



First Session - Thirty-Seventh Legislature

of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, July 12, 2000

The House met at 1:30 p.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

#### Committee of Supply

**Mr. Conrad Santos (Chairperson):** The Committee of Supply has adopted certain resolutions, directs me to report progress and asks leave to sit again.

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

*Motion agreed to.*

### MINISTERIAL STATEMENTS

#### Flood Forecast

**Hon. Steve Ashton (Minister of Highways and Government Services):** Mr. Speaker, I have a statement.

I want to give the House a further update in regard to the flooding that has occurred because of heavy rains experienced over the last two weeks. I want to indicate that currently we now have resolutions from five municipalities, the R.M.s of Lac du Bonnet, La Broquerie, Stuartburn, Springfield and Headingley which have passed resolutions requesting disaster financial assistance from the Province. In addition to that, Manitoba Emergency Measures Organization has received 43 calls from citizens affected by the heavy rain.

Mr. Speaker, the clear skies we are experiencing today will have an obvious influence on those conditions and the forecasts for the next few days are equally promising. Manitoba Emergency Measures Organization is working with

municipal governments, including the City of Winnipeg, to assess the impact of flooding on residential and commercial properties, along with public infrastructure such as roads. At this point the role of the Manitoba Emergency Measures Organization will continue to be to gather information on what the impact has been of these heavy rains so that we can make an informed evaluation of the situation. I will keep the House informed of any further developments.

I also want to indicate my offer to make staff from Emergency Measures available to members opposite for a briefing if they wish. I can also indicate I have not had the opportunity to talk to the critic yet, but I will be going out to the municipality of Headingley later on, and I certainly would invite the Opposition critic to come along to take a look first-hand. Also, I believe the Minister of Agriculture (Ms. Wowchuk) will be looking into the impact on a number of areas as well.

Thank you, Mr. Speaker.

**Mr. Harry Enns (Lakeside):** Mr. Speaker, well, like yesterday, we on this side appreciate this further information, but I have to start raising the question about the role of this government to sit back and evaluate and gather information. There are many, many frustrated Manitobans that are being hurt throughout the province and indeed in the city of Winnipeg who are looking for some visible signs of response by this government. I see none of that in the Minister's statement. I ask him to continue doing what he is doing and charge his appropriate agencies, whether it is the Emergency Measures Organization.

But I will tell you it is assistance that is being sought by many of our citizens who are rapidly drowning in their own frustration and with additional waters coming up on them. So this House and this opposition will be looking for some direction and action as a result of the evaluation that the Minister proposes in this document.

**Hon. Jon Gerrard (River Heights):** I ask for leave to speak on the Minister's statement.

**Mr. Speaker:** Does the Honourable Member have leave? [*Agreed*]

\* (13:35)

**Mr. Gerrard:** I welcome the Minister's statement and the Minister's involvement in the wet-weather disaster that has been going on and may continue to go on. I would suggest to the Minister, as well, that it is important that there be some attempt to gather data on the extent of the problem other than just waiting for phone calls to come in. My experience talking with many Manitobans suggests to me that there are many who are quietly and calmly dealing with water in their basements without phoning the Government, and in that situation we should at least have some assessment of the extent to which this has happened, as well as the extent to which there are problems in the farm community. Thank you.

## INTRODUCTION OF BILLS

### Bill 45—The Teachers' Pensions Amendment Act

**Hon. Drew Caldwell (Minister of Education and Training):** Mr. Speaker, I move, seconded by the Honourable Minister of Agriculture and Food (Ms. Wowchuk), for the attached first reading motion, that leave be given to introduce Bill 45, The Teachers' Pensions Amendment Act (Loi modifiant la Loi sur la pension de retraite des enseignants).

His Honour the Lieutenant-Governor, having been advised of the contents of this bill, recommends it to the House. I would like to also table the Lieutenant-Governor's message, which the page has.

I move, seconded by the Honourable Minister of Agriculture and Food (Ms. Wowchuk), that the motion now be read a first time.

*Motion presented.*

**Mr. Caldwell:** Mr. Speaker, women who take leave from their teaching positions or other simi-

lar professional jobs in the public school system to have children are currently precluded from purchasing that maternity leave time as pensionable service. This bill gives women the right to purchase on a cost-shared basis with the employer, service relating to a maternity leave, thereby addressing a long-standing issue of equity in the system.

*Motion agreed to.*

### Bill 48—The Rural Development Bonds Amendment Act

**Hon. Jean Friesen (Minister of Intergovernmental Affairs):** Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Selinger), that leave be given to introduce Bill 48, The Rural Development Bonds Amendment Act; Loi modifiant la Loi sur les obligations de développement rural, and that the same be now received and read a first time.

His Honour the Lieutenant-Governor, having been advised of the contents of this bill, recommends it to the House.

I would like to table the Lieutenant-Governor's message.

*Motion presented.*

**Ms. Friesen:** The major purpose of this bill is to expand the scope of the Act to allow potential investment in eligible businesses in the city of Winnipeg. Because of this, the title of the Act and references throughout the Act are changing to refer to community development bonds.

*Motion agreed to.*

## Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable members to the gallery where we have with us today 10 Korean English as a Second Language students from Winnipeg Technical College, training in the hospitality industry, under the direction of Mr. Richard Iwabuchi.

\* (13:40)

On behalf of all honourable members, I welcome you here today.

## ORAL QUESTION PERIOD

### Labour Management Review Committee Labour Legislation

**Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition):** Mr. Speaker, this Premier and his government have tried everything within their power to try to convince Manitobans and Manitoba businesses that they are different, that Today's NDP is different from the NDP of old that was run and beholden to the union bosses.

Of course, Mr. Speaker, we see an entirely different circumstance today. We see a government that is beholden to union bosses and in fact is run by union bosses. We see a reversal to the past, to the old days of Howard Pawley. This government is—

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

**Mr. Speaker:** Order.

**Mrs. Mitchelson:** Thank you, Mr. Speaker. We see a government that is literally falling all over itself trying to bring in regressive labour legislation when it has done absolutely nothing to address the issues or the plight of Manitoba agriculture and Manitoba farmers and farm families.

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

**Mr. Speaker:** Order.

**Mrs. Mitchelson:** Thank you, Mr. Speaker. My question for the Premier is: Why did he ignore the report of the Labour Management Review Committee which obviously shows that management had significant opposition to the amendments that were brought in to the proposed labour legislation? They were completely ignored by this government.

**Hon. Gary Doer (Premier):** If I recall the numbers correctly, Mr. Speaker, we are the only political party that received support in the past from both unions and corporations. If I recall correctly, it was four or five times more support from corporations to members opposite when they were in government. If anybody was beholden, it was five times greater for members

opposite. That is why Today's NDP has moved in democratic measures to ban union and corporate donations.

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

**Mr. Speaker:** Order. I would ask the Honourable Member for Russell (Mr. Derkach) and the Honourable Member for Interlake (Mr. Nevakshonoff), when the Speaker stands the Speaker should be heard in silence. I would ask the co-operation of all honourable members.

### Labour Legislation Impact on Business

**Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition):** We see this government resurrecting the ghosts of Howard Pawley. As a matter of fact, the Premier seems to have difficulty sitting in his seat because Howard Pawley is still there directing the actions of this government.

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

**Mr. Speaker:** Order.

**Mrs. Mitchelson:** Thank you, Mr. Speaker. This government waited until after their so-called Century Summit to bring in such regressive labour legislation and spring it upon Manitoba businesses without their consent or their understanding. They have betrayed the trust of Manitoba's business leaders and indeed the trust of all Manitobans, revealing that they are not the NDP that they said they were in the 1999 election campaign, but they are the NDP of yesterday, who have taken the path of political payback to their union-boss friends.

Mr. Speaker, can the Premier explain to all Manitobans how he thinks this regressive legislation, pro-union legislation, will improve the business climate here in Manitoba?

**Hon. Gary Doer (Premier):** Mr. Speaker, some components of the legislation are elements that were in place when Sterling Lyon was premier.

Mr. Speaker, we believe that reducing the days lost to strike or lockout, reducing conflict, reducing confrontation, increasing the way of es-

establishing and settling disputes after a period of time in a more logical way, like the practice that has been used in first contract legislation since 1984, is a way of reducing confrontation and increasing co-operation and reducing the number of days lost to strike and lockout.

\* (13:45)

We recognize, in the 1990s, that there were 29 situations that went past 60 days. We think this will aid Manitoba families in ensuring that we have less days lost to strike and lockout, therefore more days at the workplace on behalf of working Manitobans and working companies in Manitoba.

**Mrs. Mitchelson:** Well, Mr. Speaker, I am surprised that Eugene Kostyra is not sitting in the loge and coaching the members of the Government on their answers to questions. It is obvious that he wrote the labour legislation that has been introduced into this House, and he seems to be everywhere and intervening in every action that this government is taking right across the board. As a matter of fact, we know that many ministers cannot meet without Eugene Kostyra sitting at their side.

Mr. Speaker, we know that Eugene Kostyra has been appointed to head the Economic Development Board under this administration. We have a union boss managing the business affairs of this province.

I wonder what message the Premier thinks that this sends to Manitoba businesses or to those that might be wanting to relocate in Manitoba. What message does it send when union bosses are running this government and this administration?

**Mr. Doer:** Mr. Speaker, I do not know how much paranoia was contained within that question. I think that is probably the most paranoid set of questions I have heard in this Chamber in a number of years. The Member has been reading too many stories about UFOs and spirits and all kinds of other appearances in the middle of the night.

Mr. Speaker, there have been betrayals of Manitobans, and if one is to read page 16 of the

Monnin report, they will not just see the paranoia, they will see the facts of betrayal. If one is to read on and see a senior civil servant, Mr. Jules Benson, going from the Conservative ministers' offices over to the Conservative headquarters and losing cheques, that is a betrayal of Manitobans, and that is why you are on that side of the aisle.

### **Labour Management Review Committee Labour Legislation**

**Mr. Ron Schuler (Springfield):** Mr. Speaker, by siding with labour on the disputed proposals brought down by the Labour Management Review Committee, the Minister of Labour has contradicted her own statements about fairness and balance. But, to be truthful, the members opposite, who are returning us to the dark days of the Pawley regime, have never been interested in fair play or balance. Yet again we see this government of yesterday's NDP gleefully putting the screws to Manitoba business.

Mr. Speaker, can the Minister explain, now that she has sided against business—

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

**Mr. Speaker:** Order. I would like to remind all honourable members that, according to *Beauchesne's* Citation 501: "it is improper to produce exhibits of any sort in the Chamber." I would ask all members to please put them down.

**Mr. Schuler:** To conclude, this is a government that is gleefully putting the screws to Manitoba business. Can the Minister explain, now that she has sided against business on the disputed proposals of the LMRC, why she continues to piddle-peddle the spin that she is taking a reasonable and balanced approach?

\* (13:50)

**Hon. Becky Barrett (Minister of Labour):** Mr. Speaker, we are not piddling or peddling anything. We have put in place a piece of legislation that will return balance and fairness to the labour relations climate in Manitoba. Of the 11 proposals that were sent to the Labour Management Review Committee, 7 of those proposals had full or partial consensus by both parties. We believe this is a wonderful piece of legislation.

**Mr. Schuler:** Mr. Speaker, why did the Minister even bother consulting with the LMRC in the first place, as it is obvious that she has utterly failed to listen to the most significant concerns of the business community?

**Ms. Barrett:** We made an election commitment and restated that commitment after the election that all pieces of labour legislation would go to the Labour Management Review Committee. We sent the proposals to the Labour Management Review Committee. They did a wonderful job in reporting back positions where they reached consensus, and in some cases they were not able to reach consensus. This piece of legislation reflects labour-management relations concepts that have been in place in labour relations acts in Manitoba as far back as 1947. They reflect changes that were put in place in the former government, in the Sterling Lyon government, in the Duff Roblin government.

**Mr. Schuler:** Then I ask the Minister, Mr. Speaker: Why was section 23 of Bill 44 not part of the recommendations that were sent to the LMRC? Why did she hide from it and not send it to the LMRC? Is this one of her proposals that she is just going to hang them and she is going to hang business high?

**Ms. Barrett:** Mr. Speaker, if I am recalling the rules of the House correctly, before a piece of legislation has come for second reading, it is inappropriate to discuss specific elements of that piece of legislation. I would just like to tell the Member and Manitobans, again, that this legislation is a balanced approach and will bring back, we believe, a good solid labour relations climate in Manitoba which will be good for labour, will be good for business and will be good for all Manitobans.

#### **Manitoba Century Summit Labour Legislation**

**Mr. Harold Gilleshammer (Minnedosa):** Mr. Speaker, this government, with great fanfare, convened the Century Summit last fall. This glossy feel-good report was a result of this meeting of labour, business and government who shared their visions for Manitoba's economic future. Manitoba's business community was lulled to sleep by this Premier (Mr. Doer) and

this government that talked about balance and then ambushed them with this new antibusiness labour legislation.

Mr. Speaker, can the Minister explain where in this report there is any mention of these draconian labour initiatives?

**Hon. Becky Barrett (Minister of Labour):** Mr. Speaker, there is one new part of Bill 44 and that is the alternate dispute resolution mechanism which mirrors the first contract provisions of The Labour Relations Act, which have been in place since 1984, which would mean they were in place throughout the 11 years of the former government. Virtually every other amendment that was brought in is a reflection of labour relations legislation that has been in place in this province as long ago as 1947, that has been in place in this province through many governments, both Tory and New Democrat, including the Sterling Lyon government, the Duff Roblin government, and the Gary Filmon government.

**Mr. Gilleshammer:** Why would this minister not heed the comments of participants in that Century Summit who all agreed that the province would benefit from labour relations that are stable? This legislation ends that current stability. None of those amendments to the legislation were mentioned in this report.

\* (13:55)

**Ms. Barrett:** Mr. Speaker, we believe that the elements that are reflected in Bill 44 will provide for a balanced and stable labour relations community in this province, particularly issues that relate to a very extended strike or lockout. It is in nobody's best interests that workers be on the picket line or on the lockout line for extended periods of time. It is not good for business. It certainly is not good for the economic climate of the province. We need workers in workplaces, productive, in a solid, stable labour relations climate, and that is what Bill 44 will provide.

**Mr. Gilleshammer:** Mr. Speaker, why did this government give Manitoba's business community a false sense of security by asking them to participate in a meeting, the Manitoba Century Summit, and then ignoring their ideas and sabotaging them by introducing this antibusiness labour legislation?

**Ms. Barrett:** Mr. Speaker, far from ignoring the recommendations of the Manitoba Summit, we believe that the provisions of Bill 44 will enhance a stable, balanced labour relations climate in the province of Manitoba which will mean positive outcomes for business persons, for the workers of this province and for the entire community. This is a positive step.

#### **Labour Management Review Committee Labour Legislation**

**Mr. Leonard Derkach (Russell):** The truth about Bill 44, Mr. Speaker, is the fact that a substantial portion of it was not submitted to the Labour Management Review Committee, but, then, should we be surprised when we see how quickly this new NDP Government is wrapping itself in the policies and practices of old Howard Pawley and also the union bosses that were part of that administration? Section 23 of Bill 44, bringing an arbitrator in after 60 days, never made it to the Labour Management Review Committee. This seems, perhaps, to be the most controversial section of the Bill as businesses across this province and across this country are outraged at this matter.

Mr. Speaker, can the Minister explain to Manitobans why she chooses to circumvent the Labour Management Review Committee with this particular section of Bill 44?

**Hon. Becky Barrett (Minister of Labour):** Mr. Speaker, the alternate dispute resolution mechanism that we have put in place in Bill 44 mirrors the first contract legislation which has been in The Labour Relations Act since 1984. It has been in The Labour Relations Act through former NDP governments, through former Tory governments. No one has ever said that the first contract legislation put in place in 1984 in the province of Manitoba was anything but a success. This alternate dispute resolution portion of Bill 44 mirrors that legislation. What it says is that after 60 days of strike or lockout, either side may apply to have the dispute go to a third party.

Mr. Speaker, we believe that this kind of procedure, which mirrors the very successful first contract legislation in The Labour Relations Act, will have a very beneficial effect on the labour relations climate in this province.

#### **Public Consultations**

**Mr. Leonard Derkach (Russell):** Mr. Speaker, I want to ask the Minister what she has to say to the outraged business community who never had the opportunity, not a shred of opportunity to have any input about this unilateral section of Bill 44?

\* (14:00)

**Hon. Becky Barrett (Minister of Labour):** Mr. Speaker, we believe that this section of Bill 44 will have a very positive impact, a very positive effect on the labour relations climate in the province of Manitoba, and by extension, by automatic extension, will make it more positive for the business community as well. An extended strike or lockout does not do any party any good. It is not good for the workers of the province, it is not good for the employers of the province, and it certainly is not good for the Manitoba community at large. We are mirroring a very successful portion of The Labour Relations Act in this alternate dispute resolution mechanism, and we think that this will have a very positive and successful outcome for the people of Manitoba.

**Mr. Derkach:** The fact of the matter, Mr. Speaker, is that she never allowed the business community to have any input into this bill.

#### **Fairness**

**Mr. Leonard Derkach (Russell):** Can this minister explain why she feels that giving labour such an advantage over management is a reasoned and balanced approach? Does she not have any interest in fairness and balance?

**Hon. Becky Barrett (Minister of Labour):** The whole purpose of Bill 44 is to return fairness and balance to the labour relations climate in the province of Manitoba, to return to legislative proposals that have been in The Labour Relations Act for upwards of 50 years, to mirror a very successful first contract portion of The Labour Relations Act. We are very confident that these balanced and reasonable amendments to The Labour Relations Act will have a very positive impact on the labour relations climate in



Manitoba and, by extension, on everybody's life in the province of Manitoba.

### Labour Legislation Impact on Business

**Mr. John Loewen (Fort Whyte):** Mr. Speaker, the members of the non-democratic party tabled some of the most antibusiness legislation that this province has ever seen. The Minister of Labour is right; she is right. Today's NDP is taking us back to the days of the Pawley-Doer government where unions exercised unbalanced influence throughout Manitoba, and our economy and the people in Manitoba suffered for it.

I would like to ask this Minister of Labour how her proposed legislation will benefit Manitobans when, as a result of this legislation, employers will be reluctant to either expand or establish new businesses in Manitoba, and jobs will be lost as a result of it.

