

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, 22 June, 1987.

Time — 8:00 p.m.

ADJOURNED DEBATE ON SECOND READING

BILL NO. 61 - THE LABOUR RELATIONS ACT

MADAM SPEAKER, Hon. M. Phillips: On the proposed motion of the Minister of Labour, the Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Thank you, Madam Speaker.

I can understand why some of the government members would yell pass, because they're so embarrassed about this bill, they don't want to hear any more.

Madam Speaker, one of the things that we work for in this province and have worked for so diligently and hard over the past few years is to always have management and labour agree on something, that they can work together with and make presentations to government.

We have at the present time in Manitoba that situation, which I'm sure is being admired by most of the people in Canada on both the management and labour side, in that most of the labour organizations and nearly all of the business organizations are against what this government is doing with Bill 61.

It is unfortunate that this government does not like business investment in this province. It is very unfortunate that they seem to want to go out of their way to encourage investment to go elsewhere, and that of course is something that is becoming very evident as every day goes by when this government passes legislation.

Who would come to invest in Manitoba with this type of labour legislation? Who would say that I come to Manitoba and I agree with legislation which is unfair, and here we have the government that says fairness is the most marvellous thing? Well, it's pretty obvious that they forgot those words when they put this bill together.

Why would anybody in their right mind have legislation that says that one side doesn't have to accept it? And from that point of view, why would anybody investing in this province in their right mind invest here when that situation is apparent?

One of the members opposite speaking on a resolution earlier today, he said it was stupid. He said it was a stupid resolution. Well, Madam Speaker, this is a stupid bill, put together by people who have no respect for the workers of this province, and, of course, that's become evident with other bills that they've passed. They don't want investment, because the government wants to be the great spender of money within this province; they want to be in control of the cash flows; they want to be able to say what will happen with investment; and, Madam Speaker, that's what they are accomplishing.

We have a Minister of Industry who sits back and he actually agrees with what is being presented by this government, to discourage investment in this province. We have a Minister of Small Business and Tourism who should be able to see the consequences of the labour legislation, plus this addition to it, to the advancement of business in this province, and they sit by and say that's all right.

We have a Minister of Labour who has absolutely no conscience whatsoever, and care for workers. I do remember the day when he used to have, but I guess he was being hypocritical then because certainly today, he doesn't have any respect or care for people having jobs in this province, and that's a serious situation.

We have all kinds of people who are just crying for jobs in this province. We have all kinds of people who would like to invest in this province, because we are geographically located in the centre of North America where investment can be a desirable thing to a company, and yet we have the legislation which is discouraging them.

Over the weekend, Madam Speaker, we all read in the paper that the new tax structures of this government were discouraging people. The new tax structures of this province were discouraging enthusiasm of Manitobans. We all remember the days when Manitobans had enthusiasm, but since this government has passed the legislation that they have regarding investment, regarding incomes, regarding health as far as hospital beds, etc., are concerned, we see the people of Manitoba losing enthusiasm, which will only lead to lack of confidence; but isn't clearly that what the socialist, Marxist Communist wants, and that is to break the backs of the people; that is to take the confidence away from people; and that is done so that they can control the people, and basically this government feels that they want to control the people in that way. They will work to have the cash flow, because they will not have investment.

But you know, the final offer legislation that has been put before us - final offer selection is bad enough at the best of times - it is not usually - and it's proven that most unions do not like it and, as I said, not usually accepted by any sides that are in negotiations.

But here we have a government that not only puts in a program of final offer selection which is not popular, but then, Madam Speaker, they put in the little extra that I don't think would be found hardly anywhere in the province, or in Canada, or United States, saying that one side has to accept it and the other side doesn't. So we have that situation.

The City of Winnipeg, which has a very large number of employees, and then you have the Association of Industrial, Mechanical and Allied Workers, Canadian Union of Public Employees, all of these union associations opposing. And we saw in the news tonight where the head of the Manitoba Labour Federation, Mr. Hudson, is now trying to work them into line.

You see, the Minister and the Premier and all of those honourable members on the other side have certainly

put the pressure on Mr. Hudson to bring these people into line, and Mr. Hudson is working very hard to do so. My colleagues that have spoken on this bill have mentioned the food workers and the head of that union. I, personally, don't like to hear his name mentioned in this Legislature because of the disastrous things that Bernie Christophe, if I must say it, has done to labour relations in this province; has done to workers in this province who he claims that he is in favour of, or works with; and what he's done to businesses that work in this province with good intention.

So, Madam Speaker, we have a situation where the pressure has been put on the Minister, then the government; the weakest Premier we've ever had in the history of this province - and he proved that today, that he didn't have any fortitude whatsoever when it comes to governing and making decisions - also must agree with what this government is doing with the labour legislation.

