could read between the lines and determine where these comments came from, and I am sure we can, in the first one it says, in our market area there is strong consumer opposition to wide-open Sunday shopping. Did there appear to be a consensus that Sunday shopping was necessary, not that some of the consumers did not want it, but that it is something that was so important that we should be doing it, we should be imposing it on Manitoba?

**Mr. Kerr:** Okay, I understand what Mr. Storie is coming from, but I have to remind you again that I cannot under any circumstances speak on behalf of any of the landlords, owners or developers. If you are asking me, you know, what I think, and maybe this point has not been brought up through these hearings, but I think for good or for bad that what we are seeing here, and again this is a personal opinion, is a tremendous change in the society that we are now living in. I guess we can rate it back to the shopping centre industry. When we built a shopping centre in the '70s we merchandised that centre for a specific demographic.

Today we are doing it for the third generation and it is far different than it was back in the '70s. So I think that if people want to shop it has got to tell us that there is change in the society. There is a number, and exhaustive reasons as to why people want to do this, be it that they want to achieve a higher standard of life and so both people work, therefore the timing is a lot more convenient for them on a Sunday.

I have to tell you too that I think a lot of people regard shopping centres as a form of entertainment, and as such, we market those centres for that specific purpose, not just on Sunday, but for the other six days a week, too. So people do come in and use that centre as a form of entertainment. Now if they are there and they are shopping, that is just an added plus, I guess, but certainly through the six days, that is how it is viewed within the industry, and that is how it is marketed.

Not to belabour this, but I think what we are seeing here is that through a demographic change or a society change, through a workload, through a style of life, people are saying—and do not get me wrong here. The one that is going to be satisfied the most is the shopper because he does not have

to go, but in order to give the shopper the opportunity, we must open the centre.

The retailer could sit there all day and do nothing. On the other hand, if the shopper goes in and the store is not there, it is not open, then he is obviously going to say: Well, why would I go back to this specific centre, because 50 percent of them are closed?

So the shopping centre is a little bit different from—although I appreciate what the previous speakers have said, it is a little bit of a different animal than the free-standing store or a major such as the supermarkets, home builders, in this case, Canadian Tire, and of that type of nature. It is a different situation.

The argument that four was fine. There seems to be, and it is not necessarily my opinion, that there is a feeling that the big guy is being discriminated upon. Whether or not they could work out something on a percentage basis—in other words, if you have got 1,500 square feet, then you only need three people. If you have got 80,000 square feet, being Eaton's or Sears, then there has to be a percentage formula for that, which would make sense, and how would you argue against it if you are going to allow the open Sunday shopping? I do not know what that answer is.

**Mr. Storle:** Well, you have raised another question that I would like an answer to. I am assuming, given you are an association of shopping malls, the vast majority of your tenants concurrently open, and I am wondering why you are here making representation on this bill when, for all intents and purposes, your centres in the main are not affected?

Certainly your rural shopping malls, I am sure, the vast majority of the tenants can already open. Are they open now?

**Mr. Kerr:** I am sorry. Are the rural centres open now?

**Mr. Storle:** Yes.

**Mr. Kerr:** They were in that first trial period because obviously that was a spending mode, I think. In the industry, you must realize that January, February, March is like pay off the plastic. The industry puts on special promotions such as sidewalk sales and things of that nature in order to create traffic, to get over that peak and valley,

which there are a number of them in throughout the operating year.

To answer your question, I think, at this point, the rural ones are actually closing.

**Mr. Storle:** I have a final question. You mentioned something that has sort of piqued my interest during the course of this debate. That is the question of the change in our society. As an individual of a certain age, a certain experience, a certain world view, I guess, could you comment from a personal point of view on whether we need this? I, like many Manitobans over the course of the '70s and '80s, developed a view that there was an inevitability to shopping. Yes, first we shopped—in many rural communities where I grew up it was quite common to be closed Sunday and Monday. In fact, in Flin Flon it still is the practice to close on Monday. We do not need, for some reason, seven-day shopping.

There seems to be this pressure to continue to open extended hours and to have more shopping. I thought at one time that it was inevitable. I have changed my mind. There are countries in the world that survive on five and a half days quite nicely. I am wondering whether, in your opinion, this constant push, the government's latest effort, is a good thing? Is it going to make us a better place? Never mind the question of whether we are going to have fewer jobs in rural Manitoba or whether we are going to lose by virtue in rural Manitoba.

The question is, is it a good thing in social terms?—just a personal question.

**Mr. Kerr:** That is a pretty big question, but I think to try to work around that answer for you, I think what the government is trying to do is meet a need which is being brought forward from the era that you and I might be—particularly me, I do not know so much about you—but an era that you are talking about that was not there. If we look at technology, if we just said, well, you know the cost to come up with this technology today was not worth it, let us go back to the grassroots sort of thing. That is not, in reality, how the world works.

I guess we are getting into a bigger area here, but however, to come down to specifics, retail—and I am doing something here I said I was not going to do—as a retailer you must ask yourself what makes retail successful. Well, the obvious answer is the consumer. Now, if you start to jack

around or fool around with the consumer, then obviously your business is not going to survive.

Then the area that you get into is, well, if you are going to open, then son of a gun, I have got to open because you are going to steal my business. I do not even know if it is that we both want to open, it is a case of survival of the fittest. But I do not want to discount the fact of, as I said, these social trend changes, that there are people out there who just want the right to shop Sunday because it fits their time schedule better, not that they could not do it in the six days.

We, as administrators or corporations, you as administrators, us as a corporation or the industry as corporations have to have your finger on those needs all of the time. As the gentleman behind us said that the developers, they certainly want Sunday shopping because they are going to get all kinds of percentage rent. That is not true. There is a break point, where you do go into percentage rent, but I only wish we could get 100 percent of tenants into percentage rent. Then I would agree with my previous speaker.

Let us face it, we are all in the business to make money. It is the survival of the fittest. You take your anchor stores, I mean, Eaton's may not want to open, but if Sears opens, well, I have got to open. There was a time when Sears would never even think of opening, going back to what you said in the '70s. Today it is a society or a style that is maybe even being forced on us, but by whom?—the consumer. The success of retail is based on the consumer.

**Mr. Storle:** You raise a point that I would like you to address. You suggest that it is the consumers that are forcing this issue. The consumers in Europe seem to be able to survive without it—[interjection] Just let me finish. The point I am making is, is there really a consumer demand for this?

We have addressed this in many ways in the committee. The fact is, if the stores are open people will use them. The original question I asked you is, is this a good thing in your opinion? Should we be having a pause day? Should we, simply because it appears as though if we open they will come, is that a good enough justification for doing it?

Is it, in your opinion as a person who has lived in Manitoba, I imagine—

**Mr. Kerr:** Twelve years.

\* (1330)

**Mr. Storle:** Twelve years. Is it something that we need to do? Is it something that is going to be good for society as a whole to do? Or would it be better to move in a another direction, more consistent with what goes on, for example, in Europe, that there is no Sunday shopping, and have that pause day for families to walk down the equivalent of the Champs Elysées or whatever?