**Hon. Becky Barrett (Minister of Labour):** I find it very interesting that the Member is talking about job losses in the province of Manitoba at a time when we have the lowest unemployment rate in the country and the second lowest unemployment rate in the history of Manitoba, second only to 1974 when we had a New Democratic government in the province of Manitoba as well.

Mr. Speaker, we feel that Bill 44, far from scaring business out of the province of Manitoba, will engender a stable labour relations climate, which is one of the areas that business looks at when they look at determining where they are going to be locating their business. In this global economy where businesses have many choices as to where they are going to locate, a stable labour relations climate fostered by balanced labour relations legislation can only be seen as a plus.

**Mr. Loewen:** Mr. Speaker, maybe we should introduce a new concept to this minister; it is called momentum. If she wants to look at where the economy was, she should take a look back to the early '90s that resulted out of her government. My question to this minister—

### Point of Order

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, the Member was rising on a supplementary question. Clearly, supplementary questions do not require a preamble. The Member was going on with one or two exclamatory sentences. I draw attention to *Beauchesne's* Citation 409: "A supplementary question should need no preamble." It is well known to the Member.

Mr. Speaker, would you please draw his attention to that and ask him to succinctly put his question with no preamble?

**Mr. Loewen:** On the same point of order, Mr. Speaker, I was simply identifying to the Minister, who stated in her response about how wonderful the situation is today, I was simply drawing her back to the reality of the last time their party was in power and the momentum that resulted from that. That showed clearly in the early 1990s.

**Mr. Speaker:** Order. Before ruling on the point of order, I would like to draw the attention of all honourable members a point of order is to be used to draw to the Speaker's attention any departure from the rules or practices of the House or to raise concerns over unparliamentary language. A point of order should not be used to ask a question, dispute the accuracy of facts, clarify remarks, move a motion or to raise a point of order. I ask the co-operation of all honourable members when raising a point of order.

On the point of order raised by the Honourable Government House Leader, he does have a point of order. *Beauchesne's* Citation 409(2) advises that a supplementary question should not require a preamble.

\* \* \*

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

**Mr. Loewen:** I would ask the Minister, as to her comments that this piece of legislation will help employers, how she can make that kind of statement when she knows full well that employers across the province are decrying this piece of legislation. I would ask her how she can

say that, how she believes that this legislation specifically will assist employers in Manitoba?

**Ms. Barrett:** Mr. Speaker, in the decade of the '90s when the Official Opposition was in government, there were record numbers of days lost to productivity through strikes and lockouts. Twenty-nine strikes or lockouts, work stoppages in the decade of the '90s lasted more than sixty days, including five work stoppages that lasted more than a year, some of which had upwards of over fifty employees. How many days of productivity were lost just in those twenty-nine work stoppages under that former government's rule that could have been used to increase the productivity in the province of Manitoba? This piece of legislation will benefit workers, employers, and Manitobans at large.

**Mr. Loewen:** Mr. Speaker, I would ask the Minister if she cannot see that she is, indeed, delivering a one-two punch to the citizens of Manitoba. Not only has this government created the highest tax regime in all of Canada, in fact, in all of North—

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

**Mr. Speaker:** Order. I would ask all honourable members to please put their questions through the Chair.

**Mr. Loewen:** Thank you, Mr. Speaker. I would ask the Minister, through you, if she does not indeed see that she is delivering a one-two punch to Manitoba's economy. First, they are giving us the highest taxes in all of Canada; and second, this government is delivering the most anti-business piece of labour legislation that this province has seen.

\* (14:10)

**Ms. Barrett:** Mr. Speaker, we are not delivering a one-two punch. We are delivering balanced, reasonable, responsible labour legislation to the people of Manitoba. Virtually every element in Bill 44 is found in former labour relations act elements that were accepted by the former government and the former, former Tory government and the Tory government before that.

If this legislation was so regressive, was so draconian, was so antibusiness, why did the

former government not repeal it in the first eight years of their term in office? Perhaps the Member should ask the Member for Tuxedo (Mr. Filmon) these questions.

### **Health Care System Minister's Responsibility**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, my question is to the Minister of Health, and it deals with the issue of accountability. When a government is having problems, is disorganized, cannot meet its planning time frames, there is a tendency among politicians to blame bureaucrats and administrators.

I ask the Minister to give this Legislature and the citizens of Manitoba an assurance that on his watch under health care he will take responsibility and not seek to blame administrators and hospital health care workers when problems go wrong.

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, when we assumed office, we identified several significant areas that needed addressing. I think Manitobans know that we have actively pursued a number of areas and done the best we can, and we will continue to do that during the course of our mandate.

### **Health Care Facilities Food Services**

**Hon. Jon Gerrard (River Heights):** My supplementary to the Minister who is in a government which is having trouble keeping the planning time frames: Why is the Minister so incapable of keeping his commitment of January 13 that he would not have an action plan on frozen food by the end of June?

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

**Mr. Speaker:** Order. May I ask the co-operation of all honourable members. The TV cameras are on and the clock is running. I would ask the co-operation of all honourable members, please.

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, we assumed a very bad contract entered into by the previous government, which was something that was identified in yesterday's Auditor's report. Secondly, we put the USSC un-

der the WRHA, which was also something that was identified in the Auditor's report. Thirdly, we put in place a group, an organization, to study, using proper people in place, a process for frozen food, which was also recommended as one of the major defects in the frozen food process.

At the same time, if the Member read the Auditor's report, he would indicate that going to time lines or going on political frameworks was one of the major failings of the former government in dealing with a political agenda in rushing their frozen food program forward.

We said we would have something at the end of June. Now it is going to be at the end of summer. I would prefer to do it correctly rather than fall into the same trap and make the same mistakes that were made by the previous administration with respect to rushing things before they were done and forcing political agendas on people.

**Mr. Gerrard:** Mr. Speaker, when the Minister committed, January 13, to a report and action by the end of June, the citizens of Manitoba perhaps were suckers to believe him, but I think I would ask the Minister to take his commitment seriously. I would ask the Minister to apologize to Manitobans for not being able to meet his commitment by the end of June.

**Mr. Chomiak:** Mr. Speaker, if any apologies are in order, I think the former government and the Member's colleagues who supported frozen food in this Legislature owe an apology to the people of Manitoba for supporting that bad initiative that we opposed from the very start.

Secondly, Mr. Speaker, we put in place our process that has followed the recommendations of the Provincial Auditor. We recognize what the Auditor's report said, that putting unrealistic time frames and rushing processes was one of the things that doomed that terrible experiment by government to failure. A few weeks, to err on the side of caution, to do it right for the patients of Manitoba, I think, is understandable. To do otherwise would be to fall in the same trap as the former government fell into.

### **Labour Management Review Committee Labour Legislation**

**Mr. Marcel Laurendeau (St. Norbert):** Mr. Speaker, my question is for the Minister of Labour. The Minister of Labour seems to make her backroom deals with her union bosses and discusses section 23 with them. Can the Minister tell us why, today, she would not refer section 23 to the LMRC committee?

**Hon. Becky Barrett (Minister of Labour):** Mr. Speaker, we believe that the alternate dispute resolution mechanism that the Member is referring to will, as it mirrors the very successful first contract legislation in The Labour Relations Act, provide for a stable and balanced labour relations climate rather than the record number of days lost to productivity through the 29 work stoppages that lasted over 60 days under the tenure of the former government.

That kind of record is abysmal. We were looking very strongly and seriously, through this piece of legislation, at reversing that very negative component of the labour relations climate in Manitoba.

**Mr. Laurendeau:** Mr. Speaker, is this minister telling this House today that she is the overall hammer and she does not have to go and consult with the business community and that she does not have to send section 23 or anything else? She knows what is best for business and she does not have to communicate with them. Why did she not refer section 23 to the LMRC committee?

**Ms. Barrett:** Mr. Speaker, the issue of an alternate dispute resolution mechanism situation was sent to the LMRC. It was sent to the LMRC, and both parties of the Labour Management Review Committee, both labour and management, recognized the fact that extended strikes and lockouts are not good for management. They are not good for business. They are not good for workers. Perhaps, most importantly, they are not good for the people of Manitoba. They are not good for a productive labour relations climate, and they are not good for business.

**Mr. Laurendeau:** Mr. Speaker, if this minister is telling me that section 23 was referred to LMRC, would this minister then table the report

that shows that both the labour community and the business community were onside with this minister's recommendation?

**Ms. Barrett:** Mr. Speaker, I never have said in any of my discussion about Bill 44 that there was unanimity on every issue that was sent before the Labour Management Review Committee. I did state that on seven of the proposals that were sent to the Labour Management Review Committee, there was partial or full consensus on the part of both labour and management representatives of the LMRC.

If the Member wishes specifics on the recommendations of the report that was drafted by the Labour Management Review Committee, he need only contact Mr. Wally Fox-Decent who was neutral Chair of the LMRC.

#### **Labour Legislation Secret Ballot Voting**

**Mr. Frank Pitura (Morris):** Mr. Speaker, as this NDP Government continues to act in defiance of public opinion, Manitobans now learn that the ultimate test of public opinion, the exercise of voting, is under attack. During Estimates, the Minister of Labour professed her valued support for democracy in the democratic process.

\* (14:20)

Mr. Speaker, I ask: How does the Minister of Labour reconcile her confessed support for democracy with her clear action to strip workers of their right to a secret ballot?

**Hon. Becky Barrett (Minister of Labour):** Mr. Speaker, since 1947, there has been some form of automatic certification either in legislation or in practice in the province of Manitoba with the exception of four years from 1996 to the present time. The members of the Opposition, I do not believe, ever questioned the automatic certification proposals that are elements of The Labour Relations Act that were in place from 1992 to 1996 under their watch.

We are putting in place those exact automatic certification elements that were in place in the province of Manitoba, in one form or ano-

ther, for over 50 years and the specifics of the elements that were in place from 1992 to 1996 under that government's watch.

**Mr. Pitura:** Mr. Speaker, I then ask the Minister: In her government's continuing saga of the tale of two ministers, indicate which Minister of Labour are we to believe, the one who says she supports democracy or the one who is undermining it.

**Ms. Barrett:** I would suggest, Mr. Speaker, that members opposite who will be anointing a leader without a vote in November should not talk about democracy.

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

**Mr. Speaker:** Order. Before recognizing the Honourable Official Opposition House Leader, I would just like to remind all honourable members of *Beauchesne's* Citation 168: "When rising to preserve order or to give a ruling the Speaker must always be heard in silence." I would ask the co-operation of all honourable members.

#### **Point of Order**

**Mr. Marcel Laurendeau (Opposition House Leader):** On a point of order, Mr. Speaker, *Beauchesne's* 417: "Answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate."

Mr. Speaker, they should leave their American politics at home and they should deal with it in a—

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

**Mr. Speaker:** Order. On the point of order raised, the Honourable Member does have a point of order. *Beauchesne's* Citation 417 says: "Answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate."

\* \* \*

**Mr. Speaker:** I would ask the Honourable Minister of Labour to please conclude her answer.

**Ms. Barrett:** Mr. Speaker, in September of this year I will celebrate 25 years as an immigrant to the province of Manitoba and the country of Canada. I am very proud to have chosen Manitoba and Canada as my home. I am also very proud of the country from which I came and do not much care for that kind of political shenanigans.

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

**Mr. Speaker:** Order. I would ask the Honourable Minister of Labour to please conclude her answer.

**Ms. Barrett:** Mr. Speaker, in response to the specific question about the democratic process in Bill 44, I would suggest that if 65 percent of the employees in a workplace sign a card saying that they support certification as a union, that is certainly a democratic process.

**Mr. Speaker:** Time for Oral Questions has expired.

## MEMBERS' STATEMENTS

### Russell Smith

**Mr. Edward Helwer (Gimli):** Mr. Speaker, I would like to take this opportunity to congratulate Russell Smith of Clandeboye, Manitoba. Mr. Smith was recently named to the Manitoba Baseball Hall of Fame in recognition of his speed and skill as a player during the 1950s.

As a child, Mr. Smith played ball in Clandeboye and Selkirk. Later he spent some time in Toronto where his senior men's team won the Greater Toronto Senior Baseball title on a number of occasions. His final and most memorable years in baseball were spent with the St. Boniface Native Sons who dominated Manitoba senior baseball during the late 1950s.

Now 72 years old, Russell Smith and his Native Sons teammates were inducted into the Hall of Fame in a ceremony held on June 10 in Morden. They are most deserving of this honour, and Clandeboye is very proud to call Mr. Smith their own.

Please join me in congratulating Mr. Russell Smith and his Native Sons teammates. Thank you.

\* (14:30)

### Manitoba Health Research Council

**Mr. Cris Aglugub (The Maples):** Mr. Speaker, health research will continue in Manitoba with the announcement of \$5 million for research projects over the next five years. Manitoba's funding through the Manitoba Health Research Council will leverage a federal matching grant of \$5 million from the Medical Research Council of Canada's Regional Partnerships Program.

For every \$1 million in provincial support for research and development, it is estimated that 33 new high-tech jobs are created and \$2.8 million is added to the provincial gross domestic product. Additionally in June, the Government announced a \$3-million investment in Manitoba's five primary health care centres through the Health Research Infrastructure Initiatives.

CancerCare Manitoba, the Children's Hospital Foundation, the University of Manitoba, the St. Boniface General Hospital Research Centre and Health Sciences Centre Research Department, these research agencies currently employ about 1500 people. Our investment in health research will ensure these institutions will continue to thrive.

Medical research in the province also benefits from networking opportunities provided by annual conferences. Winnipeg will host the World Congress of Health Research in July of 2001. This conference will be the largest medical conference held in Canada, bringing 3500 specialists and \$12 million to the local economy.

We support the advancement of medical and other research. These funding initiatives are part of our commitment to promoting research excellence in Manitoba, building a high-tech economy, and encouraging talented young scientists to remain in the province. Thank you, Mr. Speaker.

### Manitoba Agricultural Hall of Fame

**Mr. Peter Dyck (Pembina):** Mr. Speaker, the Manitoba Agricultural Hall of Fame honours

past and present builders of agriculture in the province. Last night, three new inductees to the Hall were named. One of those inducted was Walter Kroeker, a former constituent and long-time friend of mine. A plaque honouring him, as well as the other two inductees, will be put on display with those honouring other members at the Keystone Centre in Brandon.

Walter Kroeker, following in his father's footsteps, has been a devoted member of the agriculture community in Manitoba and is most deserving of his induction to the Hall of Fame. His efforts in the continuing diversification of agriculture in Manitoba are well documented. They are evidenced by his many acres of potatoes, onions and other less commonly planted crops. He also contributed to the National Horticultural Society, contributed to the Peak of the Market, church and community.

I want to take this opportunity to commend Walter Kroeker for his outstanding contributions to agriculture and to the Winkler community. Thank you.

#### **Golden West Centennial Lodge Auxiliary**

**Mr. Jim Rondeau (Assiniboia):** Mr. Speaker, I rise today to bring to the attention of the entire House the efforts of the Golden West Centennial Lodge Auxiliary. The purpose of this group is to have fundraisers and have family get-togethers for the residents of the Golden West Centennial Lodge. This group ensures that people who have contributed so much to our society are not forgotten in their later years.

Some of the activities that this group plans on a regular basis are Christmas celebrations, Mother's Days, Father's Days, Canada Day barbecue, and many, many other activities. There are approximately 50 volunteers, and the volunteers come from all over the city. Some people who started out as volunteers when their family members were residents continue even after family members pass on. Their dedication is awesome.

The Auxiliary provides corsages and boutonnieres to each resident on their birthday. Every resident receives a Christmas present. Everyone gets something at each activity. The

Auxiliary has also provided microwave ovens, coffee and tea urns on each floor, and locking cabinets for each resident. They have also contributed to make Golden West Lodge more like home, including putting in wallpaper borders, decorating rooms, and floral bouquets at Christmas.

At Christmas the volunteers outdo themselves including decorating the entire facility, six Christmas trees and providing presents. Irene George, as an example, has even gone the extra mile in decorating her mother's room closely resembling the room she had at home, while still complying with provincial standards. This made the transition into Golden West much easier and is an excellent example of the Auxiliary's work. The Auxiliary has also involved community businesses to assist in their many functions, including providing food, donations and prizes. I would like to thank the Golden West Auxiliary for all their efforts enhancing the quality of life for the 116 residents of the Golden West Centennial Lodge.

#### **Health Care System**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise to talk about the Government's organization and accountability in keeping the time frames. Three times, since July 1, I have stood up in this House to ask the Government why it has been so sloppy in meeting reasonable time frames. On two cases they were legal time requirements; in one case today it was a time frame imposed on the Government by itself.

The first dealt with the referral of Elections Manitoba's report to a legislative committee. The Government had 60 days to do this, a reasonable time frame, but failed to meet the legal requirements which are imposed upon them by Manitoba statutes.

The second deals with The Sustainable Development Act which mandated by July 1 that the Government produce a strategy, that this had a whole series of elements, that part of this was a procurement strategy plan, goals, guidelines and operational framework. The Government failed to produce. The Government had nine and a half months since they were in office, a generous

amount of time, to do this. There was a failure not only to meet this reasonable time requirement, but in fact the Government has clearly broken the laws of Manitoba.

Clearly, citizens of Manitoba have to have their driver's licence by particular time frames or suffer consequences. There are all sorts of time frames that citizens meet. Governments, this government in particular, should meet its own legislated mandates.

Today, I asked about Mr. Chomiak's commitment in January to have a plan by the end of June.

**Mr. Speaker:** Order. I would like to remind the Honourable Member, when making reference to honourable members in the House to be recognized by their constituency or ministers by their titles.

**Mr. Gerrard:** My apology, Mr. Speaker. The Honourable Minister of Health (Mr. Chomiak) committed in mid-January to bring forward a report by the end of June on the frozen food situation. What is remarkable here is that he took several months to have a committee to have a plan and now, after many more months, still has not even had a report.

#### Committee Changes

**Mr. Peter Dyck (Pembina):** Mr. Speaker, I move, seconded by the Honourable Member for Fort Whyte (Mr. Loewen), that the composition of the Standing Committee on Public Utilities and Natural Resources be amended as follows: Springfield (Mr. Schuler) for Lakeside (Mr. Enns) and Charleswood (Mrs. Driedger) for Gimli (Mr. Helwer).