Maybe we have a situation here where the government would like to see the unions split up or at one another's throat. Maybe we have a situation here where we thought that the unions as one body were too strong and they're trying to do something about that. Or maybe Mr. Christophe feels that he wants to be the top dog and, if he gets his way on this one, he will be.

But the Minister of Labour will come crawling on his knees to him as he has, and he'll stick by it.

He'll stand up in this House when he closes debate and he'll say in committee all those parroted words that he's been taught. Then he will give his written speech, or his opinions about what should happen with labour legislation within this province. Quite frankly, he has failed at everything he's ever done since he was a Minister. He failed during the Schreyer years and he's failed during the Pawley years, and he laughs about it and thinks it's funny.

MADAM SPEAKER: I remind the honourable member, we only call honourable members of this House by their constituency, or by their title.

MR. F. JOHNSTON: Madam Speaker, I'm sorry, I didn't hear you.

MADAM SPEAKER: I'm reminding the honourable member that we only refer to honourable members of this House by their title.

MR. F. JOHNSTON: Well, all right, I refer to the Minister of Labour as somebody who has failed at every position he's ever been in, whether it was the Schreyer years or whether it was these years, and I might say a person that has changed, he used to fight for people, he used to think highly of sticking up for people's rights and the underdog, but I'm sorry that has changed today.

As a matter of fact, I had an old friend of ours, Madam Speaker, that worked with us in St. James, and he said to me: What has gone wrong with Al? I assume he was referring to the Minister. Of course, he's crawling on his knees again because the Minister and House Leader over there just told him to be quiet, and naturally he has to be quiet. - (Interjection) - That's right. You see we're receiving the proof of the pudding that he can't think for himself.

Madam Speaker, we have in this legislation also a situation that will create havoc within what this government calls good relations between management and labour. Can you imagine what will happen when one side has the power over the other that this legislation gives? Can you imagine the labour unrest for any reason whatsoever? It'll be called forward and they will use this legislation at any time for any whim of a situation. The labour leaders or the unions will put workers into positions that they don't deserve to be put in because of this legislation.

We will see a situation where this particular legislation will create - I don't like to use the word "havoc"; the word I would like to use is it will create "hardships" for the workers. This person that these members on this side of the House hypocritically profess to represent, and they will do something that will create havoc or hardships for them.

I don't know where this caring government went. They used to say that they were a caring government and that they had concerns for people, but when people lose their jobs or when people can't find jobs, I would suggest that the caring situation or the caring feelings of this government is gone.

They can talk about all of the other services that governments do for people, but the one thing that people want is a job. They want to work. They want the respect of having a job and the respect of coming home to their families to say that we have done something today, we have worked today and we're a very proud family.

This government is working in such a way that that pride and those feelings of Manitobans will be harmed, will be hurt. But, Madam Speaker, there's always the government job; there's always the socialist government job, the handout, so that he can control them.

Madam Speaker, I would like to think that with all of the experience that this government claims they have in labour legislation and all of the advice they have from workers and all of the advice they have for unions would be brought forward and worked on in such a way that they wouldn't pass this legislation which will be harmful to the people of the Province of Manitoba.

You have a government here that really and truly feels that they know best and, in this particular case, there are members on that side of the House who know that this is not the best legislation. I wonder how they search their conscience when they stand up and vote for legislation that is only going to benefit Bernie Christophe to get him out of a jam he got himself into, calling in his chips to you, practically forcing you to put through legislation that most of you on that side don't believe in.

Well, it also, Madam Speaker, makes you wonder what the intestinal fortitude is over there or, guts, to put it plainly, when they can be put in the position of standing up and supporting something that most of them don't believe in, something that they took out of the legislation a few years ago. They not only took out the final offer selection, and it was final offer selection in the form that we all know it as, they took it out and they brought it back in, in a form that is not recognizable to anybody. And why the government, in this particular occasion is doing that, we're having a hard time trying to figure out.

A MEMBER: No guts.

MR. F. JOHNSTON: Yes, no guts is one reason.

MADAM SPEAKER: I caution the honourable member, that particular phrase has certainly been ruled many times unparliamentary. Would the honourable member please be very careful in expressing his opinion.

The Honourable Leader of the Opposition - from his seat.

MR. G. FILMON: On a point of order, Madam Speaker. Are you referring to the phrase "guts" as being unparliamentary?

MADAM SPEAKER: I was referring to the phrase that the Honourable Member for Sturgeon Creek used, which was "hasn't got the."

MR. G. FILMON: Hasn't got the?

MADAM SPEAKER: Hasn't got the guts, which is what the Honourable Member for Sturgeon Creek said.

MR. G. FILMON: I see.

MR. D. ORCHARD: Is that as bad as slimy little pig?

MR. G. FILMON: Is it that phrase in totality that is unparliamentary?

MADAM SPEAKER: That is the phrase that is quoted in Beauchesne on page 107.