**Mr. Kerr:** I guess I am caught between a rock and hard spot here. We are the developers, the industry hat, I want as much of the market share as I can get, taking in the human element, but as an individual—I was just waiting for you to ask me if I shop on Sundays. I thought I would answer that before you do, and actually I do not. No, I really do not, although I am at the shopping centre.

This comment was brought up before where, if you went across the border on a holiday or a business trip or whatever and the availability is there, it is to do it, because now that is leisure time. That is not work time. When I am up in the morning and into the centre and home at night and, again, I have a little four-year-old as well, so a lot of my time is taken up with him. What we might do is go to the zoo or Tinkertown or something like that on a Sunday.

I guess, having said that too, my wife went to Ottawa there for a month with the little guy. I recall coming out of church. I love to cook and I love to eat. So I said, well, I am going to go into Safeway and I am going to buy something for tonight. So actually I did it, or I would do it and the availability was there. If it were not there, I would not have starved. I would have made out somehow.

So I really think it is based on the individual, and I say in the hat of the developer, if the people are coming into the centres and they are shopping, then I guess it tells me that they want the right to be able to do it, but they are not going to guarantee me that they are going to come in every Sunday.

The other area is from the retailers' point, I heard another gentleman say that 60 percent did not favour opening. I have to tell you that I am not sure of those figures. A regional is based on square footage of 600,000 and up, and then it goes down to community and service malls or strip malls and then convenience malls, but 90 percent of the regional centres are made up of national retailers,



so that 10, maybe 15, 17 percent are made up of the mama-papas in regional shopping centres.

I do not know how the findings were arrived at, but if you went to a retail store and asked the employee, does he want to work, he may well say no. As a matter of fact, I am sure he is going to say no, but if you went to the owner, then it might be a different story. The other thing is, that employee who does not want to work Sunday, does he shop on Sunday? The answer is yes, he does shop Sunday. Whether he does it one Sunday out of a month or one Sunday out of three months, who knows?

**Mr. Stefanson:** Mr. Chairperson, just two questions. This whole issue of consumer need and/or want, earlier today we had a presentation from an individual representing some of the larger shopping centres here in Manitoba. You have a broader base, represent some 62, I think you said roughly, different strip shopping centres. He indicated that Sunday was the third busiest day after Saturday, Friday and then Sunday, obviously, indicating certainly people are utilizing the facilities that are available to them either because they need them or they want them.

Do you have any information along those lines for your organization?

**Mr. Kerr:** Well not to step on anybody's toes here, again, because I cannot speak for Mr. Finnbogason who represents Bramalea, but also speaks on behalf of Cadillac. He has Unicity and St. Vital.

It is a different animal here in that the major developers be it Cadillac, Cambridge—which is Kildonan—and Bramalea, let us use Cadillac as an example. They have some 70 shopping centres across North America, so there are two elements here. If 50 percent—and I would not think it is 50 percent, it may be more like 15, 20 percent of the stores are closed in those centres—but if 20 percent of those stores closed down in 70 shopping centres, it does not have the same effect for me as a one-shopping-centre developer in the city of Winnipeg.

What I am saying here is that when he says the traffic is three times the amount, that may well be the truth, and I cannot speak for them. But I have to ask myself now, turning the hat, that that increase in traffic is from what day? Wednesday, Tuesday, Saturday, I do not know. I mean, there

are only so many people here, so that you cannot say, well, all of a sudden, if you guys can show me how to turn \$50 into \$100, I would like to know how you do it.

**Mr. Stefanson:** But just pursuing that, I mean he did indicate from their perspective that Sunday is supposedly the third-busiest day, which comes back to the issue of the individuals, the consumers, whether or not they prefer to do it on that day for whatever reason, whether it is availability of time, or whether they need to do it on that day because of busy lifestyles, through their jobs, and other activities with their family. I think it is more that issue that I am curious.

I recognize the whole issue of what is your sales volume over six days versus seven days. Some organizations have come forward and said they have significant incremental growth, others have said it has been stagnant or flat. So there is a separate issue there, but it is more the consumer side of the issue I am asking you about, in terms of whether what you are seeing is a similar kind of a comparison in terms of the consumer want and need.

**Mr. Kerr:** I would think—and again, taking this from my own observation—that the traffic is increased three times on a Sunday, could be well—

**Mr. Stefanson:** Just for clarification, the question that he responded to earlier was that it was their third-busiest day. Saturdays are the busiest day, Fridays are next busiest, Sundays are third busiest day of the entire week.

**Mr. Kerr:** My assumption on that would be obviously, because there are more people who have the time to enter that centre on a Sunday than they do through the week, because they are obviously working. Now, if I was going to try to relate the third-busiest day to revenues—and unfortunately somebody touched on this too, and I think Mr. Finnbogason, although he may well have covered that—my perception is that I would be hard-pressed to tell you whether it was profitable or not, because I have nothing to match it against.

If we went one-year around, full Sunday shopping opening, then I could go Sunday of June 26—if that was a Sunday—against June 12 or something, if that was the same Sunday as last year. But unfortunately, I cannot do that, and I cannot even do that at this point in time.

The centres, as I have said, to a lot of people, is a form of entertainment. The fact that more people may be off Sunday is one of the reasons why that may be his third-busiest traffic day. I do not know about his revenue day, but I am not here to dispute that.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Kerr.

**Mr. Kerr:** Okay, thank you.

**Mr. Chairperson:** I will call on Reverend Cliff McMillan, Winnipeg Presbytery of the United Church of Canada and The Association of Christian Churches in Manitoba.

The presentation has been distributed. Mr. McMillan, you may proceed.

**Rev. Cliff McMillan (Winnipeg Presbytery of the United Church of Canada and The Association of Christian Churches in Manitoba):** Thank you, Mr. Chairperson, and members of the committee. I greatly admire and respect your endurance, having sat for the number of hours you did last night and today. So I am not too sure, having heard all the other—or most of them, at least—till the point I left, early in the morning last night, whether there will be too much new to add.

It was interesting hearing so many of the presentations, bringing in the quality of life and community needs, religious needs, and so forth. I wear two hats in a way: The one, I represent Winnipeg Presbytery, and you have that resolution before you; and I also wear the other hat, representing the Association of Christian Churches, being on the association there. I would share the thoughts and the comments here, and then be open to any questions.