*Motion agreed to.*

**Mr. Gregory Dewar (Selkirk):** Mr. Speaker, I move, seconded by the Member for Wellington (Mr. Santos), that the composition of the Standing Committee on Law Amendments be amended as follows: St. Vital (Ms. Allan) for Riel (Ms. Asper) and Flin Flon (Mr. Jennissen) for Dauphin-Roblin (Mr. Struthers).

*Motion agreed to.*

## ORDERS OF THE DAY

### House Business

\* (14:40)

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I wish to announce first of all that the Standing Committee on Public Utilities and Natural Resources will meet on Monday, July 17, at 7 p.m. to continue consideration of Bill 15.

If you would call second readings beginning with Bill 47 and then 44, and if we could then continue to debate on second readings with the following bills in this order: Bills 10, 12, 24, 40, and 42. Mr. Speaker, if you could add Bill 13 as the third bill to be considered during debates.

**Mr. Speaker:** It has been announced by the Honourable Government House Leader that the Standing Committee on Public Utilities and Natural Resources will meet on Monday, July 17, 2000, at 7 p.m. to continue consideration of Bill 15. *[Agreed]*

## SECOND READINGS

### Bill 47—The Civil Service Amendment Act

**Hon. Greg Selinger (Minister of Finance):** I move, seconded by the Minister of Justice (Mr. Mackintosh), that Bill 47, The Civil Service Amendment Act; Loi modifiant la Loi sur la fonction publique, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Selinger:** Very briefly, the formal transfer of responsibility for labour relations service to Treasury Board reflects the reality of the past practice over the past number of years. In the past, establishing mandates for collective bargaining was the responsibility of Treasury Board and cabinet rather than the Civil Service Commission Board. The transfer of responsibility at this time is merely formalizing past practice.

**Mr. Marcel Laurendeau (St. Norbert):** Mr. Speaker, I move, seconded by the Honourable

Member for Seine River (Mrs. Dacquay), that debate be adjourned.

*Motion agreed to.*

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I just noticed the Minister of Labour (Ms. Barrett) is, I presume, getting scrummed. I would ask that we put in Bill 10 and then proceed to Bill 44.

## DEBATE ON SECOND READINGS

### Bill 10—The Cooperatives Amendment Act

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs (Mr. Lemieux), Bill 10, The Cooperatives Amendment Act (Loi modifiant la Loi sur les coopératives), standing in the name of the Honourable Member for Steinbach.

**Mr. Jim Penner (Steinbach):** I am pleased to put a couple of words and comments on the record with regard to Bill 10. Members on this side of the House recognize that this bill essentially makes some small changes to The Cooperatives Act, which was brought into force on July 1, 1999.

It is not unusual when a bill as comprehensive as The Cooperatives Act is introduced that it will need some small areas of refinement after those affected by the Bill have a chance to put it into practice. I believe that is the essence of this bill.

Co-operatives, as members of the Chamber know, are a popular form of business in Manitoba and in the Prairies in general. The ability of individuals to be not only customers of an entity but, in fact, owners who share in the benefits of a successful business has a great deal of appeal. These co-operatives have grown to a size and scale that I do not think many of our forefathers could have possibly imagined and now operate in the financial sector and numerous retail areas. Indeed, the size of these operations and their unique make-up necessitates that certain guidelines and regulations be in place for the protection of the members and the directors.

The Cooperatives Act was, I believe, a good piece of legislation that helped to achieve these goals. This amending bill addresses some small concerns that have arisen since the originating act's proclamation. One concern is that members who have their memberships terminated be allowed to be notified by mail, which is a manner that is private and discrete. It is an unusual occurrence to have a member of a co-op removed unwillingly, but it does happen, and I think it is important that a mechanism be available that offers dignity in this process.

As well, Mr. Speaker, the Bill broadens the definition of an auditor to allow Federated Co-ops to continue to provide audited services to other co-operatives.

The goal of members on this side of the House and, I believe, all members of the Chamber is to ensure that there is integrity and accurate financial disclosure of financial statements to members of co-operatives. Whether an entity is a co-op or a publicly traded company, the ability for potential members and shareholders to have faith in its financial statements is very important.

We do not believe the changes in this bill will impact negatively on the integrity of the financial statements put forward by co-operatives. We understand that these changes have been recommended by the co-operative sector, and, with that in mind, Mr. Speaker, we are prepared to move this bill along in a timely manner. Thank you.

**Mr. Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 10, The Cooperatives Amendment Act.

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

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed and so ordered.



## SECOND READINGS

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

**Hon. Becky Barrett (Minister of Labour):** Mr. Speaker, I move, seconded by the Minister of Education and Training (Mr. Caldwell), that Bill 44, The Labour Relations Amendment Act (2) (Loi no 2 modifiant la Loi sur les relations du travail), be now read a second time and be referred to a committee of this House.

#### *Motion presented.*

**Ms. Barrett:** Mr. Speaker, I am very pleased to introduce Bill 44 to amend The Manitoba Labour Relations Act. This government pledged last fall during the election campaign that we would introduce measures to correct imbalances in the rules governing labour-management relations and to eliminate unnecessary interference in the internal affairs of unions in terms of the relationship between unions and their membership. Manitobans voted to restore fairness to the relations between business and labour and to have unions and employers conduct their affairs within parameters that are fair and reasonable.

In recognition of the fact that prolonged strikes and lockouts are normally detrimental to employees and employers as well as to the public interest, we are introducing measures that will permit the opportunity to resolve work stoppages which have reached an impasse by means of an arbitration procedure involving the Manitoba Labour Board or a single arbitrator that the parties may choose.

\* (14:50)

Our intent with respect to labour legislation is to foster partnership and co-operation rather than division. Bill 44 is an important step in that direction. Prior to describing the proposed changes, I would like to express my gratitude to the Manitoba Labour Management Review Committee, otherwise known as LMRC, for providing me with valuable advice and recommendations with respect to the amendments that were under consideration. In particular, I appreciate the special efforts made

by the Committee to review these matters and to provide me with advice on a timely basis. The Committee's collective experience and wisdom with respect to labour-management relations was very helpful and is evident in the quality of their report. While the Committee was able to reach a degree of consensus, seven of the twelve specific areas had full or partial consensus. There was also disagreement on a number of matters. In all cases, the labour and management perspectives on the issues were clearly expressed.

As I indicated, previous amendments made to the Act created certain imbalances and did not reflect realities relating to work stoppage situations or to relations between unions and their members. Bill 44 will create a new balance. There is currently a provision in the Act that allows an employer to refuse to reinstate an employee following a strike or lockout if the employer can satisfy the Labour Board that the refusal was for just cause, mainly a cause for which the employee might have been terminated from employment outside the context of a strike or lockout. This provision does not, in my view, take into account the fact that a strike or lockout situation creates a particularly stressful situation, because of the tension and volatility that sometimes exists on picket lines where persons involved act in ways that they would not under normal circumstances.

While we are of the view that an employee has a right to be reinstated following the conclusion of a strike or lockout, we certainly do not condone criminal or illegal behaviour. Any such behaviour that occurs is unacceptable and would be subject to charges under the Criminal Code or to other legal action. For this reason, we are proposing a return to the pre-1997 provision whereby the employer could refuse reinstatement of an employee only upon satisfying the Labour Board that the refusal to reinstate was for a cause for which the employee might have been discharged, and which was not related to the strike or lockout.

It is also being proposed that the requirements relating to certification be changed so as to eliminate the need for the Labour Board to conduct a vote with respect to virtually every application for certification. This is unnecessary as well as an inefficient use of the Board's

resources, particularly in cases where the union is able to demonstrate overwhelming support as a result of employees signing membership cards. In more specific terms, it is being proposed that the Board grant certification where the union has shown that it has the support of 65 percent or more of the employees in the bargaining unit. This was what was provided for in legislation between 1992 and 1997. As I have stated repeatedly in the House, a form of automatic certification has been in practice or in legislation in Manitoba since 1947.

A further change provides that in cases where the union demonstrates that it has between 40% and 65% support, the Labour Board would be required to conduct a secret ballot vote to determine the true wishes of the employees in the unit. As is the case under current legislation, this vote would have to be held within seven days of the application, unless there are exceptional circumstances that warrant an extension of time as determined by the Labour Board. In situations where the Board is satisfied that an application is supported by less than 40 percent of the employees in the unit, the Board would be required to dismiss the application.

In addition, provisions that were in the Act prior to 1997 that allowed the Board to grant interim certification will be reintroduced in the legislation. The Board would be empowered to grant interim certificates only in cases where it was satisfied that any dispute relating to composition could not affect the union's right to certification. Once the composition of the unit was determined, the Board would issue a final certification to the union. This would allow notice to collective bargaining to be given as soon as the interim certificate was granted without having to wait for the final certificate to be issued.

LMRC reached consensus that provisions relating to ratification of collective agreements by secret ballot votes be amended to take into account the unique nature of the construction industry. Bargaining arrangements and bargaining units in that industry differ sufficiently from those in general industry to justify special legislative attention.

The provisions in the Act relating to requests that a vote be taken of the employees to

determine whether the employees wish to accept or reject an employer's last offer have not proven to be very beneficial or useful, particularly in cases where the employer makes the request prior to the commencement of a strike or lockout. A vote ordered to be taken under these circumstances has never resulted in acceptance of the employer's last offer by the employees. We are following the consensus position of the LMRC and proposing to repeal the provision in the current act that allows the employer to request the Minister to order a vote of the employees on the employer's last offer prior to the start of the strike or lockout. Nevertheless, circumstances may arise where it is considered advisable and in the public interest to allow employees the opportunity to vote on an employer's last offer.

Consequently, a provision in the existing act allowing for last offer votes will be retained but with some modification. More specifically, the Minister will be authorized before or after the commencement of a strike or lockout to order a vote to accept or reject the employer's last offer in those exceptional cases where there is convincing evidence that it would be in the public interest to do so.

The current act allows for the appointment of a mediator by the Minister in cases where the parties make a joint request and name the mediator, or in cases where the Minister acts on his or her own initiative to appoint the mediator. It does not explicitly address situations where only one of the parties requests a mediator or cases where the parties jointly request one but are unable to agree on the person to be named as the mediator. Proposed amendments, again as recommended by the LMRC consensus, specifically addresses these situations.

The Act will continue to provide for sharing of the costs of a mediator in cases where either or both parties request a mediator. The employer, the union and the Government would each pay one-third of these costs. However, in cases where the Minister acts on his or her own initiative to appoint a mediator, it seems unreasonable for the parties to have to pay part of the remuneration and expenses. Therefore, an amendment is being proposed that will require

the Government to pay the full costs in those circumstances.

Under existing legislation, access to the expedited grievance arbitration procedures is limited to cases involving employee dismissals and suspensions exceeding 30 days. As well, the absence of controls relating to the continuance or adjournment of arbitration hearings sometimes defeats the purpose of the expedited procedures by allowing for the prolonging of these procedures beyond a reasonable time.

It is being proposed that access to the expedited procedures be extended so as to be applicable to employee dismissals, suspensions of any length and any other discipline of an employee. As well, the expedited procedure will continue to be available with respect to other matters that the Labour Board considers to be of an exceptional nature. To ensure that the process is truly an expedited one as recommended by LMRC consensus, an arbitrator will be required to issue a decision within 90 days after his or her appointment unless the Labour Board allows for an extension.

Adjournments and extensions of hearings will also be prohibited except in cases where the Labour Board approves them. Furthermore, an arbitrator will be empowered to set hearing dates for which an adjournment may not be granted.

A current provision in the Act requires a union to develop a process for consulting with each employee about whether the employee wishes his or her union dues used for political purposes. An objecting employee can direct the union to remit any amount of his or her union dues proposed to be used for political purposes to a registered charity designated by the employee. When proposed amendments to The Elections Finances Act come into force prohibiting political donations by unions, the provisions in The Labour Relations Act will become redundant and be legally nullified. Consequently it is being proposed that this provision be repealed.

Existing provisions requiring unions to file financial and compensation statements with the Labour Board and allowing employees access to those statements by application to the Board

have been shown to be unnecessary and have resulted in the Board's resources being utilized in an inefficient manner.

Over the last three and a half years, the Board has received only five applications under these provisions. Generally this dearth of applications exists because financial statements and information is readily available to union members directly from the union. For these reasons amendments are being introduced to eliminate the need to file financial statements with the Labour Board, again based on an LMRC consensus position.

\* (15:00)

Instead, amendments will require a union to make its financial statement available to a union member on request and at no charge to the employee. If the union fails to provide the financial statement, or if the member feels that the statement is inadequate, a complaint may be made to the Labour Board, which would be able to order corrective measures.

Recognizing that lengthy work stoppages are detrimental to the interests of employers, employees, unions, and the public interest, a new, alternative dispute settlement procedure is being proposed to be applicable in certain severely defined circumstances. The proposed alternative dispute resolution mechanism mirrors the first contract legislation model, which has been in existence in Manitoba since the mid-1980s. More specifically, in cases where a work stoppage has been in progress for more than 60 days, either the employer or the union will have the option to apply to the Manitoba Labour Board to settle the terms and conditions of the collective agreement they are attempting to negotiate.

Where such an application is made, the Board will be required to conduct a vote of the employees to determine if their wish is to have a third party be involved in settling their strike or lockout, either the Labour Board or by a single arbitrator where the parties agree. The Labour Board will be required to conduct this vote within seven days after the application or such further period of time, if in the opinion of the Board such additional time is warranted.

If the employees vote for a third-party settlement, the employer and the bargaining agent can agree to have the matter settled by an arbitrator or the Labour Board. Where there was no agreement, the settlement will be by the Labour Board. If there is agreement to have the matter settled by an arbitrator, the relevant sections of The Labour Relations Act will apply. Where an application for settlement is made and the employees in the unit vote in favour of referral to a third party, any strike or lockout that is in progress will have to be terminated. The employer will be required to reinstate the employees in the unit.

This is a sensible approach to bringing a lengthy work stoppage to an end. Having an impartial third party settle the dispute will likely result in a fair and reasonable settlement and will bring an end to the hardships that a work stoppage creates for employers, unions, employees, and their families, and, in many cases, the general public.

The above is a general description of the major amendments being proposed. These changes will restore a balance in the rules governing labour-management relations, will allow employers and unions to conduct their affairs within the context of rules that are fair and reasonable, will help promote co-operation and partnership rather than division, and will provide an alternative means for resolving lengthy work stoppages that are detrimental to all affected parties.

In conclusion, I would like to reiterate my gratitude to Professor Wally Fox-Decent and the other members of the Manitoba Labour Management Review Committee for their advice and guidance on the matters addressed in this bill. In our view, Bill 44 represents balanced legislation that is in the interests of all Manitobans, and I commend it for your approval. Thank you.

**Mr. Ron Schuler (Springfield):** I move, seconded by the Member for Fort Whyte (Mr. Loewen), that debate be now adjourned.

*Motion agreed to.*

## DEBATE ON SECOND READINGS

### Bill 12—The Public Schools Amendment Act

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Education and Training (Mr. Caldwell), Bill 12, The Public Schools Amendment Act (Loi modifiant la Loi sur les écoles publiques), standing in the name of the Honourable Member for Fort Garry.

**Mrs. Joy Smith (Fort Garry):** Mr. Speaker, I rise today to speak to put a few comments on the record regarding Bill 12, The Public Schools Amendment Act, which concerns home schoolers here in the province of Manitoba. As you know, we have approximately 500 home schoolers in this province of Manitoba. These are parents who have selected by the democratic process to train their children at home in academic studies. There are several reasons for this, but in a democratic society as we have here in Canada and indeed in Manitoba that choice is there for parents across the province.

I shall put on record, Mr. Speaker, that at one point in my career I was in charge of the home schoolers and had many opportunities to visit the home schoolers across the province. I found, for the most part, that a lot of the children involved in the home-schooling exercise in their homes were very, very well cared for, were very, very well schooled in many ways. In fact, I believe one high school here in Winnipeg, Sisler High School, has a special program put together for the entrance level for home schoolers to come in and continue their senior high school. I know of one individual in particular who, upon leaving the home-school environment in their home and going to the program at Sisler High School, achieved a very high percentage. I believe the average initially was 99 percent. So this was indeed a success story for the home schoolers.

Mr. Speaker, I also know of some teachers who have selected to have home schooling occur for their own children as well. So indeed it is a selection, a choice that parents can make across the province. It is something, members on both sides of the House should be very proud of the fact that in our school system we have independent schools, public schools, faith-based

schools and indeed we have the home-schooling possibility as well.

The integral part of home-schooling lies with what I referred to earlier, and that is the right of choice. Home schoolers are not subsidized or paid by the Province. They receive no monies from the Province. They continue to be taxpayers, and they do contribute by their taxes into the public school system. So their choice does not take away the fact that they still are supporters in the community.

Mr. Speaker, the home schoolers that I have met are well organized. The home schoolers that I have met care very, very deeply about the academic and social development of their children, and are very mindful, I daresay, extremely vigilant in by far the majority of cases, extremely vigilant in ensuring that their children are at grade level in the core subjects and in different aspects of academic social development.

Mr. Speaker, I want to speak to the Bill in several places because I do feel that the input that home schoolers do give into the right to home-school is extremely important. I have to applaud the efforts and the organization of the home-schooling organization in ensuring that they are self-supervised, self-taught and are accountable as well.

I do respect the fact that the home schoolers are very mindful that they need to notify the Minister of a child who is attending a home-school situation. I know that they have no problems at all and are very mindful of the fact that they have to make sure that the school division to which their children belong and the Minister's office need to be aware that these children are in a home-school situation.

There has been in the past in this province an accountability system set up where parents do send units of their work into a central location in Winkler, Manitoba, I believe it is, so they have samples of the programming and samples of the children's work as they progress from grade level to grade level. Mr. Speaker, the right of the parents to establish this accountability procedure is of paramount importance. It is something that they are very mindful of and are very open to

putting forth a description of the curriculums that they use and very forthright in putting forth the grade level that each student is attending.

Mr. Speaker, in this legislation, I must speak to the fact, and be mindful of the fact, that home-schooling parents do submit a progress report to a central location, and I do appreciate that. In talking with a lot of the home-schooling parents, they have absolutely no problem with doing that. The one thing that has been discussed greatly across the province is when in the rare case there is a problem, where the Minister or the school division offices are not quite sure that a home-schooling child is being schooled in the way he or she should be and, if there is some question as to whether or not the child goes through an academic exercise on a daily basis to enable them to read, write, compute, and keep up with the curriculum in the way that they should, so they are well schooled and when they do graduate Senior 4, they are able to go into the workforce or into post-secondary education with the assurance that they do have the academic skills that they need to succeed there.