\* (1340)

So I would share, first of all, the Winnipeg Presbytery resolution. The presbytery is made up of the 45 United Churches in Winnipeg, with representatives and delegates attending, and they voted on this resolution at their April meeting:

WHEREAS the Province of Manitoba is experimenting with Sunday shopping and will soon have to make a decision;

WHEREAS The United Church of Canada has, through the General Council, reviewed the issue of Sunday shopping five times since the 1940s and has opposed open Sunday shopping on the following grounds:

- a) One common pause day in every seven ensures that people get a chance to recover from the stress of their workweek and that there is the least risk possible to religious liberty;
- b) A common pause day is a key way of protecting workers from a seven-day workweek, a protection called for by international human rights standards;
- c) A common pause day promotes the well-being of families by providing at least the opportunity for time together and family activities;
- d) The social fabric of communities depends on much more than buying and selling. A community's social organization depends on the capacity of volunteers to get together in common leisure time for the common good; and

WHEREAS in Canada, Sunday is the traditional common pause day, it deserves to be preserved until some more equitable arrangement can be made. It is recognized that a common pause day on Sunday with no protection from discrimination for persons who worship on Saturday or Friday would be prejudiced in favour of Christians; and

WHEREAS the Christian faith proclaims God's call for, as well as a spiritual benefit from, a day of re-creation dedicated to the honour of God;

THEREFORE BE IT RESOLVED THAT Winnipeg Presbytery of the United Church of Canada

1. Call upon all members of the Presbytery and the congregations within its bounds to uphold the Lord's Day by abstaining from commerce and refraining from work whenever possible; and
2. Petition the government of Manitoba in opposition to The Retail Business Sunday Shopping Act and urge them to make a commitment to uphold a common pause day for the common good in the future.

This resolution was sent to the Premier (Mr. Filmon) as well as the Leaders of the opposition, as well as Mr. Stefanson.

Again, just a couple of comments. The members felt it important in terms of the fact that if we were going to be speaking to the government that we also speak to our own members within the

church and to encourage them to refrain from business or from shopping as much as possible and to respect that position.

So that was the first part of the motion that was passed, and then going on to petition the government to uphold the common pause day.

I think that again, within that discussion was the sense that it is the responsibility of the government to make that decision for the whole province and not to pass that decision on to the municipalities.

Within those reasons I think a lot of them have been lifted up by previous speakers and presenters. Some of you may want to comment or raise questions.

The other statement comes, as I mentioned, from the Association of Christian Churches in Manitoba. You also have the groups, churches that are a part of this organization, and a little bit of the history and the purpose of it attached to that. You can see the various churches that are represented in the association.

I would not want to pretend to speak for the Pope or some of the bishops on this issue because there are representatives, as I say, from these various denominations that were part of the decision making that represent to their constituencies.

So again I just share with you the associations of the resolution. The Association of Christian Churches in Manitoba calls upon the government of Manitoba not to legislate open Sunday shopping.

Families need to have a day when all members can be together. In the context of our culture and religious history Sunday is such a day.

We urge the government to legislate laws which create conditions in which family life can flourish and individuals can recover from the burden of work.

It is our opinion that open Sunday shopping will make it more difficult for people to be together; it will add to stress and undermine relationships.

Christians have appreciated the freedom to worship without having to negotiate with their employers. Although laws may protect those who do not wish to work on Sunday, those employees who exercise that right often are penalized for noncompliance, sometimes through loss of hours or opportunity for advancement.

Is Sunday shopping actually economically viable? There are various opinions on this

question, and that has been expressed here over the last few hours. In our opinion it is not. With six shopping days or seven shopping days people still only have so much money to spend.

Small business, the most creative part of our economy, will undoubtedly be faced with higher overhead costs and find it very difficult to compete with larger business. In rural areas, businesses in close proximity to urban centres are being forced, against their will, to remain open on Sunday.

In light of these reasons, we urge the government of Manitoba not to implement open Sunday shopping. Our central concerns lie with the nurture and health of personal, family and community relationships. We do not see open Sunday shopping as being helpful, but detrimental.

That was also sent to all of the MLAs.

I just have a couple of other comments. In terms of the point about employees perhaps not being forced to work but in reality—and I found this with a couple of members of my own congregation—that while they had the choice to work, the fact is, and it has been mentioned by other speakers, that if they did not work they would lose those hours, they would lose the commissions and someone else would take over part of their job, and eventually there would be a lot less hours, a lot less pay and maybe lose their jobs. It is an underlying thing. It is a fear, and the legislation does not cover those kinds of situations as much as it may wish to. I just wish to point that out.

Those are the statements. If you may wish to comment or question, I would be open.

**Mr. Chairperson:** Thank you, Mr. McMillan.

**Mr. Storie:** Mr. Chairperson, I want to welcome Reverend McMillan here and thank him for his joint presentation.

We have been getting a picture. I hope all members of this committee, I hope the minister have been getting a picture of what those who are concerned about this legislation on either side see in terms of the consequences. I have to say, Mr. Chairperson, that the majority of people who have presented thus far have clearly spoken out against this legislation for a variety of reasons.

It seems to me that the government's arguments, the arguments that it used when it first introduced Bill 4 and subsequently—although there was not much of an argument put forward when they

introduced Bill 23—have been refuted by the presenters.

Your presentation I think deals with the side of the equation that is the most difficult to assess. We have heard from some of the union representatives whose members work in these stores, that this economically is not going to provide any significant benefit to their members. We have heard from the Manitoba Chamber of Commerce who said, from their point of view this legislation is wrong, that it is going to have the exact opposite effect that the government would intend in terms of employment and opportunity in rural Manitoba. Surprisingly, last night we heard from the large chains who have supported this legislation that in fact they are not wed to the idea of Sunday shopping. They are concerned about competition amongst their major competitors.

The economic issues are easier to assess, and it appears to be evident that the weight of evidence is against this legislation.

The question I ask you, however, is: Given your concerns about family and relationships and the strength of community, how do we, as opposition, how does the government assess the impact of this legislation? Do we do it by church attendance? Do we do it by family breakups? What is the best gauge here to determine whether in fact this is wrong?

**Mr. McMillan:** Mr. Chair, again, that is difficult, as you say and I agree. The economic arguments that have been presented back and forth here last evening and this morning are generally and oftentimes the way decisions are made. That is the perspective in which you can weigh out quite clearly what direction to go. Obviously, you need that input, but I think, as many presenters have indicated, there are these other human values that come into it.

The reference to the study done in Ontario and so forth, again, I think we need to respect that, but how do you measure quality of life? How do you measure where family breakdowns, level of stress, what that does within our society and our lifestyle and how Sunday shopping perhaps can only accelerate that by preventing families the nurture and the support of families—whether they go to church or not is secondary—the sense in which people are able to get together, have time to get together, drive to see one another and visit with one

another? Those factors cannot be easily measured.

\* (1350)

I mean, we see it in terms of the recession that we are in, the economic tough times. I think there has very definitely been the effect of that upon people's self-esteem, loss of self-esteem, self-worth and resulting, therefore, in greater medical attention, more alcohol drinking, probably more gambling.

I think you have to see society in a total picture, and I think the different parts affect each other. I see it. We come at it from a certain perspective, but those economic factors, whether there are gains or losses as previous speakers have pointed out, they have implications, and sometimes you just cannot weigh things in terms of an economic monetary value. I guess that is where the churches come at it, from that perspective.

**Mr. Storie:** Mr. Chairperson, I certainly agree with Reverend McMillan. Perhaps maybe on a more basic level, for example, can you or The Association of Christian Churches, do you have information that would show that there has been a reduction in church attendance since the introduction of Sunday shopping legislation?

**Mr. McMillan:** Again, I do not think we have figures to show that. All I can say is, again, personal, and I suspect it would apply to others, that I do know that certain members, because they have to work on given Sundays, no longer are able to attend church with their families. I know that from experience within my own congregation. That is a specific, and how much that gets carried out in terms of the total picture, I do not know. That is one of the consequences.

**Mr. Storie:** It is interesting, and I wonder if Reverend McMillan can perhaps put a label to the phenomenon that we are seeing, I guess, presented to us by the promoters of this piece of legislation, that essentially this comes down to a question of market share. That is why we are doing this. The Winnipeg Chamber of Commerce representative, the Canadian Tire representative, the representative from Westfair, their sole concern was maintaining or increasing market share. That is what this is about. Does that make sense to balance that rather—

**Mr. McMillan:** As you say, a major theme whether it is within the city—the competition, if one is open, the other has to be open—or whether it is a rural city conflict, that sense of competition surfaced over and over again that if one is going to be open, the other has to be. So, again, I think it is all part of the total of what is a situation that best tries to balance that. It has been said over and over again by other speakers in terms of the present policy of four workers, and there were some questions around that.

I guess one of the advantages of sitting here for the last few hours is it has given me a chance to reflect on some of those questions, so I will just share it with you. I think that from a religious point of view—I came to this after listening and reflecting—that in terms of the wants and the needs and whereby basically the stores that were open before were maybe food stores, grocery stores and there were some questions on that last night and this morning, and then drug stores. I was reflecting in terms of the Scriptures and in terms of the life of Christ and the situations where he challenged the laws of the day on the Sabbath related in a couple of instances. One was in terms of healing in which he healed people whether it was the person with the withered arm or the pregnant woman who was crippled, that sense that the human need was there and that therefore necessitated the fact that allowed for that response even though the laws at that time, the religious laws, said no.

Another time was in terms of when the disciples were going through the corn fields and again they picked the corn to feed their disciples. Again, the religious people said no, this is wrong. You cannot do this on the Sabbath. Jesus said, well, look, you know, these people are hungry and he cited precedence from the life of the Hebrew people.

Interesting just on reflecting on that since last night is the fact that those two situations, one is a matter of food and feeding. I think that says something about perhaps legislation of the laws, the small stores, those four employees—there has been lots of comments—that allows for those people to provide that service, to respond to basic human need. The other is the healing, in terms of whether that is medical, prescriptions or whatever, so I just thought maybe that was a new insight that I gained and would share with you on that.

**Mr. Storie:** Mr. Chairperson, you have touched on a couple of interesting areas there. I guess in large measure if you accept that for some people this is an economic imperative, some companies, some businesses may feel that Sunday shopping is their only way to maintain market share and it is their salvation. I guess what we have been discussing here in the last few minutes is the other side of the equation.

I am wondering how you square what goes on in other parts of the world. I assume that there is an international body which unites the United Churches and other Christian organizations where you perhaps share information on what is going on in terms of the social fabric of other countries and other parts of the world. I am wondering why North America seems to be this bastion of shopping madness. Why do we require seven days of shopping when other countries can get by with six or five and a half?

**Mr. McMillan:** Yes, I do not know. It was interesting hearing some of the comments last night, and I guess I asked the same questions. I do not have all those answers, but I think that it is interesting to kind of reflect and to kind of search for some of those answers.

**Mr. Storie:** Well, then my question is, in your opinion, if you care to comment on it, is the direction we are heading in terms of Sunday shopping consistent with what we say we want to do in terms of preserving the family values and preserving some sort of sense of community, or are we just going to be shop-until-we-drop kind people?

**Mr. McMillan:** No, I do not think it is. I think it goes against that, and that is why I say in terms of hearing why it is important for you to hear as much of the stories possible to make your decision—economic, social, religious—all the various presentations, groups, that put in all of these different values. I think that is what shapes your decision making and the challenge that you face. As I said, if it is just economic, I think we pay the price as families, as individuals and as a community.

\* (1400)

**Mr. Storie:** Mr. Chairperson, Reverend McMillan makes the point, the fact is that there is no economic imperative. I mean last night the people who stand to gain the most, the Canadian Tires and Westfairs, said they do not really need Sunday

shopping. I guess my question is, if Reverend McMillan had his druthers, if he was going to advise the government, would he be advising that we retrench on Sunday shopping, or would he advise that we go forward and meet the needs of the few people apparently who feel this is some sort of imperative?

**Mr. McMillan:** I think I have expressed that. I think that the present situation allowing the four employees and limiting to certain basic needs in society, then to me, from my perspective and I think from people within the religious community—a good number, I mean not all, I am certainly prepared to admit that—a lot of people would say, well, we still want to shop. Again, I think that committed people would feel, keep it to the basic minimum.

**Mr. Storle:** Mr. Chairperson, can Reverend McMillan tell us how many people would be represented directly and indirectly through the Association of Christian Churches in Manitoba?

**Mr. McMillan:** Well, again, as mentioned, the different churches that are mentioned there and the representatives on the board represent those constituencies. I have never bothered to add up or count how many people that might represent within Manitoba.

**Mr. Storle:** Would it be fair to say that we are talking about tens of thousands of people?

**Mr. McMillan:** Well, it would be a significant number. I think I am prepared to say that. How many thousands—I am guessing how many. They are representatives of those religious communities, so it would be in the thousands. How many I would not want to put a specific number on.

**Mr. Storle:** Mr. Chairperson, I was attempting to make the point. I appreciate the fact that Reverend McMillan may not know the exact answer. I was simply trying to come to grips with how Mr. McMillan's views and his views on behalf of this association and the United Church, how many people it represented, because the minister and the government continue to present this as an option before the Legislature with a view that somehow Manitobans are overwhelmingly pushing and pursuing additional Sunday shopping opportunities. They use the argument that because when the stores were open they came as an argument showing, somehow, necessity. I

was going to get to the question of whether you had surveyed your membership or whether there has been any informal assessment amongst your membership of their views on the issue.

**Mr. McMillan:** Mr. Chairperson, no, we have not and, again, it is individuals who represent, as I say, their constituencies and who are aware of the minds of a good number of people in their religious community. There has been no actual survey conducted amongst any of the various denominations that represented the report.

**Mr. Storle:** That is all the questions I have for now.

**Mr. Stefanson:** I just have one question, Mr. Chairperson, and we did talk last night certainly occasionally and at some length about family and family values and the family unit. Speaking personally, I indicated that if I felt in any way legislation like this was doing harm or detracting from the family unit or the family value, I would not be supporting it. Obviously, I do not feel that is the case.

I am curious how the issue of Sunday shopping and people working and/or shopping on Sunday, the concern about leading to the destruction or problems with the family unit would compare with what we see happening in the rest of society, that literally, other than the retail sector, literally every other sector, we now do see them working on Sundays. We see people being able to utilize their services and/or product, whether it is the service industries, the hotels, the restaurants, whether it is our transportation sector, our airlines, our railways, whether it is our agricultural community, our farmers. I could go on and on, and go through literally every other sector in society that people do work on Sunday. People do utilize those services.