\* (15:10)

As you know, Mr. Speaker, I do want to put the comment on record at this time that a lot of home schoolers, Senior 1 or Senior 2 or Senior 3 have a tendency to go back into the public school system and at that time, the documentation and the data that we have here in Manitoba indicates that those same children do extremely well in the public school system and I daresay, in many cases, even better than the children who have been in a public school setting. I think this is due to the parental involvement, the parental commitment to helping their children achieve a high academic standard.

Mr. Speaker, I think what we have to be very careful of in this legislation is we have to be very careful that we do not govern the home schoolers to such an extent that their choice is not there. The accountability, of course, has to be in place for all children in the province of Manitoba and I do believe that the home schoolers in the province of Manitoba are very, very vigilant about that and have done an

outstanding, excellent job for the most part for their children in the home-schooling situation.

So I would like to put on record the integral part that home schoolers play in the educational mosaic here in the province of Manitoba. I would say that we have to be respectful of all people's choices and as a government be responsible in making sure that systems are in place that serve the children of Manitoba in the best possible light. I daresay that the home-schooling situation that we have seen in Manitoba has been excellent, and I know the home schoolers themselves are very mindful when there is a problem, the home schoolers themselves I know feel strongly that there is a point where the Minister can inquire as to a student's progress and can inquire if things are the way they should be for the best interests of the child. Other than that, from the feedback I have had from the home-schooling community, home schoolers want the right to choose. They want the decision making kept in their court, as it were. They want to have the right to school their children in the manner that they choose to school their children.

Mr. Speaker, this is a democratic right where government does not come into the homes of Manitobans in such a personal way, but when home schoolers do make the choice of home schooling throughout the province that they do have free rein to do that and free right to do that.

Mr. Speaker, as I look at this legislation, it looks like a good piece of legislation in many ways. There are some red flags that have gone up. I am sure that some of those red flags will be presented at the committee level when this bill does go to committee.

Mr. Speaker, I just want in closing to say that I applaud the home schoolers here in Manitoba. I applaud the job that they have done. I applaud Manitobans for having the right to choose either public school system or independent school system or the home-school system. We live in, and I am very proud to be a part of Manitoba, very proud to be a citizen here in Canada where we do have these democratic rights.

I just want to thank you, Mr. Speaker, for having the opportunity to put these comments on record.

**Mr. Ron Schuler (Springfield):** I, too, wish to put some comments on the record about Bill 12, dealing in particular with the home schoolers. Having spent considerable time working with home schoolers, particularly as a trustee in River East School Division, I would have to say we certainly developed a strong relationship with the home schoolers and with the private schools that were located in the River East School Division.

One of the things we found out with the home schoolers is they had a very high academic standard, certainly had a great interest in the education of their children. The programs were sound. In fact, the programs I would have to say were superior. They were excellent programs, well thought out. The parents certainly spent a lot of time with their students going through the programs with their students. We felt, certainly River East School Division, that there are different venues of educating your students and certainly the public school system which we all support.

There does come a time perhaps when you have a difference with the public school system. You do not particularly like the way something is being done; maybe it is classroom size, maybe it is something that is being taught. It is not necessarily a bad thing. In fact we saw it as a good thing, that parents would have that option; they could move their children into a private school.

Interestingly enough, often we found that, after having put their children into private school for a couple of years, they would then move their students back into the public school system. Often we would see that just as a pressure gauge. These people would go try a different form of education and then come back and continue in the public school system.

The home schoolers, again, though a smaller group, represent a group of individuals who feel that the best interest of their children's education is not served in the public school system or in fact in the private school system. Again, we have

heard in this Chamber the talk about having the freedom to choose, the right to choose, and it is one of the reasons why I have always been a very strong supporter of the home schoolers. It is not a large group of people. It is not a large segment of our population, but again, it is a bit of a pressure valve that these individuals be allowed to take their children out of the school system, give them an education. As I have mentioned, the programs tended to be very strong and students tended to get a very good education.

I guess one of the things that I appreciated the most about River East School Division is we used to extend to the private schools. We had a lot of shared services agreements, whether it came to clinicians or it was gymnasiums or if it was busing. We had all kinds of shared service agreements with them, and they worked well. In the end, really, all of those children are our students, and we would make those services available to them, the same thing we did with the home schoolers.

We would make sure that, if, for instance, the home schoolers' association wanted to have a track and field day and where there was a facility that was not being used by us for that day, they would have access to it. We extended to them the privilege or the right to come in and use the shops, if they were a larger group, and when we were not using them, they had the right to come in and use it. Again, it was a harmonious relationship, and I think that is something we want to foster. We want to recognize people's rights and work on that with them.

\* (15:20)

One of the things I have some concerns with, and I am sure we are going to hear more about it when this bill comes to committee, is that our society tends to always want to push things toward more paperwork. In fact, I would say that bureaucracy and paperwork is singularly the biggest killer of small business in this country. I speak from experience on that one, that the paperwork, unless you are big enough to afford a staff who deal with all the paperwork, whether it is GST, PST and all the different filings you have to do, it will drive you to madness.

In fact, when we started off, we were very misguided in trying to do our payroll ourselves until we saw that beacon, that light out there called Comcheq. We went to Comcheq, and they did our payroll services. It really does cut down on a lot of the paperwork. Besides doing a great job and being fantastic people and that having been the right choice, besides all of that, it really cut down on the paperwork, because it was unbelievable the kinds of charts you had to go through and the forms you had to go through.

So this bill, again, I would caution the Legislature, let us be very careful that we do not foist more and more paperwork on individuals who clearly want to educate their children. I think they do a great job at it. When we get into committee, I am sure that is one of the things we will be looking at: Does this really foist unnecessary paperwork? Are we developing more of a bureaucracy which we do not need that then has to process all these reports? What is the point behind it? Certainly, I will be very interested in seeing the presentations that come forward. I look forward to the committee stage. Being a great supporter of the home schoolers, I look forward to seeing the Bill go on to committee. So those would be my comments, brief as they are, and thank you.

**Mr. Peter Dyck (Pembina):** I, too, would like to put a few comments forward regarding this bill. Certainly, the area I represent also has a number of home schoolers in the community. My opportunity to serve on the school board for a number of years gave me also the opportunity to meet with those who were home schooling. As a division and as a community, we had foremost in our minds the needs of the children, and we wanted to see that the students would be able to receive an education. Keeping that in mind, we also indicated very clearly, as a division and as a community, that there were certain requirements that the students who were home schooled needed to follow, and which I would say 99 percent of the time they did. As is the case in any area with people who are educating their own children at home or even in school, some do fall between the cracks. I think those are a concern to all of us here.

So I do not want to put a lot of comments on record. I just want to support the fact that the

home schoolers, by and large, are doing a good job. They do have in mind the best for their children, and in fact are sacrificing, in many cases, their own valuable time in educating their students. In most cases, at least in the area I represent, one of the parents would be staying at home and giving that added measure of instruction to the students in order that they can in fact come out, and come out with a good education.

Also, as was indicated, and also witnessed within our area, the fact is that students who graduate with a home-schooling certification, as they would have it, are doing very well. They have, in many cases, put some of the students in public school to shame in the kind of an education that they have received and also in the grades that they have been given.

With that, I, too, agree that we want to move this on to committee, but want to continue to support the home schooling and certainly what is best for the students within each area.

**Hon. Drew Caldwell (Minister of Education and Training):** Mr. Speaker, I am happy to hear some of the comments of the Member opposite and to understand that they are supportive of the Government's policy in this regard.

I was very pleased to have the support of the members opposite in this, and I am happy to conclude debate. We on this side of the House are also supportive of home schooling. This provides an opportunity for home schooling to be formally recognized in the province of Manitoba. Thank you.

**Mr. Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 12, The Public Schools Amendment Act.

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

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed.

### **Bill 13-The Taxicab Amendment Act**

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Highways and Government Services (Mr. Ashton), Bill 13, The Taxicab Amendment Act (Loi modifiant al Loi sur les taxis), standing in the name of the Honourable Member for Minnedosa.

**Mr. Harold Gilleshammer (Minnedosa):** Mr. Speaker, I will be speaking on this bill and will be the only spokesperson for our side on this. We will be pleased to send this on to committee to hear members of the public comment on this.

This is the Minister of Highways' first bill in the Chamber, I believe. It is not a substantive one. I did listen carefully to his introduction to the Bill, and noted that he went to great lengths to indicate that he wanted participation of the community and harmony and better relationships in this industry. I note that the Bill increases the number of members of the Taxicab Board who are appointed by the Minister from three to five. As a result, the total size of the Board has increased from five to seven members. I would hope that, when the Minister makes his appointments to this board, he does it in a judicious manner, because certainly it could be seen that he would have five of the seven appointments on the Board, and that he would be making an effort to control this board in having it perform in the manner which he would deem best for the industry. So I would urge the Minister not to consider this a takeover of the Board but an opportunity to have widespread input from members of the community.

At this point, we are prepared to let this go to the committee stage and look forward to the public presentations on it. Thank you very much, Mr. Speaker.

**Mr. Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 13, The Taxicab Amendment Act.



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

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed and so ordered.

**Bill 24—The Personal Property Security  
Amendment and Various Acts Amendment  
Act**

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs (Mr. Lemieux), Bill 24, The Personal Property Security Amendment and Various Acts Amendment Act (Loi modifiant la Loi sur les sûretés relatives aux biens personnels et d'autres dispositions législatives), standing in the name of Honourable Member for Seine River (Mrs. Dacquay).

Is there leave to keep it standing in the name of the Honourable Member for Seine River?

**Some Honourable Members:** No.

**Mr. Speaker:** Leave has been denied.

**Mr. Marcel Laurendeau (St. Norbert):** I am pleased to make a few comments regarding this bill. The Bill amends The Personal Property Security Act, which was passed some time ago, but, I understand, is waiting for technology to catch up with it. This is viewed mainly as a housekeeping bill and will help tighten up the Act and make some technical clarifications. I do, however, feel that it is important, as is this act, because the registration of personal property as security is an important factor in today's economy. Certainly, I know that many of those in the financial industry would agree that the registration of personal property is somewhat more challenging than it needs to be at this stage of technology.

Many financial institutions hire individuals whose sole job is to ensure that property used as collateral is registered properly, and those individuals would indicate that the system can be challenging and involve a great deal more paperwork than might be expected. I also understand that it does at times take days to get

certified confirmation for some institutions, and they have first right of collateral on the property.

This bill, as I understand it, clarifies that financing and discharge statements can be filed electronically. In today's world, one expects that is reasonable as long as the confidentiality and security can be assured. In fact, this will benefit both the individual owner of the property as well as the institution looking into acquiring security interest in collateral. The ability to make transactions quickly and accurately is an important part of a successful economy.

\* (15:30)

Mr. Speaker, with these few comments, I believe that we are ready to allow this bill to proceed to the committee stage.

**Mr. Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 24, The Personal Property Security Amendment and Various Acts Amendment Act.

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

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed and so ordered.

**Bill 40—The Business Names Registration  
Amendment, Corporations Amendment and  
Partnership Amendment Act**

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs, Bill 40, The Business Names Registration Amendment, Corporations Amendment and Partnership Amendment Act (Loi modifiant la Loi sur l'enregistrement des noms commerciaux, la Loi sur les corporations et la Loi sur les sociétés en nom collectif), standing in the name of the Honourable Member for Pembina.

**Mr. Peter Dyck (Pembina):** Thank you very much, Mr. Speaker. I appreciate this opportunity to make a couple of remarks regarding Bill 40. This seems to be another bill on which we are dealing with the best way to disseminate information to the public and those who might have an interest in it. Members on this side of the House recognize that it is important that government provide relevant and important information to those who require it, for whatever reason, in a timely and reasonable manner. Of course, the way individuals access information today is very different than the way they did so in my parents' and grandparents' days.

The Internet has made it possible for individuals in virtually every part of the world to obtain information the minute it becomes available on the Internet medium. I understand from the Minister's remarks on second reading that it is the intention of the Government to post various notices related to the registration of business on the Internet as opposed to the traditional method of publishing them in the *Manitoba Gazette*. I think all Members would agree that this will make available this information to a great number of more Manitobans and will do so, I will expect, in a more timely manner. I also note as well the Minister made reference to the fact that this information would still be provided free of charge to those who still wish to receive it in paper form. That is an important qualification because, while the Internet is growing rapidly in its use and application, it is not used universally at this date.

Members on this side of the House view this bill as a step which is basically aimed at improving the manner in which government provides information to the public, and it is an intention that we support and would encourage this government to do more of.

With that in mind, Mr. Speaker, I believe we are ready to move this bill along. Thank you.

**Mr. Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is second reading of Bill 40, The Business Names Registration Amendment, Corporations Amendment and Partnership Amendment Act.

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

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed and so ordered.

#### **Bill 42—The Public Schools Amendment and Consequential Amendments Act**

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Education, Bill 42, The Public Schools Amendment and Consequential Amendments Act (Loi modifiant la Loi sur les écoles publiques et modifications corrélatives), standing in the name of the Honourable Member for Fort Garry.

**Mrs. Joy Smith (Fort Garry):** Mr. Speaker, I am pleased to have the opportunity to place a few words on record about Bill 42, The Public Schools Amendment and Consequential Amendments Act. I am not pleased, however, with the tone and intent of this legislation. I feel that this legislation has not been a well-thought-out piece of legislation. I feel that the ramifications to taxpayers, to teachers, and to communities are going to be felt in a very negative way as the consequences ripple across the province. Through this legislation the New Democratic Party Government has removed 50 pages from the original Public Schools Act. This can only politely be described as the gutting of one of the most important pieces of education legislation in this province. For example, school boards are no longer required to provide to an arbitrator information about their financial circumstances. Surely this information is critical to the bargaining process.

Mr. Speaker, furthermore, the following matters previously were not referable for arbitration: the selection, the appointment, the assignment and the transfer of teachers and principals, the method for evaluating the performance of teachers and principals, the size of classes in schools and the scheduling of

recesses and the midday break. All these considerations are now withdrawn from The Public Schools Act. I find it interesting that the Government has chosen to exclude class size and composition from arbitration until further consultation with Manitobans takes place.

Indeed, this legislation provides for the establishment of a provincial commission on class size and composition with a mandate for public consultation. I need to note at this time and put it on record that it is highly unusual for a commission to be placed in a piece of legislation. This commission is supposed to consult with parents, teachers, trustees, pupils and taxpayers. It is supposed to consider whether class size should be a matter of provincial policy and, if so, to suggest what kind of approach should be used. This is a very complex issue to place before a commission that is not obligated to report for two years. It will be a costly exercise.

Will this Minister assure Manitobans that it will not be a waste of money, that the report will not gather dust in the corner, that it will not become some election ploy? This legislation does not contain any provisions about what will happen should the NDP Government proceed on some of its policies. For example, nowhere does the legislation address the very real possibility that the Province will force school divisions to amalgamate. Mr. Speaker, what are the ramifications for teachers, school boards, and students?

Mr. Speaker, other issues are of grave concern. The legislation allows the Manitoba Teachers' Society to organize its members during school hours. This part of the legislation was extracted. Yes, labour has the right to organize. However, should this take place during valuable school time? What type of service does this provide to students? Teachers will be at risk if union organization takes place in a school setting during school hours. It is important that teachers are supported and protected. This is part of the ill-thought-out ramifications of this legislation.

Also, Mr. Speaker, missing from the original legislation is section 103(1) which stated: "No person shall seek by intimidation or coercion to

compel a teacher to become, or to refrain from becoming, or cease to be, a member of the society." Clearly, Mr. Speaker, this must be an area of concern for teachers. I feel that a lot of information has been left out. A lot of information that should have gone to teachers is left out of this legislation.

This is why previously in this House I pleaded with the Minister of Education to set aside this legislation, Mr. Speaker, and take more time to go around the province, to speak with teachers, to speak with parents, to speak with other taxpayers, community members, and be certain that the ramifications of this Legislation would indeed help teachers, not hinder them.

Mr. Speaker, there has not been a lot of vision. There has not been a lot of planning, long-term planning. This Legislation, I want to put on record, has very serious, far-reaching concerns for Manitobans, for taxpayers in Manitoba, and in particular for teachers. On the surface, with the small bit of information that was given to teachers about the fact that they are able to talk about salary and managerial rights, there has not been enough information given to teachers, because this Legislation, I will predict, will come back to bite the NDP Government here in this province of Manitoba.

\* (15:40)

Further provisions pertaining to personnel records have disappeared, Mr. Speaker. For example, section 101(6) stated that "a school board or person acting on behalf of the school board shall (a) provide a teacher with access to the teacher's personnel record upon request." Again, by removing this provision, what do teachers gain? As a teacher of 22 years, there are times when I went in and asked to look at my personnel record and was delighted to have the opportunity to do that. Teachers do this from time to time to ensure that the awards they have been given or the special letters they have been given on a job well done are put right in their personnel record.

Mr. Speaker, this is gone. Teachers have no right now to go to the personnel records and request that they see their personnel records.

There is nothing in the legislation that allows for this. This again is an ill-planned, ill-thought-out piece of legislation that indeed could come back to harm the teachers, not help them. Indeed, this legislation also provides a whole new collective agreement with very few controls.

One of the most disturbing changes, Mr. Speaker, to The Public Schools Act pertains to a school division's ability to pay. I would like to read an important section of the existing legislation into the record as it concerns factors an arbitrator would take into account when working towards a settlement.

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

Section 129 (3) states the following: "The arbitrator shall, in respective matters that might reasonably be expected to have a financial effect on the school division or school district, consider the following factors:

"(a) the school division's or school district's ability to pay, as determined by its current revenues, including the funding received from the government and the Government of Canada, and its taxation revenue;

"(b) the nature and type of services that the school division or school district may have to reduce in light of the decision or award, if the current revenues of the school division or school district are not increased;

"(c) the current economic situation in Manitoba and in the school division or school district."

Mr. Deputy Speaker, I have to put on record at this time too, this could be a reason for the forced amalgamation that this government has put on school divisions across the province. This could be a reason why the school divisions who have industry and who are able to put more money into the education pot will be put together with school divisions that maybe do not have as much. This is good on the surface, except it also has great ramifications when it comes to teachers' salaries, when it comes to the programs that students are used to.