If Sunday shopping is going to be the destruction of the family unit or of family values, how do all of those other things compare or relate to that fundamental issue, I guess, is the problem I have.

**Mr. McMillan:** Again, I think it has been pointed out, the increase in terms of the additional number of people that are going to have to work and the impact that would mean upon family life, just the acceleration, the increase of that many more individuals having to work and the impact that that would mean, we have heard it over and over again, that story of those workers, the number of workers

and how many other people would be affected by it, to minimize that, to keep it a minimum.

**Mr. Stefanson:** Just one follow-up question, as a result of your answer, we also all recognize, I think, that in many cases one of the greatest pressures on families and individuals is financial, and a job, and the financial returns the families can have. If Sunday shopping in many of those cases creates incremental hours for individuals or additional employment, would you not agree that in many instances that is a benefit to some families?

**Mr. McMillan:** That argument, I have heard it; I am well aware. We were part of the church and community inquiry into unemployment, and we heard first-hand from individuals the devastation of unemployment and what that has meant to individuals and family in the community. So I think the temptation I see is just that. That might become a quick fix. I do not think it is. I think that there are much deeper-rooted causes in our economic system which also need some social values within the economic system that allow for other types of work rather than finding the temptation that that is the means to the end.

I would not personally be willing to accept that argument. They need work, but I do not think that is the answer. I do not think it is.

**Mr. Storie:** I just did not want the committee to close on the remarks of the minister who suggests, or tried to suggest somehow, that the majority of Manitobans work on Sunday.

The vast, vast majority of Manitobans do not work on Sunday, Mr. Chairperson.

**Mr. Chairperson:** I am sorry, is this a point of order, Mr. Storie?

**Mr. Storie:** This is a comment, then a question, Mr. Chairperson.

The vast majority of Manitobans do not work on Sunday, and Mr. Chairperson, my question to Reverend McMillan is: Has The Association of Christian Churches or the United Church or have you individually received any information, or has anyone with whom you have discussed this issue received any information from the government that deals with the number of Manitobans who are currently working, the number who might be working under this scenario if this legislation was improved?

Does the government appear to have done any homework on the implications of this issue on family life, never mind the economic questions which clearly are going to undermine rural small businesses and small businesses in the city?

**Mr. McMillan:** We have not received any information, and I think what we said earlier, I mean, it is very difficult to measure some of those effects upon family, community life, but again, I think that they will have their consequences in terms of the stress. I mean, we see it, what the economy does do to people, the impact of stress on individuals and families and communities. I think this is just another example of adding stress to family life.

**Mr. Daryl Reid (Transcona):** I have a few questions I would like to ask Reverend McMillan with respect to family values, but I am not sure if he was here to listen to some of the presentations earlier today, or had the opportunity to hear some of the presentations last evening. There are several here that I have copies of.

Of course, there are various positions that have been put forward, depending upon the type of industry and the type of community that the presenters come forward from. Some of the small family businesses, of course, have said that they are opposed to this full-scale Sunday shopping. They see that will have a detrimental or negative impact upon their operations and the members of their staff that have to work there and their families as well. Then we see some of the larger organizations that say that they are in favour of full-scale Sunday shopping or wide-open Sunday shopping or Sunday working.

I look at the presentation that was put forward by the Winnipeg Presbytery of the United Church of Canada, and it calls upon the government to oppose the wide-open Sunday shopping or Sunday working. That was a position obviously taken by the Presbytery itself and then brought forward as part of your presentation. Can you give me an indication, Reverend McMillan, what you see as being the impact on the families of the church members of your congregations throughout the province? What will be the impact that you see upon these families and the family values or the family way of life?

**Mr. McMillan:** Yes, I have heard most of the presentations last night and all of them this

morning, and it was raised in different contexts, the impact on family life. Again, I think people have mentioned, in terms of—I mentioned one myself in terms of one small area, in which people will not be able to attend worship because they have to work, even other comments made from the other presentations in terms of being able to plan certain events on Sundays if they do not know whether they are working or not working on certain Sundays.

In our community life today, where do you find time to get families together to say let us plan for, not necessarily a religious get-together, but a gathering to go to the park or to go someplace and do something together, even on a weekend, or down to the lake together? It is one more thrust that will just tend to—one of the radio shows had a discussion on this and there was one person who was working on Sundays and she said she no longer was able to get to see her grandmother because she had to work on Sundays. That to me is a value conflict, of working for some money as opposed to a family relationship and that seems to me to reflect just what we are saying here.

\* (1410)

**Mr. Reid:** So, Reverend McMillan, you see that the people that are being put in a position where they have to work through various reasons, whether they be economic or otherwise, where they have to make the decision to go and work, it is actually pulling them away from their family members then. They do not have the opportunity to spend that quality time. Do you think that this legislation will further erode those opportunities for these people that want to spend that quality time with their family members?

**Mr. McMillan:** Yes, again I think I have made that point. I do believe that, and as I say, it just continues to accelerate and escalate these factors that mitigate against continuing to nurture and build up the family life and quality time. We see enough of the other news in the news every day about what happens to youths and the breakdowns in family life and the consequences of that.

**Mr. Reid:** Reverend McMillan, you had talked in some of your comments here today about social values. Of course, we see ever-changing values in our society, and we have witnessed even in the headlines of the newspaper this week where there are gang activities taking place within the province.

I am not sure what that suggests to you, but it suggests to me that there is every likelihood there may be problems within the family unit where individuals, youths of society, have to go and gather in gangs and prey upon one another and other members of our society. That suggests to me that had there been a strong family unit there, maybe activities like that would not have to take place and would not take place.

Do you see, Reverend McMillan, further changes in this direction of our society if we have our parents, our adults, having to work on Sunday further pulling them away from that family unit?

**Mr. McMillan:** Yes, Mr. Chairperson, I do. I think, as I say, it just makes it that much more difficult to uphold, nurture, strengthen the network of relationships. We recognize, as well, the nuclear family has been breaking down, but the sense of people—not just even of families—but people getting together, friends, the community, visiting, whatever it is that allows for relationships to be nurtured and to be supported. To me it is not just an immediate family, it is a broader context of relationships in community that will also just I think suffer even more.

**Mr. Reid:** You talked about members of society suffering, and I know the minister has talked here about some other aspects for people that have to take part in essential services. I know, myself, during my working career, I have had to work on Sundays. It was not by choice, but I was a member of an industry that was deemed to be essential, and of course I was forced to work for protection of my job as well, as that was the legislation of the country at the time. There were also considerations there, financial considerations for my family that forced myself, and I am sure many other members of our society that are employed in the essential services, to go to those jobs and to provide that service to members of our community.

Does the Winnipeg Presbytery and the Association of Christian Churches in Manitoba see that there would be any financial impact upon those individual churches themselves? Do you see that there would be declining attendance in any of your church activities as a result of people then moving to work the Sundays in lieu of or instead of attending church activities or functions?



**Mr. McMillan:** Yes, I think I referred to that again just on a very small basis that where more people have to go to work, as we said earlier, the more people that have to go to work obviously means that a certain percentage, whatever percentage that might be, would obviously be people who may wish to attend church. If they have to be at work, they start work at twelve o'clock on Sunday. In terms of some of the times of worship services amongst the faith community, that would obviously prohibit them from attending that service either with themselves or with their family or friends.

**Mr. Storie:** . . . by remembering your remarks. It is not in your brief but in your remarks early on in your presentation, you also commented on your concern that the government had chosen in this second piece of legislation, after they obviously could not decide in their caucus on a course of action, to foist this off onto the municipalities. Last night, as you indicate—you were here and heard the presentations—there was almost universal condemnation of the government for abdicating its provincial responsibility, and it leads me to the question of leadership on this issue.

We had earlier talked about the inevitability of more shopping and more consumerism in our society, and I am wondering what role—or maybe a fairer question for the government, and I appreciate that the Minister of Industry, Trade and Tourism (Mr. Stefanson) and perhaps the Premier (Mr. Filmon) are under pressure from certain groups, perhaps the Winnipeg Chamber of Commerce, perhaps other groups, to promote Sunday shopping.

Given your concerns about family and social values and how this will affect family life and, as my colleague from Transcona says, perhaps we will see repercussions of this in terms of the activity of our children and the health of our communities, what advice could you give to the government in terms of how they might show leadership on this issue to move in a different direction, to say what we need is less consumerism, what we need is more time to be with our family?

**Mr. McMillan:** Well, both the Presbytery and the association feel that it is the responsibility of the government to make the decision, and not to pass the law on to the municipalities. So, again, I think that allows for the government to make a decision that affects all of the province. We have heard throughout the presentations what could happen if

there is not some uniformity, and so, again, within that context I think that then upholds, within the pressures the government is under economically and so forth, that it would uphold some of these other values that we have talked about on a province-wide basis.

I mean, it is not just Winnipeg where there is concern about family life, it is your rural communities throughout the whole province, so those values speak provincially in terms of trying to build up and nurture and sustain quality of family life and friendship and community life, and so to me it relates to the fact that the provincial government needs to make that decision not to allow wide-open Sunday shopping.

**Mr. Storie:** Mr. Chairperson, I want to thank Reverend McMillan for that unequivocal answer on that issue.

Back to the question of leadership, in your opinion do you think that the government could promote or argue, reverse its decision on Sunday shopping by arguing that the role of individual workers, men and women who might work on Sunday, the role of Sunday shopping in our society is antithetical to our need for family time, our time for worship, our time to be together as communities? Could they sell that argument?

\* (1420)

**Mr. McMillan:** Well, I mean, you have heard the arguments over the last night and this morning, the pressure is from all segments of the community. That is what the hearings are about, to hear and to weigh out, and my concern is that oftentimes those decisions do not hold within them some of these other values. It oftentimes is strictly an economic bottom-line decision, and so I think that is why the government needs to hear some of these other values that are being expressed, and I thought it was very, as I say, interesting that it is not just the religious community.

So many other of the presentations, organizations were also pointing out these other qualities, qualities of life that affect individuals, families, communities. That is the context in which the government needs to make the decision.

**Mr. Penner:** I find, Mr. McMillan, your position interesting. I welcome your remarks in regard to your concerns about the church community and how legislation that touches this would affect the church community.

I understand that you have a number of parishes or congregations in Manitoba, whether it is in the city of Winnipeg or in many of the rural communities, in the rural towns, the United Church would have many churches there. Are they in large part administered locally and run locally?

**Mr. McMillan:** Yes, they are.

**Mr. Penner:** Many of the decisions that the local church groups or boards make are not governed by the central church, in other words, or by your presbytery. It would be the local board's decision as to what hours they would want to conduct services or what days they would want to conduct services or how they best serve their members, is that correct?

**Mr. McMillan:** Yes, there are some decisions, as I say, that are made locally.

**Mr. Penner:** Bill 23 is enabling legislation that allows local governments and local people to make decisions for themselves as to how they want to conduct and when they want to conduct business in their communities. Do you concur with that kind of local decision making?

**Mr. McMillan:** Mr. Chair, I think, yes, there are local decisions made in the church, just as there are with municipalities. There are also other decisions made at a higher level, shall we say, through presbytery conferences of the church, that because of the nature of those decisions, the total context and implications of a decision is the responsibility of the wider body. I guess that is what I would bring to this context as well, that whilst some decisions obviously are municipal, there are also some decisions that need to be made at broader or higher levels, shall we say, the provincial level.

**Mr. Penner:** Mr. Chairperson, I could not concur with you more. I think central governments do have a role to play in setting standards of operation and all those kind of things, ensuring that the employees' best interests are looked after and those kind of things, that the safety and the health of the product sold and all those kind of things should be regulated by a higher authority. However, local governments do have a tremendous amount of responsibility when it comes to the operations and the best interests of their community, recognizing and accepting the fact that the ethnic groups are very diverse in this province, and many of the communities reflect those ethnic

groups and beliefs and different religions and/or beliefs.

Respecting that some might worship on other days than some, would you concur that those decisions should reflect the realities of the given community and how they feel? That they should in fact have the right to have some decision-making powers as to how the business in their community is conducted as well?

**Mr. McMillan:** Mr. Chair, in response to that again, I guess I would go back to many of the statements that have been made at this hearing over the last few hours. Because whether it is a decision—I mean, Mr. Hopkins, the president of the Winnipeg Chamber of Commerce, I could see making decisions because people, that is their business; therefore, they have the right to make those decisions.

Some municipalities say, well, this is our decision, as you are suggesting; therefore, we have the right to make that decision. But I guess I have heard over and over again how the impact upon that of the total picture and how if one municipality is going to be open, what kind of impact does that have upon the other municipality? That seemed to me to come through loud and clear, because again, if people are going to be open there, the competition, we have to be open in order to preserve ourselves. So I do not think you can see—I cannot anyway, I cannot see decisions being made in isolation. I think it has to be in the context of the total.

**Mr. Penner:** I was, Mr. McMillan, really not reflecting so much on the economics of those kinds of decisions. I was reflecting really more on the social and moral and reflecting the mosaic of the community and the realities of the decision-making powers within those communities and whether they should in fact, when they make those kinds of decisions, and when governments, central governments, make decisions on legislation, whether we should try to attempt to recognize those differences that we have in the various communities and the various beliefs and the impacts of the central decision on the general public, whether we should allow for local decision making to reflect the realities of those communities, and how they in fact impact the social network within those communities, and should those decisions be localized or should those also be centralized?

**Mr. McMillan:** Well, again, yes, I think we need to respect in terms of what we have talked about here, Mr. Chair, that those sensitivities to whether it be cultural differences, religious differences, social differences, whatever. I mean those factors need to be taken into account in terms of the decisions within provincial decisions, within bodies within their jurisdiction, just as it does have to be nationally, federally, to different regions because we are multicultural.