I would daresay at this time, too, this ties into the fact that Schools of Choice has been impacted by the alteration of the supplementary funding. The lack of vision, the lack of planning, the lack of careful attention to some of these details is very worrisome for educators and for Manitobans.

"(d) a comparison between the terms and conditions of employment of the teachers in the school division or school district and those of comparable employees in the public and private sectors, with primary consideration given to comparable employees in the school division or school district or in the region of the province in which the school division or school district is located;

"(e) the need of the school division or school district to recruit and retain qualified teachers."

Mr. Deputy Speaker, I am very concerned that the proposed legislation guts this very important section from The Public Schools Act. It is incomprehensible to think that this government believes that a school division's ability to pay has no bearing on contract settlements.

There are a limited number of dollars available for school divisions to use to fund the schools. Providing Manitoba students with a high-quality education costs money. School divisions do not have an unlimited supply of money with which to meet these needs. School trustees have to be mindful of the ability of their taxpayers to pay for the rising cost of education.

Mr. Deputy Speaker, I have to put on record at this time that in view of the fact that school divisions are forced to raise the taxes, who is going to be to blame? The teachers are going to be to blame or this government will blame the school divisions for not using their money properly, but the fact of the matter is, knowledgeable people will be very aware that it is this government's policies that have set up this very debilitating structure that is doomed for failure.

Surely this government realizes that there are a limited number of taxpayers. It is all well and good to proclaim that this government will fund education based on growth in the provincial

economy, but it is also a fool's paradise. We do not want it to happen, but we know that economic growth is cyclical and that eventually the provincial economy will experience periods of slower growth, but slower growth does not mean that the costs of running the school system will necessarily drop.

Mr. Deputy Speaker, will the Government then continue to keep pace with funding or will taxpayers be expected to make up the difference? This is why it is so essential that a school division's ability to pay be taken into account in the arbitration process. Moreover, the Manitoba Association of School Trustees president, Rey Toews, told the *Thompson Citizen* that the proposed changes remove school divisions management controls over where and how they can assign staff and could drive up education costs. As Mr. Toews stated, obviously, when you lose control, there is no one there to make sure those costs do not get out of control. Moreover, he noted that if arbitrators cannot consider a school division's ability to pay, teachers may seek higher wage settlements.

I have to put on record that I believe that teachers should be well paid. I believe that teachers should have the support and be able to have the wages that they so much deserve, but teachers themselves do not want to pay higher taxes and teachers themselves do not want to hurt the tax base or the ability of their students' parents to pay taxes. Teachers want what is best for the students. Here again I feel that teachers do not know the whole story. This has not been a well thought out piece of legislation.

As the *Winnipeg Free Press* has pointed out regarding ability to pay, quote: If it had not been a factor in recent years, that does not mean it will not be a factor in future years. Clearly this government lacks the ability to plan ahead and to allow school divisions to do the same.

It is readily apparent that this drastic overhaul of the existing legislation is being rammed through as an election promise with little thought to the long-term ramifications to students, parents, teachers, trustees and taxpayers alike. Is this what Manitobans asked

for when they elected this government? I think not.

I would like to take this House back to June 3, 1996, the day Bill 72 was announced. These amendments to The Public Schools Act were designed to achieve a balance between fairness and equality for teachers and affordability and accountability for school trustees and taxpayers. The changes to The Public Schools Act were made in relation to the process and requirements for teacher collective bargaining.

Mr. Deputy Speaker, from the beginning representatives from the Manitoba Teachers' Society and the Manitoba Association of School Trustees were included in the consultation process for Bill 72. The amendments incorporated many of the recommendations of the teacher collective bargaining and compensation committee that dealt only with the collective bargaining issues.

When Bill 72 was introduced, the collective bargaining for teachers and trustees had been in place for some 40 years. It has served the needs of students well, in the sense that there were no strikes during that period. However, over the course of 40 years the nature of Manitoba's society had changed, requiring a closer examination of The Public Schools Act and issues that had an impact on collective bargaining. The amendments provided for in Bill 72 were aimed at ensuring the needs of students were protected and ensured a high quality, affordable education system is maintained in Manitoba.

Mr. Deputy Speaker, they were also directed at improving the process by giving teachers a voice when it comes to working conditions directly related to their teaching responsibilities and providing school boards with the flexibility to manage effectively. In order to strike a fair balance between the collective bargaining rights of teachers' and trustees' ability to manage, the amendments specifically stated that all issues that were negotiable would remain negotiable, such as salaries, benefits, contact time, method, time of payment, preparation time, leaves, methods to address employee grievances, et cetera.

\* (15:50)

The only change that an outside arbitrator could rule on was four items. They were: No. 1, the selection, appointment, assignment and transfer of teachers and principals; two, the method for evaluating the performance of teachers and principals; three, the size of classes in schools; four, the scheduling of recesses and mid-day break. When Bill 72 and its provisions were introduced, it was clear that these were essential management functions that must be preserved to provide trustees, who are politically and legally held accountable for their actions, with a flexibility needed to make the decisions required to run their divisions effectively.

When the former government introduced Bill 72, they were told by the Manitoba Teachers' Society and schools' financial books that the schools' financial books should be open to teachers. The teachers did not want strike lockout, teachers wanted to retain some form of binding arbitration, not to rollback teachers' salaries at any level. The teachers wanted a single arbitrator and to add a mediation process. The Government listened and agreed. The former government also listened to the Manitoba Association of School Trustees who said some form of ability to pay had to be a consideration as part of the bargaining process, who said no, to provincial bargaining, and who said that boards need more management flexibility in order to more accurately reflect the public's priorities in education. Again, the Government listened and agreed. This is where you see real fairness and balance, Mr. Deputy Speaker.

Another step the former government took to ensure fairness for teachers was requiring by legislation that school boards act fairly, reasonably, and in good faith in administering their policies and practices related to the four items not referable for arbitration. The Minister said if teachers believed that this was not happening, they had the right to file a grievance in accordance with the provisions of their collective agreements. This was a fair and balanced way of dealing with the school system and collective bargaining.

All these changes address concerns raised by school trustees, that decisions made by

arbitrators who are an outside party and not accountable for divisional operations often did not reflect the realities of a division's ability to pay, nor do they take into account the requirements of the division in managing schools. With these amendments, if disputes did get to arbitration, arbitrators would have to base their decisions on a set of criteria, which included the ability of the school division to pay. In the context of the ability to pay, they would have to consider factors such as economic conditions in Manitoba and the school division, the compensation of comparable employees and the need to recruit and retain teachers. Divisions would be required to provide teacher associations with budgets and related relevant financial information.

In the interests of both cost and time effectiveness, Bill 72 provided for the appointment of single arbitrators, either by mutual agreement, Mr. Deputy Speaker, of both parties or from lists of labour-management approved arbitrators.

The amendments to Bill 72 reflected what was heard from both the Manitoba Teachers' Society and the Manitoba Association of School Trustees. The Government listened and re-enacted measures and enacted measures aimed at improving the province's education system. These amendments were the result of extensive process of review and consultation conducted by the former government committee that included a series of public hearings across the province and several meetings with representatives of MTS and MAST.

Sadly, this same level of public consultation is lacking with this present government. This government's education policy seems to be one where directives are issued rather than public input sought. This is a disservice to students and parents, teachers and trustees, who all deserve to have some input into the educational process. If we are to have equality of educational opportunities in this province, there must be an open dialogue about how the education system works and how it needs to evolve.

The previous government believed that the best settlement is one that can be reached through an agreement between teachers and the

division without resorting to formal dispute resolution mechanisms. The goal of the mediation process was to encourage local settlements, bearing in mind the unique needs of individual divisions.

*Mr. Speaker in the Chair*

Manitobans deserve an education system that is both responsive and accountable through the effective use of resources and our shared commitment to ensure Manitoba students receive a high quality education we will be able to secure for them and a prosperous future. Over the years, questions had arisen about the effectiveness of the system in meeting the needs of students, school divisions and taxpayers. June 5, 1996, Bill 72 was introduced for this reason. These are of concern to all parties, but most particularly, school trustees have expressed concern.

At the start of the review process a few years ago, the former government set out five principles. Key among those was that any changes should be designed to ensure the needs of the students are addressed. There was general agreement that the right to strike and lockout would not be in the best interests of students. Teachers, as well, indicated that having strike privileges could prevent them from having good relationships with people in the communities where they live, and they spoke against strike. Trustees spoke about strike interrupting the learning process. It was very clear that there was no party who would accept strike as a choice of preference. Therefore, these amendments were designed to improve the current bargaining and binding arbitration process while continuing to prohibit strikes as a dispute resolution mechanism. The Government also eliminated lockout which, I believe, is to the teachers' benefit.

The amendments brought forward by the previous government were designed to accomplish several things: to provide processes to ensure that collective bargaining is conducted in an effective, efficient and timely manner; allow all issues related to teacher compensation and working conditions to be negotiated, unless they were already limited in legislation. In other words, all items that were currently allowed to

be negotiated would continue to be allowed to be negotiated, within the limitations imposed by The Public Schools Act as it had been written many years ago.

The amendments were also intended to accomplish the insurance that the ability to pay is given an appropriate degree of weight by the arbitrators in making a decision, while at the same time, ensuring that it is not the only factor considered. The definition of ability to pay combines those elements identified by trustees and includes those elements identified by teachers. It is a measure designed to be met with acceptance on both sides.

Bill 72 also ensured that the ability of locally elected trustees to manage schools was maintained by restricting four items from being determined by a third party. These are items that are clearly identified in The Public Schools Act and have been for many, many years as basic management functions that are required to run a division. It also ensured that teachers are afforded the protection that divisions must act reasonably fairly and in good faith in administering their policies and practice with respect to those items, those four that while negotiable, will not be referred to arbitration.

As with any system of collective bargaining, it is expected that most agreements would be arrived at between the parties without any third-party intervention. In a negotiated settlement and a negotiated agreement, Mr. Speaker, both divisions and teachers are accountable for the results and can determine for themselves where priorities lie. It is only when negotiations cannot be concluded that it is necessary to ensure that there is a process in place that provides some measure of accountability for third parties when they make the decisions on behalf of others. We hope through these provisions that boards and teachers would be encouraged to settle locally rather than simply applying for the more expensive, costly and time-consuming procedure of arbitration.

\* (16:00)

Bill 72 provided for two approaches to bargaining and dispute resolution. The first is essentially the existing approach for collective

bargaining, followed by provincial government conciliation and finally binding arbitration. The key difference was that proceeding with this approach would require agreement by both parties. The second method would be bargaining followed by mediation and binding arbitration with the same individual serving as a mediator and arbitrator. The parties could jointly select this approach at any time, and either party could do so after a minimum of 60 days has passed from the date that notice to begin bargaining is given.

One of the major concerns raised by school trustees is that decisions raised by arbitrators often did not reflect the realities of a division's ability to pay. The definition provided in Bill 72 stated that an arbitrator must take into consideration certain items regarding ability to pay. That definition took into account factors identified by teachers and factors identified by trustees. This met with acceptance from both sides, Mr. Speaker. It also included that the arbitrator must consider other factors such as the economic conditions in Manitoba, the division, the compensation of comparable employees and the need to recruit and retain teachers. I think this would help with both sides.

The Education Minister in this government has stated that the purpose of Bill 42 is, and I quote: "to put into place a framework for collective bargaining which will stand the test of time and allow our schools to function in an atmosphere of mutual respect and benefit." The Minister said, Mr. Speaker: "This bill is about fairness. It is about stability in our schools. It is about creating an environment that allows all of us to work towards achieving the main priority of our public school system, ensuring that our children receive the highest quality of education possible."

Mr. Speaker, these are the statements made by the present minister. I applaud the Minister's sincerity. However, I must question some of the motives behind this legislation. Will these changes make Manitoba's education system more productive? I doubt it. Will it have a day-to-day impact on what happens in our classrooms? I doubt it. Will this legislation raise concerns with trustees and taxpayers? Undoubtedly.

We all agree that meeting the needs of Manitoba children must be first and foremost when it comes to making changes of any kind in the education system. This government says it is bent on providing balance. Well, when making changes to the education system and to The Public Schools Act, there must be a balance between the needs of trustees and teachers and the students who are affected ultimately by this government's actions. If school divisions are forced by legislation to make wage settlements that are beyond their means, they may be forced to make cuts elsewhere in the system. What type of balance will this provide to the students? None. Mr. Speaker, this will hurt the teachers, not help the teachers. I have a concern about this. Teachers need to be supported.

This government maintains that it has had a full and frank discussion on the issue of teachers' collective bargaining with the Manitoba Association of School Trustees and the Manitoba Teachers' Society. This Minister says that he has been urged by all parties to ensure that any collective bargaining process is fair and sustainable. Why, then, has he then introduced legislation that does not take into account a school division's ability to pay?

The Minister of Education (Mr. Caldwell) says his government will not achieve its goals in education by attacking teachers. The former government was not interested in attacking teachers either. That government, too, was trying to achieve balance in the education system, a system with increasingly diverse needs placed upon it. Manitoba's education system has come a long way from the days of slate and chalk where a single teacher taught multiple grades in a one-room school. Providing today's students with a comprehensive education does not only provide them with well-trained teachers but also equips them with computers and laboratories and other high-tech equipment needed to train them to compete in an increasingly competitive global economy. Mr. Speaker, it is expensive to provide such training, and I know our trustees and our teachers struggle each day with finding ways to make the system more effective.

Mr. Speaker, I congratulate the Minister for recognizing "that many people of course are concerned about property taxes and the possible



impact that new collective bargaining arrangements for teachers might have on local taxation." As a responsible public official, I certainly share this concern about taxes. It is unfortunate that this minister is introducing legislation that will have a direct bearing on whether taxes will rise in this province. By taking away a school division's ability to pay during the collective bargaining process, the table unfortunately is being set for tax increases. School officials do not want this; taxpayers do not want this; individual teachers do not want to pay more taxes either. The Minister of Education is quite proud about the fact that The Public Schools Act will contain a statement of principles about the purposes of our school system. Ostensibly, it is supposed to make a clear statement that the purpose of the entire public school system is to serve the best educational interests of students.

I find it interesting, Mr. Speaker, that the preamble also states "it is in the public interest to further harmonious relations between teachers and their employers through a process of collective bargaining consistent with the principle that resources must be managed efficiently and effectively." I hope this government is prepared to deal with the tough consequences that arise when school divisions have to make difficult choices about how to allocate limited tax dollars and still satisfy the needs of teachers, students and taxpayers alike. Will harmony reign? That remains to be seen.

I am pleased, Mr. Speaker, to see that strikes and lockouts will continue to be prohibited. We all agree that it is not in the best interests of our students for their teachers to be locked out; they do not deserve to be so penalized. Sadly, this legislation does not remove a division's ability to pay from the bargaining process. This government flatly denies they have made this change, but taxpayers will see through the fancy packaging and recognize that school divisions will suffer as a result of this Bill 42. Will this minister go on record guaranteeing that arbitrators have to recognize factors such as ability to pay and general economic conditions when making decisions about teacher's contracts? I think he will not. He has not in the past and he will not in the future.

The Minister closed his remarks by stating that Bill 42 was drafted "by considerations of balance, by considerations of fairness, and by considerations of the need for stability in the public school system and, above all, the need to maintain and enhance the quality of education for our children." These are lofty, lofty aspirations, Mr. Speaker, and I only hope the Minister will be able to follow through with this vision. There is no denying that there is a need for stability in the public school system, and I am not sure that this minister's plan will assure that stability is the order of the day. Our students will pay the price if instability becomes the norm in our school system.

Mr. Speaker, I have to put on record that this ill-thought-out piece of legislation will have far-reaching ramifications that deal with many, many issues. I have to put on record that, as a teacher of 22 years in the public school system where I taught on a daily basis, it was my understanding as a teacher in the public school system that schools were built for students. I believe with my whole heart that the high academic and social education that our students need and deserve in this democratic society and in this province of Manitoba is of paramount importance for the well-being of the whole society here in Manitoba.

I feel very strongly that this ill thought out piece of legislation is going to put the teachers in jeopardy, is going to put the public school system at risk.

This is a time, a very sad time in the history of education in this province. I think the saddest part of it is that teachers have been sold a bill of goods. The teachers do not know the whole story. I know that the teachers across this province want what is best, first of all, for the students. I know that the teachers across this province want the respect and the decision making that is so needed for the well-being of the students in the schools. Their expertise is something that has to be an integral part of the school system.

We all know that across this province on the average 75 to 80 percent of the funding to schools goes to salaries. The well has run dry. This year there was a funding increase in

education, but in view of the fact that the federal government has put the largest transfer payments into Manitoba in the history of Manitoba and in fact that this government came in with a balanced budget and with money in the bank before they even took office, they had every chance, this government had every chance of putting forth sound educational practices in this province that would increase the educational quality and make it even better for the students here in Manitoba.

\* (16:10)

Mr. Speaker, having said that, I thank you for this opportunity of putting my remarks in the Hansard. This side of the House has serious worries about the Bill 42. I have serious worries about the 50 pages that were taken out of The Public Schools Act. I thank you for this time to put my remarks on record.

**Mr. David Faurschou (Portage la Prairie):** Mr. Speaker, it is truly a pleasure to have the opportunity to rise and participate in the debate in regard to proposed Bill 42 that is in second reading before the House.

I might just begin by giving a little background as to what may give light to some of my comments in this Chamber here today. It was in the fall of 1983 when I placed my name upon the ballot and was elected a school trustee for Ward 3 in the Portage la Prairie School Division No. 24. My subsequent election to the Portage la Prairie School Division Board of Trustees was a continuation of generations of participation in our family in the education of the young people of the province, most specifically Portage la Prairie.

My grandfather and my father before me were both chairmen of the Portage la Prairie School Board or districts of the Portage la Prairie School Board. In fact, I am extremely proud of my father's participation, in light of his position at the time being chairman of the Portage la Prairie rural schools Board of Trustees when amalgamation came into play and negotiated with the urban counterpart within the Portage la Prairie constituency to ultimately form the new school division that had almost equal enrolment from rural and urban. I must say

now, though, that about two-thirds of the school division's enrolment now comes from the urban component and only one-third from the rural, but that is indicative of the changing of the population within our rural areas of Manitoba, simply because of the duress that I am certain all persons in this Chamber are aware is being experienced in the agricultural sector of this province.