There are many different facets, and again, that has been expressed. So, yes, those factors have to be taken into consideration. I quite agree.

**Mr. Rose:** I want to come back to a point made by Mr. Reid. A few moments ago, he was talking about the youth gangs that we have heard about in the last week or two, and of course, we are all concerned about that. I certainly think we recognize that breakdown of family values are partly responsible.

But at the same time, I cannot help but wonder, and it was mentioned in a couple of the presentations last night, that some of the people that are hired to take up the extra hours that are necessary for Sunday shopping are young people, high school students or university students.

It seems to me that the opportunity for employment and a feeling of self-worth and making some small income, I guess in short, is it not better for our young people to be working inside a shopping mall rather than be gathered in the parking lot outside?

**Mr. McMillan:** Mr. Chair, obviously, they are better to be working than in the gangs and fighting one another. I guess it is a matter of when those times occur.

We are saying that by providing wide-open Sunday and allowing those few hours, that that is not going to solve those basic problems.

**Mr. Chairperson:** Thank you very much for your presentation, Reverend McMillan.

**Mr. McMillan:** Thank you for your time and consideration.

**Mr. Chairperson:** Since all presentations have been heard regarding Bills 4 and 23, shall we proceed with the detailed consideration of the bill? What is the will of the committee?

**Mr. Storie:** I think there was agreement that after the presentations we would adjourn. I understand the House has adjourned already, and we would be ready to undertake clause by clause at the calling of the committee next time.

**Mr. Chairperson:** Is that the will of the committee?

**Mr. Penner:** Mr. Chairperson, that means then that the committee would not hear any more presentations. It would then simply convene to consider the legislation.

**Mr. Chairperson:** Correct.

**Mr. Penner:** Is that agreed?

**Mr. Chairperson:** That is agreed. [interjection] I believe it is up to the call of the House leader to call this committee back, as a point of clarification.

If I could get some direction from the committee as to how we should proceed, is it the wish of the committee to proceed with the bill consideration of clause by clause? What is the will of the committee?

**Mr. Storie:** Mr. Chairperson, I thought we had an understanding that we would finish presentations today and leave clause by clause to another time. That was my understanding, that we were to wrap up the public presentations.

I expressed concern earlier to the minister that because there were still people on the list who have not had a chance to present, they may have been under the impression that the public presentations would take substantially longer. I was prepared, however, to stop public presentations at this time to work on the clause by clause at the next calling of the committee.

I understand now that there has been a change of heart, and the government wishes to pursue clause by clause. Obviously, the government has a majority on committee, and if they wish to pursue that, I guess we can take that route, but it certainly was not what was agreed to earlier.

**Hon. Clayton Manness (Minister of Finance):** Mr. Chairperson, I am not at liberty to state a view as to what may have been formally or informally agreed upon earlier, but in listening very carefully to Mr. Storie, he says there is a requirement for a fair amount of time to be devoted toward clause-by-clause consideration. I take that at face value. I take that to mean that there is a fair

amount of time required to consider clause-by-clause consideration.

Mr. Chairperson, it is now 2:30 in the afternoon, and I would think that we could spend some portion of that time, that request for significant time, by continuing this committee and doing exactly that.

**Mrs. Carstairs:** I was not here last evening, so I have no formal knowledge of exactly what was determined. I do know two things, however: one that Mr. Gaudry did tell me that he understood the only thing we were going to deal with today was, in fact, presentations; the second thing was that I thought we had an understanding that the House, and I assumed that was committee, was going to be finished today by 2:30.

I realize that we are not bound by that, but the only reason I agreed to be a member of this committee today was because I assumed we were going to be finished at 2:30. This is my last day as the Leader of the party, and it is not the exact way I intended to spend my last day, in that I may have to be here in committee until five or 5:30 this afternoon. So I just add that.

**Mr. Penner:** Mr. Chairperson, I appreciate what Mrs. Carstairs and Mr. Storie are saying, but at no time did this committee agree last night to sit and consider only the presentations. We agreed last night that we would continue the sitting of this committee to hear the presentation and continue with the consideration of the bill. That was the agreement we came to last night.

There was some question last night as to whether we would want to continue and finalize the hearings of the bill last night, and there were those that would rather appear here today. We came to a conclusion that we would meet again today and take into consideration those presentations, as well as the continuation of the conduct of considering the bill. It was the understanding I was led to here last night. I did not hear anything to the contrary of that, so I would propose, Mr. Chairperson, that we continue with the consideration of the bill at this time.

**Mr. Chairperson:** Is it the will of the committee? Agreed?

**An Honourable Member:** No, Mr. Chairperson, no.

**Mr. Chairperson:** Mr. Minister, do you have any opening statements?

**Mr. Stefanson:** Mr. Chairperson, I would like to open with some very brief comments on Bills 4 and 23.

Bill 4 passed second reading on December 16, 1992. This bill was introduced to allow a trial period on Sunday shopping from November 29, 1992, to April 6, 1993. Retail outlets were allowed to open from noon until 6 p.m. on Sundays without restrictions on staff numbers.

On March 26, 1993, I announced that the trial period would be extended to September 30, 1993, and after that time, local governments would have the power to pass a by-law allowing Sunday and holiday shopping.

Bill 23, which passed second reading on May 26, is the legislation which allows this to happen. Bill 23 is divided into three parts.

Part 1 extends the trial period from April 13 to September 30. The rules for closing on Sundays are the same as during the original trial period. Retail outlets, which normally operate with more than four employees, are allowed to open between noon and 6 p.m.

Part 2 outlines what will happen after September 30. Local governments will have the option of passing a by-law which allows shopping on Sundays and holidays within certain parameters. Businesses that normally operate with more than four employees will be allowed to open between noon and 6 p.m. on Sundays, if the local government passes such a by-law.

This by-law can allow for Sunday shopping year around or for only a specific period of time.

Retail outlets will not be allowed to open on New Year's Day, Good Friday, Easter Sunday, Canada Day, Labour Day or Christmas Day. Victoria Day and Thanksgiving Day can be treated like regular Sundays.

If a local government does not pass a by-law allowing Sunday shopping, then only stores with four or less employees will be allowed to open.

Part 3 sets out the coming into force of the legislation. I will be proposing a minor amendment to this section which does not change the substance of the bill, but clarifies the coming into force.

Both for the trial period and after September 30, employees who do not wish to work on Sundays will have the right to refuse work on Sundays. In

addition, retailers will have the choice of whether or not to open on Sundays, regardless of any lease provisions.

Thank you, Mr. Chairperson.

**Mr. Storie:** Well, Mr. Chairperson, I am just a little confused about where the minister is going with the two pieces of legislation. We have had public presentations on two bills. What is the status of Bill 4?

\* (1440)

**Mr. Chairperson:** Mr. Minister? I am sorry, would Mr. Storie please repeat his question of the minister please?

**Mr. Storie:** My first question is, Mr. Chairperson, I had indicated earlier that my expectation was that we would not be getting into clause by clause today, that I have in fact not prepared my clause-by-clause arguments sufficiently and nor do I have all of the amendments that I had been contemplating that might be introduced.

A couple of new amendments were presented actually today, possible amendments. I would still ask for the indulgence of the minister to adjourn committee and reconvene at some other point where we may review clause by clause. I had promised to do it as expeditiously as possible, but if the minister wishes for me to continue with my remarks perhaps for the rest of the afternoon and evening, I can certainly do that, but I think some of it may be redundant at some point. Of course, it is up to you where you want to go with that.

**Mr. Stefanson:** I would ask for a five-minute recess, please.

**Mr. Chairperson:** Is it the will of the committee for a five-minute recess? [agreed]

\* \* \*

The committee recessed at 12:43 p.m.

### After Recess

The committee resumed at 12:46 p.m.

(Mr. Jack Penner, Acting Chairperson, in the Chair)

**The Acting Chairperson (Mr. Penner):** What is the will of the committee?

**Mr. Stefanson:** To adjourn, I imagine. I do not know whether we set the time here or whether that

is done by the House leader in the House, but there was discussion around Wednesday morning reconvening to deal with the two bills clause by clause.

**The Acting Chairperson (Mr. Penner):** Is it the will of the committee to adjourn? [agreed]

Committee adjourn.

**COMMITTEE ROSE AT:** 12:46 p.m.

### WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Dear Honourable Eric Stefanson:

Re: Canada Safeway Submission—Sunday Opening—Bill 23

Canada Safeway wishes to formally submit its support of liberalized Sunday shopping hours in Manitoba as stated in Bill 23 and would like to address the concerns of those opposed.

By way of a little history, Canada Safeway operates 36 stores in seven communities in the province of Manitoba. These stores, although commonly referred to as grocery stores, in fact, sell a wide range of products from the more traditional canned goods, produce, meat and bakery items to video tapes, cards, books, etc.

We currently employ 3,700 retail employees in Winnipeg, Brandon, Thompson, Dauphin, Neepawa, Portage la Prairie and Selkirk. These employees are represented by the United Food & Commercial Workers with which we have a long and stable bargaining history.

When a major competitor opened Sundays a number of years ago, it was necessary to follow that lead because of increasing consumer demand for this service.

To those who have concerns regarding the exploitation of employees, the legislation is structured such that, "Employees of retail firms which normally operate with more than four staff, which intend to open with full complement on Sundays, will have the absolute right of refusal to work on the Sunday, if they exercise their right 14 days prior to a work assignment on a Sunday."

No hardship is put on any one employee, as there are many willing weekend employees, particularly students and working mothers who are happy to work Saturday or Sunday.

I am sure we are all aware in these tough economic times that any opportunity for part-time work and increased compensation cannot be tossed out the window. Sunday shopping helps the economy by creating jobs.

Increased employment and sales as a result of liberalized Sunday shopping has been tracked in our Manitoba store system. Upwards of 3,000 hours have been added per week. This figure, if extrapolated over one year, would result in 136,188 man-hours or 70 full-time jobs gained or conversely lost along with some \$1,880,597, if this legislation is defeated.

This opportunity, 1.9 million in annual payroll, would no longer be available to residents of Manitoba and has a multiplier factor which would severely impact other resident businesses which service our employees.

Another argument we have heard in the past states that the move to seven-day shopping simply spreads sales over seven rather than six days.

Again, in our experience, this is not true. We have been able to over the trial period track sales and calculate the effect of full service Sunday shopping. We have found that upwards of 75 percent of Sunday sales is new business. This means that for every dollar spent in our stores on Sunday, 75 cents would not be spent on another day of the week and would be lost to us.

The issue before the committee is also one of fairness. If a common pause day and consideration of employees and quality of family life is going to be a factor, what about the employees working in hotels, restaurants, drugstores, pumping gas, et cetera, the list goes on and on.

Do they not deserve the same treatment? Why do we discriminate against a certain segment of the retail market and their employees for the sake of supposedly maintaining a Sunday day of rest? Why are there a large number of nonessential businesses, employing thousands, allowed to open on Sunday?

Again, why are we discriminating against the retail business employee by not allowing them the opportunity to earn extra dollars through increased available work?

In February, Angus Reid conducted a survey on Sunday shopping for Canada Safeway which found overall Manitobans support Sunday shopping.

The following points are findings from this report:

1. Public support for Sunday shopping in large grocery stores has gradually increased in Manitoba from 49 percent in 1986 to 59 percent in February 1993. This support is sure to continue growing as shown by the large percentage, 91 percent of 18- to 24-year-olds surveyed, agree with Sunday shopping.

2. There is considerable support for Sunday business openings in large centres like Winnipeg with 71 percent in favour.

In rural regions of the province, opinion is fairly split on whether or not large stores should be allowed to open on Sundays (51 percent support, 46 percent oppose). Interestingly, overall support for Sunday shopping in Manitoba is 62 percent. The main reason given for opposition to Sunday shopping is not religious or concern over employees or small business but that there is plenty of time during the week to shop.

I submit that this may have been the case years ago, but changing lifestyles have necessitated increased hours to accommodate busy lifestyles.

The reality of many more women in the workforce, more single-parent families and the economic necessity of both parents working necessitates providing increased shopping options.

I would like to mention two other issues in support of liberalized Sunday shopping, i.e., promotion of both tourism and Manitoba as the multicultural centre of Canada.

We are extremely proud of the many tourist opportunities in Manitoba and would like to see this area grow. How can we expect to encourage Manitobans and tourists to experience Manitoba when they are greeted by a veritable ghost-town atmosphere on their weekend sojourn?

Manitobans are proud of their multiculturalism, but part of that multiculturalism is accepting and realizing differences. Are we not imposing Christian values on people from other ethnic backgrounds by assuming only this religious holiday should be observed?

The undisputed popularity of Sunday shopping is evident in all our markets and was evidenced in Manitoba by the incredibly long line-ups in our stores open with only four employees before the trial period began.

In Saskatchewan, Sunday has become our busiest day of the week. The independent grocers have stated their objection on the ground that large retail chains are interested only in increasing market share.

I submit that our desire to remain open is more one of maintaining our market share in a time when many new competitors are arriving in this market area, competitors who are in the retail grocery business but also those that are not, but sell a full range of products similar to those in our stores.

We have close to 4,000 employee jobs to protect, and it is up to us to do everything possible to protect all or as many of those jobs as possible.

Today's consumer wants and deserves the right to make the choice on when they can shop, and in

our experience, when given that choice, an overwhelming number choose to shop on Sundays.

In summary, we would like to thank the committee for the opportunity to make this submission.

We would also, as a company doing business in many areas of Manitoba and has been part of Manitoba for 64 years, thank the committee for their consideration of this submission and taking the time to consider our position on this matter.

Sincerely,

Canada Safeway Limited  
Linda "Toby" Oswald  
Public Affairs Manager