Mr. Speaker, the reason behind my participation in the Portage la Prairie School Division was motivated by a wage settlement that precipitated an immense public fallout within Portage la Prairie and, I truly believe, elsewhere around the province.

It was in 1982 that the Portage la Prairie School Division in its wage negotiations ended up providing to the teachers 13 percent on the heels of a 15% average income increase, which were absolutely extraordinary increases in remuneration to the teaching profession within our province in the light that the consumer price index was in fact less than half of the wage increase that was received by the teaching profession in this province.

It was far beyond myself and the electorate of the Portage la Prairie School Division as to how this particular increase could be garnered in light of the current status that was being experienced as it pertained to inflation in this country. It made no sense and no correlation whatsoever.

I might just, at this time, Mr. Speaker, say that it was not just the two years prior to my entry into the capacity of a school trustee that the increases were substantively higher than the consumer price index, but I will say that in '81 and '82 it was extraordinary, because it almost more than doubled.

Over the years we have had opportunities to create a balance between the negotiating process that as a trustee I experienced on many occasions and that of the Manitoba Teachers' Society and their representatives within their local in the Portage la Prairie School Division. I do believe over the course of the years we did negotiate in all intents and purposes with a fair and balanced manner.

We appreciate always the demands of the teaching profession and the sometimes very stressful environment in which the teaching profession conducts their work hours. However, Mr. Speaker, one also has to understand that there are significant levels of stress and demand in other sectors of society. One has to create a balance with those that are paying the taxes and providing employment for the teaching profession within this province.

Ultimately the taxpayer, the property owner of this province, has to have some ability to provide for balance to the employees to which they provide employment. It was the change in the Manitoba Schools Act that provided for a clause that would recognize the ability to pay.

We are not all created equal in wealth nor as individuals nor as in various jurisdictions within this province. Within the province we have school divisions that have low assessment. It is very difficult for school divisions to raise taxes substantively. The mill rate is correspondingly raised significantly higher than perhaps even a neighbouring school division. Portage la Prairie is one of those that benefits from a significantly—in fact, the tax base in Portage is one of the highest in the province. I will say for that we are most fortunate.

But we as a board of trustees did not take that particular situation and exploit it. We, in fact, recognized that there is only one taxpayer pocket and that the city of Portage la Prairie was, in fact, undergoing significant financial stress and had elevated its level of taxation significantly over the years when I was a trustee. In fact, the city of Portage la Prairie had the dubious distinction as being the highest taxed by mill rate, according to assessment, the jurisdiction, in all of the province of Manitoba. We were ranked No. 1, the highest mill of taxation of any municipality.

So, obviously, Mr. Speaker, this provided a restriction and a lot less latitude for the school division in which to raise taxes and garner the funds for programming and, ultimately, the salaries for the teaching staff of the Portage la Prairie School Division. So we were very restricted; however, we were very diligent in our work as school trustees and examined every area

of the school budget. I must say we, in fact, were No. 1 or No. 2 in the entire province as far as administrative cost per student. I must say that we were always in competition, if I might say, with the Garden Valley trustees in our deliberations to make certain that we were, in fact, the most efficient school division in the province as it pertained to delivery of the administrative component, to the teaching staff, the support staff and the students of the school division, and I am very, very proud.

\* (16:20)

As well, during that period, we were fortunate to have the ability to provide for an operating component within our budget, the highest or the second highest level per student in the province as well, and that afforded us the ability to get ahead with different projects such as roofing, parking lot maintenance, school-books, industrial arts equipment, band equipment, and the list goes on.

So we were able to provide for our students because, Mr. Speaker, there was not one of us on the board of school trustees in Portage la Prairie that did not believe that education was without a doubt the most important and fundamental property that one can provide to the young people of Manitoba that will essentially garner them the opportunities that we all hope for our young people, and that is success and prosperity. Education is the foundation on which all of these aspirations are based. Otherwise, without education, I am afraid that our future is a dull one, lacking lustre; it has been tarnished.

That, Mr. Speaker, leads me into the specifics which I would like to address on Bill 42, and I will say from the perspective of a former trustee and one who has three children within the public school system a horrendous bill, absolutely horrendous, because it serves neither the teaching profession nor the parents nor the children. Above all, it does not serve those individuals who are paying the shot, the taxpayers, the property owners of this province.

I do not know why this particular legislation has even been introduced into this House. I have yet to come across negotiations that have been hampered by the current state of this province's

negotiating scheme. It has absolutely nothing to do with remuneration and management and employee relations. If one wants to say it has something to do with the level of remuneration and the wage increases that have been experienced by the teaching profession here in the province, I will just say, look at 1999 statistics, the first year truly that all contract negotiations throughout the province had in fact been under the former Bill 72 which had the clause, ability to pay, included within it.

I might note, Mr. Speaker, that the average teacher's salary increase was 1.07 percent. Now, in relationship to other wage earners within the province, the average increase in 1999 was 0.5 percent. The teaching profession within this province received twice what the average worker within the province, the average professional within this province received. I will include the members of this House, because we as members of this Manitoba Legislative Assembly receive increases based on the average industrial wage increase here in this province.

So the question has to be asked by every single member of this Legislature: How did our teaching profession of Manitoba, why did they garner twice the increase that you or I did? Are we that much less than that of the teaching profession within this province? I say not. I say not. In fact, there are a number of other monetary components within the contract that have added significantly above that 1.07% wage increase.

I will speak specifically of what has taken place in Portage La Prairie. We have now a clause that many school divisions within this province have. That is to relieve, excuse a teaching professional from their duties because of stress. Ladies and gentlemen of this Chamber, is there a definition of stress? If I were to ask each member of this Legislative Assembly, there would be a different terminology attributed to the word "stress." Some would say, what stress? Others would say, I am stressed out.

Without definition, any teaching professional within this province can go to their principal or vice-principal or immediate supervisor and say, I am too stressed to continue my teaching obligations today. There is no

discussion whatsoever entertained at that point, because under contractual obligation the supervisor, the vice-principal, superintendent, principal, the teacher can leave her employ that day for an undefined illness known as stress.

The Honourable Member for Brandon West (Mr. Smith) states: Is there no such thing as stress? Did I not state that every individual within this Chamber would give a different definition to stress. You and I have different backgrounds. I did experience the same occupation as a relief firefighter, as the Member from Brandon West was himself employed. I really understand the immense stress that emergency response individuals have when life and death situations are in fact faced by those responders, whether it be fire, ambulance, police services within this province, and without question there is stress.

I might even say within the position of Speaker, having been elected to this most notable position within the Chamber, experiences some level of stress. This is something that is a monetary item, because yet no school division or bargaining unit can put a specific number, a dollar value to this clause until we have a track record and experience and potentially garner enough statistics that one can project or speculate.

However, this clause came into being as well. Another monetary clause that is not recognized in the 1999 percentage increase is in fact the inclusion for many school divisions of the noon hour supervision clause, which allows and guarantees that allowance for time to consume one's lunch uninterrupted.

Now, in Portage la Prairie that particular situation already existed. Either the period before the noon hour or the period after the noon hour, the teaching staff of the Portage la Prairie School Division had that time to consume their noon meal. However, because it was in fact in vogue, if I might use that term, with the arbitrators and the other negotiators in other school divisions that this noon hour supervision clause be included, it was included in Portage la Prairie. So now we, the board of school trustees in Portage la Prairie, were coerced, if I can use that term as well, into accepting this particular

clause on the premise that it would not cost any more than \$80,000 to the taxpayers of Portage la Prairie to allow for an uninterrupted 12-to-1 hour of respite for noon meal consumption.

\* (16:30)

Mr. Speaker, I wonder if any other members would beg to speculate as to actually what the real cost was after one year of experiencing this particular clause in the Portage la Prairie School Division. The cost to the Portage la Prairie School Division was almost double, just shy of \$150,000, to provide that noon hour, that 12-to-1 period. It was not because the teaching staff of the Portage la Prairie School Division were not receiving adequate enough time in which to get their lunch. It was simply because the Manitoba Teachers' Society decided that this particular uninterrupted hour was an absolute necessity regardless of whether the spare or break preceded or followed the noon hour. It made no sense whatsoever, but there it is.

Also, two other clauses were included within the more recent bargaining. That was to go from 10 pay periods to 24 pay periods. The teaching staff of the Portage la Prairie School Division had no real reason as to why to go from 10 to 24, because, as we all know, there is no teaching going on within the public school system usually within the summer break, and Portage la Prairie was no different. This corresponded to the hiring and contract terminations with the school year. It made no sense to have to average it out over the year.

But, Mr. Speaker, I will let you in on a little piece of information. It was learned that the professional teaching staff of the Portage la Prairie School Division, unlike any other teaching staff within this province, the reason this clause had to be was because the teaching profession could not manage their money. This is a profession that is instilled with the responsibility of providing the educational foundation to prosper into the future, the young people of our province, and we have the teaching staff saying: I cannot manage my own money. My chequebook is always overdrawn in the summer months because I cannot balance it out and save so that I have an average income throughout.

No, it had to come back to the board of trustees to say, there, there, teaching staff of the Portage la Prairie School Division, we will take on that responsibility because you have told us that you are unable.

Then, again, another clause that was enhanced that was already there was the clause of sick leave. Right now the Portage la Prairie School Division has a clause that allows the teaching staff to bank sick leave. It has got to the point where if, in fact, a teaching staffperson is ill for more than half a school year, there is still time left within their sick leave clause if they have banked the maximum. That to me is—you have to have a little bit of personal wherewithal to know whether or not you are going to need to apply for long-term disability within six months. I think that any average individual will know whether or not their illness is going to perpetuate to that length of time. So, in other words, the Portage la Prairie School Division has to in fact record upon its books the amount of days that they would be responsible for in their accrual accounting that if in fact the sick time had been able to have to—

**An Honourable Member:** Have you ever been a teacher?

**Mr. Faurchou:** Honourable colleagues ask whether I have had classroom instruction time, and the answer is, yes, I have.

**An Honourable Member:** Tell us about it.

**Mr. Faurchou:** Not a regular classroom instruction. I am, in fact, a guest lecturer who has provided my volunteer time to ag in the classroom, and provided my experiences in a hope that we can instil the history as well as the vitality of agriculture within the young people of Manitoba, and that, I believe, Mr. Speaker, is vitally important.

There are various levels of stress without question within the classroom, and there are responsibilities. I will not be one to deny that there has been increased responsibilities laid upon the teachers of this province. I will however say, though, that let us look at the investment that one has as a teacher. We invest ourselves, as most have, in a post-secondary

education but most of us have other investments when we go into our line of work. I laid every penny of my personal wealth on the line each and every year under the skies of Manitoba hoping and praying that I will receive a crop. That, ladies and gentlemen of this Chamber, is stress. That is stress when you are looking at your entire worth laying out there in the fields, subject to every known weather pattern that could wipe that wealth out in a matter of moments, as I know that some have experienced within this province.

A teacher goes into a school, which essentially is a clean working environment, carried oneself into that environment without any investment by that individual. Everything is provided for by the taxpayer of this province. There is no specific investment within that classroom. You might have some teaching aides that one might want to do and place within that classroom, but I will say that there was a lot more going into that classroom, as in supports, before the Manitoba Teachers' Society decided to take the position that was placed in black and white by the former president of the Manitoba Teachers' Society, Diane Beresford, when she stated that the Manitoba Teachers' Society, which every teaching professional in this province is required by law to participate in, was not interested in the children of this province and what they were learning. They had absolutely no interest in what took place in that classroom.

The only interest of the Manitoba Teachers' Society, according to the president, was in fact that they were interested in their remuneration as a teacher. It did not matter what the performance of that teacher was, it did not matter how the children performed, it was only garnered by how much was taken home in the paycheque of that individual teacher. I know an immense number of teachers. I have teachers in my immediate family. I have best friends that are teachers. I respect what they have been able to perform, because they are dedicated, absolutely dedicated.

I will take a scenario that took place here in the Portage la Prairie School Division, the last contract negotiations of which were reached in good faith, fair and honest and very mutually respectable negotiations. That document was taken—the contract that was proposed—to the

membership of the Portage la Prairie School Division. The particular situation of which that was to be ratified in was called for a meeting at 4:30 after school. The meeting took place and it was overwhelmingly attended by the teaching staff of the Portage la Prairie School Division. There was a straw pole taken within the room as to whether or not this particular contract would pass or be ratified. MTS did not want the particular contract ratified, because it did not have a particular clause that they were promoting.

\* (16:40)

So what then did they propose to do? The MTS individuals that were not part of the Portage la Prairie School Division's teaching staff took it upon themselves to start to talk. They rambled and rambled and rambled on, Mr. Speaker, for almost three hours at that ratification meeting. Three hours. As you can appreciate, sitting in the confines of one room for three hours, one starts to think of all the things that one should be doing, especially if you are a member of the teaching staff of the Portage la Prairie School Division that is dedicated to the students, the kids that they are charged with each and every day. They knew that they had other commitments that evening to those students, whether it be coaching or tutoring or being there at the school to supervise a school activity or a charity that was going on, teaching staff that was dedicated to the community of Portage la Prairie and everyone within that community. As you can appreciate, these individuals could not wait any longer. They left the meeting.

They continued to take that straw pole until the MTS individuals felt that they could defeat this particular contract that was recommended by their bargaining unit. This failed when they took the vote to ratify the agreement by three votes. In fact, there were only 63 people left in that room out of a teaching staff of 268 individuals, of which the majority of them were there that meeting. The MTS staff that were there made a sham of that ratification process, and I will never, ever forgive MTS for that type of tactics and for the statements by the former president, Diane Beresford, where she then states as a teacher in this province: you do not care about the students. Absolutely unforgivable.

My honourable colleagues are saying that perhaps my commentary about Bill 42 is elevating my level of stress. Mr. Speaker, I will agree that that is probably the case; however, this Bill 42 is in fact a document that is not needed in this province. There are fair and balanced negotiations going on within this province at this time, and I see no reason for introduction of this bill nor for its passage.

If this government was wanting to do something for the teaching profession, not only would they reopen and look at the Norrie report, which defines the boundaries of the Portage la Prairie School Division and the other 52 divisions, to examine a size that provides the economy of scale to deliver the programming that is needed in this day and age for our students to get a well-rounded education.

We know now that school divisions within this province, their hands are tied because they have few in numbers as far as student populations and reduced abilities to raise taxes because of the economic state of affairs, the industry, and reduced land values and assessment, which all spur difficulties in providing educational opportunities.

Examination of the Norrie report, I commend the current government for doing this. I do know the Member for Pembina (Mr. Dyck) and myself from Portage la Prairie know that our school divisions have an economy of scale that was found by the Norrie report to be within 3500 to 6000 students as the ideal number of individuals that will provide a nucleus that garners the tools and the staff and the supports that are necessary to provide an education of value that is so needed in this day and age.

What I will do is challenge this government to look at their Bill 42 in the real clear light and with clear conscience withdraw or leave on the Order Paper, however they might want to do it. Bill 42 serves, as my evaluation and others that I have been able to consult, no value whatsoever.

I will, though, further that challenge to ask this government to examine the Scurfield report, the one that provides for increased remuneration for individuals within the teaching staff that are dedicated not only to their students but to

themselves insofar as furthering their careers and garnering increased education and professional development, so in turn benefiting the students within their charge.

Right now we have a categorization through classification of the teaching staff within this province. I will say there are numerous scenarios which I can provide to this House or anyone that is interested of teachers that have returned to school, garnered a further education, come back to the school divisions and remained in their same classroom teaching the same subject, the same course material as they did prior to their increased qualifications garnered through a second or third or fourth masters degree, the doctorate. There are numerous scenarios.

Under that particular situation, you wonder whether this teacher is really truly challenged to use that additional information and education that she has or he has received in their charge. Yet the school divisions are garnered by law to increase the remuneration to that teacher by moving that teacher to another classification because that teacher now has another degree and is more highly qualified whether or not it is demonstrated that the teacher is expanding her responsibilities or his responsibilities in the classroom and that the students are benefiting from that extra \$5,000, \$10,000, \$15,000, \$25,000 that one can move up the salary scale for increased qualifications through education.

There is no correlation whatsoever as to what that extra money in the pocket of the teacher garners as it relates to the student. That is a travesty within this province, that this particular profession which—the Manitoba Teachers' Society says is a profession and they are professionals. However, to this day, I am really tasked to try and say what other profession attempts to negotiate under contract as a union would do and still call themselves a profession. That is totally contrary and contradictory. I challenge the MTS, in fact, to perhaps decide within themselves what they want to be when they grow up, whether they want to be a union, or do they want, in fact, to be a society for a profession within this province that I will say is a very proud profession.

\* (16:50)

I have benefited from a number of excellent teachers through my public schooling. In fact, I have to say that I am most thankful for that opportunity. I know the Honourable Member for Rossmere (Mr. Schellenberg) has an acquaintance in Mr. Doug Muir, who was my Grade 1, Grade 2, Grade 3, Grade 4 teacher. I will say that Mr. Muir started out his career within the teaching profession at a level of remuneration that was too low. It was unjustified in relationship to the responsibility that he undertook at a rural school in this province.

However, the balance has changed, and that was the reason that Bill 72 was originally introduced. There was no correlation, coordination to the jurisdiction in which the contract was negotiated. We got into an arbitration type of settlement mechanism that did not do any justice to the individual school division because there was not any recognition of the local parameters which the board of trustees was constrained to provide for the stipend of the teachers in that society, in that locus.

It is very, very disappointing to see this bill on the Order Paper and to imagine that our teachers and our trustees in this province are not getting along. I do not know how many arbitrations, but there have been very, very few. Two, three, there may be of all the contracts, the hundred-plus contracts that have been negotiated over the last three years. I do not think that is a bad track record.

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

**Mr. Leonard Derkach (Russell):** Mr. Speaker, I would like to say that I am pleased to stand and speak to this bill, but I regret the fact that we have to speak on this bill and, in fact, oppose it simply because this bill does not represent, I believe, what the general public wants in terms of negotiations between school boards and teachers.

Mr. Speaker, some of my colleagues from across the way are asking me was I a teacher, and the answer to that is, yes, for some years I did teach. Indeed, I also participated in the negotiations of salaries for teachers. During

those years, I might say that teachers were paid about \$3,000 a year, in general terms, anywhere from \$3,000 to \$4,000 a year. Salaries were somewhat lower than they are today, and some are lower than the norm was in the economy, if you like, and, yes, I was a member of the Teachers' Society and I participated in Teachers' Society activities, and I also participated in negotiations.

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

Later, Mr. Deputy Speaker, I also was a school board trustee and a chair of a school board. I also negotiated on behalf of the Manitoba School Trustees, and we did some negotiations in other areas as well. *[interjection]* Yes, I was part of the only board in Manitoba, I believe, that went to contract school buses, a move which was a positive one for that school division and still exists today.

But, Mr. Deputy Speaker, in all of this, I think that the fundamental issue with regard to negotiations between bodies is fairness and balance, and that is what we must strive for when we establish legislation, so that indeed we do not give an unfair advantage to one group over another group. We also have to consider the people who pay the bills, and the people who pay the bills are the ratepayers of our school divisions. They have to be considered in all of this as well.

Now, Mr. Deputy Speaker, in some jurisdictions across this country, there are mechanisms for negotiating, where the Teachers' Society or the teachers of that province negotiate directly with an agency of government. In our province, it has been the rule where the local school trustees have the right to negotiate salaries with their local teachers.

But what has happened over time—and we saw this during the years that I taught school and later as a trustee—that, indeed, when school divisions would take their cases forward, the teachers or the Teachers' Society, I should say, or the teachers' association within that school division would wait and would delay the negotiations of a contract until such time that a chosen school division within the province



would settle, and that settlement would create the benchmark for settlements across this province.

Now, one could argue that perhaps our system needs to change with regard to how we treat school divisions and teachers' associations right across the province, because not every school division can afford to pay the same wages to its employees. I think that is understood. I look at one division that stands out in my mind, and that is the school division of Duck Mountain. Duck Mountain School Division does not have a land base that is assessed very high. As a matter of fact, I think it has the lowest assessment in the province in terms of its land base.

Now, you compare the ability of Duck Mountain to pay for education costs to somewhere like Fort Garry or Winnipeg No. 1, for that matter. There is a definite difference in the ability of the people of those regions to afford education costs, and in all of that teachers' salaries are a part of it. So, Mr. Deputy Speaker, somehow we have to recognize the ability of the local people who have to raise that special levy to be able to afford the cost of education.

Well, the argument then comes in about the fact that teachers are then going to be paid differently for doing the same job in different parts of the province, and, regrettably, that has always been the case. Even in the contracts that have been negotiated by the Manitoba Teachers' Society in different divisions, there are different advantages to teachers in different divisions. Now, they are not all monetary. Some of them have to do with things like preparatory time. Some of them have to do with things like supervision. Others have to do with professional development. Others have to do with supports to teachers who are working in the classroom. There are a variety of contracts which have a variety of conditions in them.

So it has never been a situation where we apply a template to the entire province and say this is how we are going to pay our teachers and this is how we are going to recognize them for their efforts. Maybe, ideally, Mr. Deputy Speaker, that would be preferable to the situation that we have today. But this bill does not allow

for that either. This bill drives a further wedge in terms of the disparity that is going to exist between teachers and their working conditions right across this province.

Now who suffers as a result of this? If in fact you give an advantage, an unfair advantage—and I am not going to say advantage, I am going to say an unfair advantage to one group or the other. If that advantage is in favour of teachers, as it will be by the adoption of this bill, what will happen is that school divisions are going to be forced to make choices about where their dollars are spent. If contracts for salaries become too high, school boards are going to start to reduce the number of teachers in the school division. What they will do then is increase the class sizes and also decrease the amount of supports that teachers have in other ways. I have talked about this issue to teachers, and they agree with me.

\* (17:00)

I think there is a difference in thinking between the regular teacher who works day to day in a classroom and the thinking of the organization, the Manitoba Teachers' Society. I personally have heard expressed disappointment by teachers about what their parent organization or their association does on their behalf without the consultation of these teachers.

My constituency has a good number of professional teachers in the communities that I represent. I have to say that these are hard-working people. These are people who take care of our most valuable resource, our children. They are the people who are leaders in the community because many times if you go into a community the people who are heading up such organizations as the Lions Club, the Kinsmen Club, many other organizations, are teachers. If you ask for volunteers in a community, many times those volunteers happen to be teachers. If you ask for community involvement in any way, and if you have a group of people who come out, within that group I am sure you will find a teacher. So teachers have been a very valuable asset to each and every one of our communities in our province.

If you ask me the question, are teachers overpaid in Manitoba, I would have to answer: No, they are not overpaid in Manitoba. They work hard for their money. They are paid a fair wage. I think that, through the process that has evolved over time, we have had a fair and reasonable approach in the way teachers are remunerated.

What Bill 72 did, Mr. Deputy Speaker, was to take into account some things that were starting to edge their way or wedge their way into negotiations which were really the responsibility of management. Things such as class size. Now, I do not believe that any employer of any school division should have to negotiate through a collective agreement the size of a classroom. We have such a mix in Manitoba. Some of our classroom sizes by virtue of the demographics and population within our divisions have to have perhaps a smaller or higher pupil-teacher ratio than in other communities. Within one school you may get, in one class of Grade 3 students, 23 students. In another case you might have 19 or 18. Or you may have to multigrade.

Now, if we are going to keep in mind the interests of students and if we are going to keep in mind doing what is best for students, we need to reserve some of those kinds of decision-making powers to management. Whether it is the superintendent or the school board or the principal, there have to be some management issues that have to be laid aside from the negotiations items.

Mr. Deputy Speaker, I also believe that somehow we have to take into consideration the wealth of the area. You simply cannot disregard the wealth of an area and have somebody from the outside determine that that area should pay its teachers 4 and 5 percent or 10 percent a year more than they did in the previous year. In an urban area, which has a more stable economic climate, if you like, than you would have in the rural part of our province—maybe that is a generalized statement, but I think in the past few years that has been true—it is probably easier to raise that money, and it is probably easier for a school board to agree with those kinds of increases.

But if you go into rural Manitoba, and I simply use the southwest corner, one that this government has not recognized the problems in, and I regret that the Minister of Agriculture (Ms. Wowchuk) has not really taken it upon herself to do something in a positive manner for those people. But if you look at the southwest corner of our province, people there did not have an income last year.

Now, let us take that a step further. Let us apply it to ourselves as individuals. Mr. Deputy Speaker, you and I receive a stipend from the Province of Manitoba for doing what we do. Now, if someone were to take that away from us and said, you still come to work every day and you still have to put food on the table and you still have the expenses that you incur with your job and all those other things, but your income is going to be zero this year, would you find yourself in a stressful situation? I think you would and so would I. But what would we do?

**An Honourable Member:** I would be defaulting on my mortgage.

**Mr. Derkach:** Yes. I hear an opposition member say: I would probably have to default on a mortgage or something. That is very true. That is probably true in many of our cases. Something would have to give.

Well, what about these people in southwestern Manitoba? They did not have an income last year. They had to invest money to put their crops in this year. Their taxes are increasing.

Now we are going to tell them that whoever negotiates salaries on behalf of the school division and the teachers in their area cannot take into consideration their ability to pay more. Now, is there not something wrong with that? If we really think it through, is there not something wrong with that? I guess my issue is what happens if you bring in this type of legislation is it upsets the apple cart. It takes that balance away. It takes away the responsibility of people who are negotiating on behalf of employees within that region to take a look at the wealth of that region.

I take that one step further. I take it to our salaries here as legislators in Manitoba. A few

years ago we adopted the recommendations of Wally Fox-Decent and company with regard to the remuneration that all of us receive. I did not like it. I do not think anybody liked it here. But you compare it to other jurisdictions. Let us compare our salaries and what we receive as remuneration to a province like Ontario or Alberta. Now, as I understand it, we are the lowest paid legislators in all of Canada, even lower than Prince Edward Island.

Okay, so we are. But consider the wealth of this province to Alberta or to Ontario and consider the ability of Manitobans to pay us compared to Alberta or compared to Ontario. So maybe there is some reason for us not to be at the head of the group, if you like, or to be the highest paid. Maybe there is a reason for us to be somewhere in the middle, not necessarily at the bottom. If you look at the economy of our province compared to other jurisdictions, we are not at the top, we are not at the bottom, we are somewhere in between in a good position. Manitoba's economy over the last 10 years grew, thanks to the former government. We have to take into account the ability of our taxpayers to pay for the costs that they incur as a result of us representing them. So it should apply to other groups, and it should apply to teachers as well, at least someone having the responsibility to take a look at the impact that that increase in salary and working conditions might have on the people of that area. That is what Bill 72 was all about.

Well, Mr. Deputy Speaker, Bill 42 now says we do not have to consider those things anymore. Instead of forcing the bodies to come together in a process of conciliation—if they have been negotiating for a period of time and they reach an impasse, even under the old system there used to be a process where the bodies could engage a conciliator. The conciliator would go back and forth, and one of the finest conciliators provincially, I think, recognized by all of us probably, Mr. Wally Fox-Decent, has negotiated several successful contracts. But it is a process of going back and forth between the bodies and seeing where there is common ground for settlement. Well, this bill does not provide for that, because this bill forces the negotiators to go straight to arbitration. So there is no process for an in-between settlement here.

You either agree on a particular settlement, or you go straight to arbitration.

\* (17:10)

Now, then, the other issue is the time lines, the 90-day period of time that has been put in place to try and determine what a settlement should be at. Mr. Deputy Speaker, when I speak with trustees and also with teachers' associations—and I have to say this, that not all teachers' associations agree with the 90-day time limit. Many of them would prefer to have a greater time limit so that they could, in fact, put their positions forward, so that they could analyze what goes on in the economy, so that they could see where other sectors of the economy are reaching settlements. And sometimes it is prudent to wait. The trustees are telling us that, too. They are saying why are we being forced into a 90-day time limit on bargaining? That has never been the case before.

Now, true enough, there are some circumstances where bargaining seems to take forever. But there were mechanisms in place that, indeed, if the bargaining time limits were such that were not acceptable to one party or the other, one party or the other could apply for conciliation, and if conciliation did not work, then that one party or the other could apply for arbitration. That was kind of a reasonable approach to things. Well, Mr. Deputy Speaker, this bill does away with all of those things.

The other thing that this bill does is it takes away from the teachers their ability to stay within The Manitoba Teachers' Society Act. I think there is a MTS Act which speaks to special conditions for teachers, apart from employees, if you like. You know, I always prided myself that there was an act for teachers, because what it meant was that teachers were not labourers; teachers were somewhere between labourers and professionals, if you like, closer to the professionals. In my view, a teacher is a professional, and they should be treated as professionals. Now, why would you want to take them out of that category and bring them under the labour code? To me, that is a step backwards. I, for the life of me, cannot understand how the Manitoba Teachers' Society can agree with this bill if it, in

fact, takes them back in time rather than putting them ahead. *[interjection]*

So, Mr. Deputy Speaker, my colleague says just another union, and that, in fact, is what is going to be the reality of the situation. People are going to look at teachers falling within a labour union, and they are going to be considered as another group that is a labour union organization. Teachers never wanted that. The people that I work with, the people that I associate with, the professionals that I know in the teaching field did not want to be considered union people because they took responsibility not just from the time they punched the clock at eight o'clock and punched out at four o'clock. As a matter of fact, they took responsibility for activities during noon hours, after four, after school. They were really involved in their profession. They are excellent contributors to the economy and to the wealth and to the characteristics of a community. If you take them out of The Teachers' Society Act and put them under the Labour Board, I think you do an injustice to the professionals, to the integrity of that organization and indeed to the respect of that organization.

Mr. Deputy Speaker, I cannot understand for the life of me how the Minister of Education—new as he is, he should have taken more time to really consider the impact of this with regard to teachers in our province. When I talk to teachers about this, as a matter of fact, I have met with teachers in the city, I have met with teachers in the country, and all of them have the same view. They want to be considered under The Manitoba Teachers' Society Act rather than under The Labour Act. So there is a bit of a concern here. I think that members opposite who have belonged or belong to the profession should consider that because, indeed, this is going to have an impact on future teachers as well, not just the ones that are at Harcourt, at the Manitoba Teachers' Society building, not just the employees of that particular union, but indeed to the people who work on behalf of our children and on behalf of parents and on behalf of school divisions, educating our young people.

Education in many countries is considered a very proud profession. I have always felt that in Manitoba and in Canada this is an honourable

profession and should be considered as that and respected as that by all of us in society because these people do take our most valuable resource, our children. They mould them. They education them, and they give them an opportunity to be successful in whatever walk of life these young people choose. So, therefore, we should be very thoughtful in the way that we administer any legislation as it impacts on teachers, but also as it impacts on other people that are affected by this legislation.

School boards across this province have always asked us to consider putting in legislation, something that would give them an equal or a level playing field with regard to negotiating. Bargaining is a complex issue. Bargaining is a difficult issue. There are people who specialize in this kind of process, and today we find that in most cases the bargaining is not done at the local level by the local school trustee and the local teacher. The bargaining is done by professionals who come out of the MAST organization and the MTS organization, and the local people basically have some input, but indeed they do not carry the responsibility or the ball in terms of negotiating. If we compel our school boards to change educational programming because they have no choice as a result of settlements and negotiations that have been done by people outside that division, we are going to do an injustice to our children, because the impact is going to be directly felt by the children who are attending those programs.

Yes, education has become more complex. We have brought into our education system a lot more children who never used to be involved, who never used to be engaged in the regular classroom activities of the school. So our teachers have greater responsibilities. Now, if you take some of those management rights away from the school board and you force that school board then to start decreasing the number of resources that are put into the school, because that money has to come from somewhere, then what happens, it is the domino effect, and the person it impacts on at the end of the day is the child.

Mr. Deputy Speaker, we cannot expect our taxpayers to continually have increased costs under tax bills in times when the economy is not

very healthy in their particular regions. I refer to Duck Mountain School Division. I remember from my days in Education we used to treat Duck Mountain specially. We tried to devise a formula, and the Minister of Family Services was very intimate with education finance and for a number of years headed that area of education finance. For school divisions who did not have the means there was a provision within education formulas to allow more money to flow into those school divisions, recognizing the fact that they did not have the ability to pay as much as other school divisions.

So, if we recognize that in school finance, why would we not recognize that in bargaining issues as well? Why would we not recognize that in the legislation that we set for the bargaining of salaries for our personnel in school divisions?

Mr. Deputy Speaker, this bill will do nothing to help the ordinary people that are out in the field and the taxpayers in Manitoba. When you consider the impact it is going to have on teachers, I think it is going to be negative at the end of the day. It may be positive in some circumstances, that some may get a temporary increase in their remuneration for the efforts that they put forth, but at the end of the day teachers are going to have more stress put on their shoulders as a result of the fact that the money is not going to be there. There is going to be too much money taken out for salaries. We are going to have fewer personnel in our classrooms, fewer resources in the classrooms, fewer materials in the classrooms, poorer equipment in the classrooms and poorer classrooms in general.

\* (17:20)

Now, someone may say, well, that is a scare tactic, Derkach; that will never happen. Mr. Deputy Speaker, I believe that it will happen unless we can somehow convince the Minister of Education to take another look at this bill and to consider some amendments that indeed would not be as draconian as this bill is in its present form.

I would appeal to the Minister of Education to take another look at this legislation, to take another look at the potential impacts of this legislation and to reconsider and perhaps to

allow for some amendments to be made so that this bill would be more palatable to school trustees, also to some teachers in addition to the municipalities.

I have not spoken about the impact on municipalities, Mr. Deputy Speaker. Municipalities have expressed deep concern about this legislation. They have come to me on several occasions. The municipalities that I represent have come to me on several occasions and have said, is there any way that we can help to amend this legislation so that it does not have the impact that we think it is going to have? We cannot afford a large increase in our taxes anymore. There is going to be a tax revolt, many of them tell me. People will simply refuse to pay their taxes, en masse.

Mr. Deputy Speaker, there are circumstances where people today are struggling to pay their property taxes even as high as they are today, because of the kinds of situations that exist in some of the rural parts of our province. Our municipal officials, the elected officials are worried. They are worried about what they are going to do and what this bill is going to do to them, because they fear that it is going to have a very negative impact.

Now this government prided itself on the fact that it gave the home-owner rebate to taxpayers this year. Yes, they should take the credit for doing that. Now we have a different approach to things, but nevertheless if you take a look at what this bill will do, it will erase any positive impact that that might have had, and it will add additional costs to that \$75 that was forgiven. At the end of the day, the impact is negative.

The Minister of Education (Mr. Caldwell) I think is reacting to pressure that was put on to his party and on him by the Manitoba Teachers' Society. He did not consider the views of people who were elected to other boards like the school trustees, like the municipal officials, like the chambers of commerce, Mr. Deputy Speaker. The chambers of commerce of this province, the Manitoba Chamber of Commerce is reacting negatively to this bill.

Now, if you have the Manitoba Association of School Trustees and you have the chambers

of commerce and you have AMM all reacting negatively to this bill, whom are you pleasing with this bill? You are pleasing no one but, if you like, the bosses of the Manitoba Teachers' Society. You are not even pleasing the teachers, because when I talk to the teachers they recognize the reality of what this bill could do. They recognize that, in fact, this bill could be negative to them and their working conditions at the end of the day. So, Mr. Deputy Speaker, I want the Minister of Education to give this bill some more thought. Before this bill reaches its final conclusion, I want the Minister to consider it seriously.

Now, you might say, Mr. Deputy Speaker, why are you making such a fuss about this bill? Why do you not just let it go through and let the chips fall where they may? Well, I do it because I have a genuine interest in the impact that legislation like this will have on the people whom I represent and, in general, the people of Manitoba. All of us want situations to be better for all of our citizenry. We do not want it to impact negatively on one group or another, but when you go into negotiating there has to be a level playing field so that one group or the other does not have the unfair advantage of negotiating that this bill is going to impose on the situation.

It is clear that this bill is going to put school boards at a distinct disadvantage when they enter the bargaining arena, and I think many members opposite understand that and they know that, because I know that they have been talked to by school boards and they have been talked to also by the municipal officials within their jurisdictions. I know that the Member for Roblin-Dauphin did not get a thumbs up by the town of Roblin nor by the city of Dauphin nor did he get a thumbs up on this bill from the trustees' association in that area because I talked to them, too, Mr. Deputy Speaker. Some of those trustees that he represents live in my constituency, as well, and they expressed those concerns to me. In addition to that, teachers in the Roblin-Dauphin constituency as well as in my constituency have expressed that same concern, because they realize that they are taxpayers. They realize that the impact could be negative on them at the end of the day, so they are nervous about this bill.

So when I look at the Member for Dauphin-Roblin (Mr. Struthers), I wonder who he is representing by—*[interjection]* Roblin-Dauphin, Dauphin-Roblin, whichever. Roblin is closer to me, that is why I use Roblin-Dauphin. Mr. Deputy Speaker, the constituency that he represents, certainly the trustees in that constituency, the municipal officials in that constituency, the chambers of the towns that he represents have also expressed a concern about this legislation. So I ask the Member for Dauphin-Roblin, who is it that he represents?

Now, Mr. Deputy Speaker, let us go a little further. Let us ask the Minister of Agriculture (Ms. Wowchuk) who represents the Swan River area. I have talked to people in the Swan River area. I have talked to the chambers in Swan River area. *[interjection]* The Minister of Agriculture says the Chairman of the school board of Swan River supports this legislation. She just said that.

Mr. Deputy Speaker, the Chair that I know of Swan Valley School Division does not support this legislation. *[interjection]* Now, if there is information that the Minister has where the Chair of Swan Valley School Division supports this legislation, then I would like to see that in writing, because the Chair of Swan Valley School Division and the trustees of Swan Valley School Division do not support this legislation either.

Now, Mr. Deputy Speaker, I know that there are individuals in my constituency and in the Minister's constituency who have other views. Of course, they happen to hold NDP memberships, and they happen to support the legislation. But that is more political than it is tactical. *[interjection]*

The Minister of Highways (Mr. Ashton) has some interesting comments, Mr. Deputy Speaker. But I think it will be like Thompson. My constituency and Thompson are much the same in that there is probably the same polarity of people in the two constituencies with regard to the different political parties.

\* (17:30)

Mr. Deputy Speaker, it does not matter which constituency you go into. I do not know

what the urban constituencies are like because I have very little contact with them. But I do know about a lot of rural Manitoba constituencies. Because of my former work as minister of Rural Development, I happened to establish friendships right across this province. *[interjection]* The Minister of Highways makes some interesting comments. But he should check with his mayor in Thompson with regard to these issues, and I do not know that he would get total support for this bill from his mayor in Thompson. The Member for Thompson, the Minister of Highways, should also check with school trustees in his area. We are talking about Bill 42. Let us not confuse issues.

I simply want to say that this bill has a very negative impact, in my view, on the general population of school divisions across Manitoba. The real negative impact, the real impact, if you like, is going to be on children in our school divisions. Regardless of what form of bargaining takes place, if you give one group an unfair advantage, the people who suffer are going to be the children who receive the programming from our teachers.

So, Mr. Deputy Speaker, I want to, once again, appeal to the Minister of Education (Mr. Caldwell) to take another look at this legislation and to consider some amendments that will be of a positive nature, that will create a more level playing field for the trustees and the teachers. I am sure, at the end of the day, if the Minister does consider this, he will find that there could be more support for this legislation than there is in its current form.

Mr. Deputy Speaker, I thank you for giving me the opportunity to put some comments on the record and for allowing me to express my views with regard to Bill 42.

**Mr. Harry Enns (Lakeside):** Mr. Deputy Speaker, some might feel it strange that this modest cattle farmer from the Interlake would want to participate in this debate on education, but I do want to, because I bring to it some history, some very genuine concern, and a story about the evolution of the educational system in Manitoba.

You see, colleagues, and I have said this before, my first adult job was that of a teacher under the former Liberal government. My colleague from the Liberal Party is not here. I go back to that era, that stultifying era of some 30, 40, 50 years of coalition government in Manitoba, when the world was moving on and Manitoba stood still, stood still under a coalition, to be fair to the Liberals, D. L. Campbell, Bracken and so forth.

Then along came a young man by the name of Duff Roblin and the Conservative Party and brought Manitoba into the 20th century. Mr. Deputy Speaker, although Mr. Roblin, who was the first Premier that I was privileged to serve, does take some pleasure at being reminded about the ditch that he dug around Winnipeg and how it has saved Winnipeg countless of billions of dollars in terms of flood protection, he does not really like that being an honorarium. He is far more concerned, in his opinion, and I was there and I was privileged to be there, part of that cabinet, to make the inroads, the impact that he made on education.

It was that administration that created the University of Winnipeg, that created the University of Brandon. It was that administration, and I recall well, I was about in the position of the current Minister of Education (Mr. Caldwell). I was about a nine-month-old Minister of Education when, with a stroke of a pen, I wiped out 186 school divisions and turned them into 3. All the current school divisions were created by the Conservative administration of the early '60s, and they still stand today.

Now, whether they should still stand in their present form is a moot question. We asked that question in the last few years of the Filmon administration. We appointed the Norrie commission to look at boundaries. It is up to this government now to react to those. I offer no particular advice, but I simply want to relate that little bit of history about how the Conservative Party stood with education and how education was the paramount issue of priorities with the Conservative Party. It grieves me to this day, and I cannot understand it, although I will try to explain it, how come the teachers now—pardon me, Mr. Deputy Speaker, it is not parliamentary,

but shit upon us as a party, and it really grieves me. You know, I can recall—*[interjection]* I might be in trouble, eh? I might be in trouble.

**Mr. Deputy Speaker:** Since the Member, by reason of his long experience in the House, knows that it is unparliamentary, I would be pleased if he would voluntarily withdraw the statement.

**Mr. Enns:** I wonder if I would have said "shat" instead of the other—I withdraw unconditionally, Mr. Deputy Speaker, but I can recall and some of my colleagues, was it two years ago, when the Manitoba Teachers' Society presented themselves to us here in the Legislature as a lobby group.

Mr. Deputy Speaker, I go back some time. I was here when 10 000 independent insurance agencies descended on this building when Autopac was created and their livelihood was being threatened. I have been here when 5000 and 6000 farmers have descended around this building to express their concern. I was here when 400 or 500 employees from companies like McKenzie Seeds in Brandon or Flyer bus expressed their concern about a possible loss of jobs. But I have to tell you never, never in my 34 years of life have I seen such a crude, such a boorish, such an absolute unacceptable behaviour from a group of people coming to this Legislature than the Manitoba Teachers' Society.

I went home that night, Mr. Deputy Speaker, and my God, my God, these are the people we are entrusting our children to. They physically abused the then minister. They swore at us. They made crude gestures at us. They shouted at us from this building, which no other delegation has done. I have never seen such absolute rude people in my life as represented by the Manitoba Teachers' Society led by their president, Mr. MacIntyre a couple of years ago, and that is a fact. We all experienced that.

I mean, I got pushed and jostled. I got called a lot of unparliamentary names, which I cannot use, by teachers as a legislator. These are people who are representing the teachers. *[interjection]* Mr. Deputy Speaker, I want to be very clear. I am talking about the organization. I have within my immediate family people who have

dedicated their entire life to the teaching profession, Winnipeg School Division, St. Vital School Division. I have many, many good friends who are in the teaching profession. I am not talking about the professional organization, the union.

How did this happen? Well, part of the reason how it happened is because there was another transition right about '66, you see. The then CCF Party, the political party transformed itself into the New Democratic Party. How did they do that? They said and we will forever and a day put our hands together with organized labour. Union bosses and the old CCF, right here in Winnipeg, formed the New Democrats. God bless them. That is fine. There has been another great alliance formed in this country in the last little while, and that freedom train is rolling through Canada, and that will bring about a new revolution to Canada. We will see that. There is nothing wrong with that.

\* (17:40)

My only concern—and it was expressed by my colleague a little while ago. Here is a group of professional people, teachers, who from that day on it does not matter what they do. You know, like Pavlov's dogs, they will be supportive of the New Democrats. Just like Jimmy Hoffa supported the Democrats in the United States, just like Buzz Hargrove is supportive of something like that, the teachers' union has totally—it does not matter what. You can withdraw this bill, you can take \$10 million out of educational funding, the teachers' union will still support you. They will still support you, because they are committed to that. They are committed to that. That is a tragedy. That is a tragedy from a professional teachers' organization.

Well, Mr. Deputy Speaker, that is just a little bit of history specifically to this bill. Virtually everybody in our society here in Manitoba contributed during the early '90s years, '92, '93, '94, '95, to bringing fiscal responsibility and stability to this province. We as legislators did it. We imposed it on our 15 000 civil servants. Remember the Filmon Fridays. We imposed it, and the private sector followed suit. We even tried, if you recall, to impose it on our judges. We did not quite succeed with the judges. The



health care workers, everybody accepted a wage freeze for three or four years, except the teachers.

The teachers got their 4, 5, 6 percent every year. *[interjection]* Oh, they might have gotten a 2 percent or 1.5 or 3 percent, but as my colleague said, in the contract, read the contract language, everybody jumped up a step, and that was another 2 or 3 percent. Most teachers received, while the rest of us tightened our belt to make it possible so that we now have a government, an NDP government that can talk about balanced budgets, an NDP government that has an additional \$400 million or \$500 million to work with. We created that situation, but we all contributed to that, as I say, in the entire public sector, except the teachers.

That is why this particular legislation is so onerous and so unjust. After all, what was the old legislation really asking? Simply to create a level playing field. Simply to accept reality. Simply to say if you have the ability to pay, pay. You know, if you have the ability to pay, pay.

But this Bill 42, and God bless the NDP, I admire winners, particularly in the political realm. You got Bernie Christophe in your hand, and he delivered, and you are paying him off. You are now paying off the Teachers' Society with Bill 42. You are paying off your political debts. You will pay off the debts to the Aboriginal community with the gambling casinos. You are paying off all your political debts, and you are doing it smart. That may succeed, but will it be for the long-time benefit of the province of Manitoba? Will it be, as my colleague says, for the long-time benefit of our children? I think not, Mr. Deputy Speaker.

So, Mr. Deputy Speaker, I honestly believe that the Government should think twice. I think the Manitoba Teachers' Society should think twice. I think they should read all the fine print in this bill. Why would they want to continue to put themselves professionally, as a group, into a position that is going to further conflict within their community that I am satisfied 90 percent of them are dedicated and want to serve to the best of their ability? Why, as they will continue to put ongoing pressure on taxes, property taxes, would they want to be eventually singled out and

fingered, singled out and red-circled? There is the cause, madam home-owner in Winnipeg or somewhere in rural Manitoba, why your taxes are going up 10 or 15 percent this year.

Mr. Deputy Speaker, it is our job. We will point that out. That is our job. This province and this government has not quite come to terms with the fact that people in Canada generally feel that they are taxed out. I take it as a tremendous stride forward that we have finally got even our socialist friends saying that balanced budgets are a good thing. I mean, it was only a little better than a year, a couple of years ago that they voted against it and said it was not. They said the tap could run forever. They thought the tap could run forever. So at least we have moved the political spectrum that much further, that they are now recognizing that taxation has a limit. Balanced budgets are indeed important. Fiscal responsibility is indeed an important item.

Well, Mr. Deputy Speaker, I want to tell you one thing, and the Minister of Finance (Mr. Selinger) should be listening to this, because that pressure is going to increase, not decrease. Does nobody listen to what is happening nationally? The federal Liberals, right about now, I think, are meeting not only in hotel rooms in Toronto, but in other places, I am told. Some are following Minister Rock around because as of last Saturday, they have started to become concerned about their well-being in the future federal election.

Well, Mr. Deputy Speaker, you are well aware that what commends the Prime Minister's most likely opponents' recommendations to the Liberal Party and to the people of Manitoba is his commitment to cutting taxes, his ability to bring down the deficit. That is what happened, and that was the central fiscal issue that Stockwell Day propelled into the leadership of the Canadian Alliance Party. That is what is happening and continuing to happen in our major competing provinces of Ontario and Alberta. Can we as an island stand alone and pass this kind of legislation that will drive taxes up, inexorably up, up and up?

Of course, it can. I will tell you that if we would have been—and now the good reverend here behind me, I have a special relationship

with him. I occasionally have kind of a confessional arrangement with him. The fact that he sits so close to this Conservative, I always have the feeling that maybe in time he will come and join us, you see. There is always that opportunity.

Mr. Deputy Speaker, inevitably, the pressure to increase taxes will arise from a bill like this, and, more importantly, this is where as a society, as a group of professionals, the teachers of Manitoba really want to examine where they are heading with this kind of legislation and with their blind dedication to a political party.

They will begin to be crunched in that push and shove where, on the one hand, this government, and I believe them, as all governments in Canada and Manitoba are—we want to see the best for our children, the best in education. We want to improve our educational opportunities. We want to be concerned about the output. We differ in the methodology. We think, particularly as we are providing better and better resources for our teachers, that they ought to, in turn, be willing to show us some tangible results in terms of testing and the likes of that; but, as that fades away and the public school system simply becomes more and more of an onus on the tax bill, that will erode support for the public school system. That will erode support for thousands of extremely good and professional teachers that we have in this province. They are doing it to themselves, and they are looking for the short-term gain. This government will give it to them because they are politicians. They want their votes, and they are getting them. They know for certain that for the foreseeable future the Manitoba Teachers' Society will automatically endorse the New Democrats. We know that.

\* (17:50)

We regrettably accept that. Fortunately, that is not carried through on a per-teacher level. There are many teachers throughout Manitoba who make their own judgments, but then, like in most unions, although we talk about democracy, most union decisions, there will be a thousand people involved and 80 people will show up at their union meeting and make the decisions.

Now that is fair game. That is democracy, I suppose.

Mr. Deputy Speaker, this bill is not doing the Manitoba teachers any great favour. This bill is not going to be doing, more importantly, the children of Manitoba any favour. This bill will come to haunt this government as payback time starts to roll up. They, on the one hand, try to make an issue of the fact that they are giving back \$75, the home-owner rebate, to help take some of the pressure off the property taxes, fair game. That was their election promise; they are going to do it.

The level of expectations, their removal of Bill 72 means that that is going to be eaten up in the first year. We know that and more than that.

Mr. Deputy Speaker, the Manitoba Teachers' Society does itself a disservice in the kind of association that they have, in the way they professionally handle themselves with respect to issues like that. Even if you have a predilection, if you are bent in a certain way, why do it in such a public way? Why spend hundreds of thousands of dollars to defeat Harry Enns or Leonard Derkach or Larry Maguire? They do that. The teachers do that. Every election they spend hundreds of thousands of dollars—

**An Honourable Member:** Harry Enns was not defeated.

**Mr. Enns:** But they spend that money. They said do not vote for a Conservative. Conservatives are terrible, and it has become genetic with the Manitoba Teachers' Society. They have the one commitment to the New Democrats, and, of course, understandably, the New Democrats have confirmed that commitment.

Let us understand, Mr. Deputy Speaker, this is ~~not~~ thought-out education, ~~policy~~-setting legislation. This is just IOUs being honoured. Teachers' Society gives ~~the~~ New Democrats X number of hundreds of thousands of dollars to campaign, to actively become politically involved. They are a political machine. They have become actively involved in provincial elections. Of course, they expect their reward, and they are getting it.

But, Mr. Deputy Speaker, there is a price. Well, yes, there is a price, and I suppose Mr. Barrett is paying a price right now, but is that really the way we want to deal with what I consider the most important public service that we bring? I know that Health is No. 1, but quite frankly, in my books, Education is more important than Health. Health is necessary, health is there, health we all require, but certainly, if any of us want to call ourselves progressive, if any of us want to call ourselves as having concern about the future, we all have to be supportive of the very best in our educational system. It grieves me that the blinkers, the political blinkers, are on so tight on the Manitoba Teachers' Society that we cannot have that kind of discourse here in Manitoba.

That discourse was there in 1964, in 1965, in 1966. It was there with a Conservative administration. It was there with Duff Roblin. It was there with our universities. It was there within our professional people. That is when we respected each other as professional people, and that is not to say that they were committed to this particular party. We never enjoyed that kind of commitment. We certainly never enjoyed that kind of financial support that the New Democrats get from their union buddies, and that, unfortunately, is what the teachers have become.

*Mr. Speaker in the Chair*

I am going to take that back because, look, there is nothing wrong with being union buddies. Unions have done a great thing in this country. Unions are very powerful in this country, and that is great. I just want the teachers to understand that they have joined that crowd. As the Member for Roblin said, they are union buddies of this administration. They expected this kind of legislation, and they are getting this kind of legislation.

I say, Mr. Speaker, in all sincerity that this is not a bill that will serve the public school system well. This is not a bill that will serve our children well. This is not a bill that offers the kind of discourse that ought to be taking place between all stakeholders in education. I think it is regrettable that a member from the teachers' union would have to sneak into our caucus to advise us or talk to us. I think it is regrettable that the teachers' union feels themselves so

aligned with a political party and so identified with them that we cannot have discourse.

Sooner or later, and it may be later or it may be sooner, the odds will change. A government will change and people will reverse roles here. There are enough people in this Chamber that know whereof I speak.

Is it not only common sense that an organization that purports itself, not only purports itself but collects handsome dues from its members to carry out the best interests of all the teachers in the province, should put themselves above the kind of political fray and infighting that goes on in this Chamber, should put themselves above the political fray at election time and should be concerned about their No. 1 charge, the children of Manitoba, and how they are being educated, how they are progressing through the education system, how they are being equipped to challenge the complex world that we turn our children out into.

All of these things are issues that we should all be discussing together with our trustees, with our teachers, with our legislators on both sides of the House to make this system work. We are pouring big dollars into it. Some people, many people that we all represent when it comes to other issues are saying, hey, there has to be a limit to the taxation load that we can carry. I will tell you, it may come as early as this fall or this April when a lot of people, a lot of liberals, and I call all you folks liberals—there used to be days when I called you, there used a time when I called them comics. There used to be a time when I called them tinklers, tinklers and comics. With the changing world, with the fall of the evil empire, to quote Ronald Reagan, a great President of the United States, I just refer to them as liberals, but I will say the liberal element in Canada may all of a sudden find itself shocked, shocked when all of a sudden somebody says, hey, taxation is enough, a flat 17 percent is all we are going to tax—

**Mr. Speaker:** Order. When this matter is again before the House, the Honourable Member for Lakeside will have 13 minutes remaining.

The hour being 6 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow morning (Thursday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, July 12, 2000

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