MR. G. FILMON: But if he simply says that they have no guts, that it is parliamentary. Is my understanding correct?

MADAM SPEAKER: Do we want to get extremely technical because the word "g-u-t-s" is also one of the listed words in large type on page 107?

MR. G. FILMON: Madam Speaker, the only reason I raise that point is that I recall distinctly the Member for Wolseley in this House utilizing the phrase with respect to the late Mary Beth Dolin, saying that she was a gutsy lady; that is on the record. I would suggest that . . .

MADAM SPEAKER: Order please.

May I also remind the Honourable Leader of the Opposition that if there had been any objection at that particular time, that was the time to raise it. The time to raise a point of order is when it happens. I am doing that with the Honourable Member for Sturgeon Creek, who was using the term in a derogatory way, which is what the unparliamentary words are generally used in.

MR. G. FILMON: Madam Speaker, we didn't take it in a derogatory way; we just simply took it as a normal description of the Minister of Labour.

SPEAKER'S RULING

MADAM SPEAKER: My ruling is that the Honourable Member for Sturgeon Creek should be very cautious

about the language that he uses in expressing his opinion.

The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Well, I did say internal fortitude at one time, and then I used the phrase that you've corrected me on - but if snivelling wimps is what they want to hear, that's what they are.

MADAM SPEAKER: The Honourable Member for Kildonan.

MR. M. DOLIN: A point of order.

I do not know whether that's parliamentary in the Beauchesne, Madam Speaker, but I would suggest it is not; I would also suggest that perhaps you would care to review it and make a ruling on it.

I would like the member to withdraw.

MADAM SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Madam Speaker, the member has asked you to take a position on it, or look at it and take a ruling on it, but I can assure you, if they want some other descriptions about weak-kneed, lily-livered people, that's what they are.

MADAM SPEAKER: Order, order please. Order please.

May I remind honourable members that there are ways of expressing oneself that are parliamentary, and there are ways that are disorderly and tend . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MADAM SPEAKER: Order please.

Could the Honourable Member for Sturgeon Creek please express himself in a parliamentary way in his remarks, which mean not casting innuendo, or epithet, or any other expressions I could use.

MR. F. JOHNSTON: It was a very common statement that my grandfather used to use when people didn't have any internal fortitude.

They don't like it, Madam Speaker, when they get it straight from the shoulder; they don't like it when they get told, in no uncertain terms, the way they're acting. You see, if you don't treat a socialist straightforward and hit him straight between the eyes, he hasn't got the brains to understand it, and that is a very common fact.- (Interjection)-

I hear, possibly, Madam Speaker, I am not sure, comments from the other side, who obviously don't like what I have to say to them and, quite frankly, I will say it on any platform anywhere, because I believe it and it's true. No problem whatsoever.

You can have the members on the other side bamboozle the workers, as they are in this bill, but they have to be told what they're doing to those workers, and what they are doing to their own self-respect because they are being controlled by one person, and they are crawling to him, and there's no doubt about it. So, Madam Speaker, let's call a spade a spade.

HON. A. MACKLING: A diamond in the rough.

MR. F. JOHNSTON: So, Madam Speaker, I just thought I heard the Member for St. James mention I was a diamond in the rough. I am certainly glad I am not an old moldy piece of coal that has been worn out, burnt out and laughs about the fact of what he's done to people.

So, Madam Speaker, we like to have investment in this province and we want it, and now we won't get it. We will have a situation where we've had continuous Ministers of Industry in this province agree with legislation that discourages investment and done nothing about it. They've sat back when Ministers of Finance have brought in taxes which discourage investment. They can't argue with that because manufacturing investment goes down and the results are now showing that private investment is dropping steadily.

We have a situation where the proof has been shown that this government has sat back, with all their pomp and piety, saying I'd like to have some discussion with the business sector. We would like to have some meetings with you. We would like to hear what you have to say and have dialogue and discussion.

I can quote a letter from a previous head of Manitoba's Labour Legislation that came to this House by accident, where he complained about the relationship between business and the government. He complained that the Portage la Prairie meetings were not good and they have never been good and they will never get any better. Business, Madam Speaker, has stopped listening to you. They are not going to sit down across the table from you any longer and believe anything that you have to say, because you have misled them. They have taken you at your word; they have thought your word meant something and then you move back in around that Cabinet table or your caucus table and you knife them in the back anytime you get the opportunity to do so and in doing so you harm the workers of this province.

The labour legislation that they brag about that has lesser strikes or labour unrest than any other province; the labour legislation that they brag about with the minimum wage that they have in this province; the salaries that they have in this province; all the harmony that they have been talking about and working with, as far as management is concerned - and hopefully having labour work along with them - has gone down the drain because you have actually shown that your words, your conversation and your statements aren't worth the paper they're written on. They're just a wisp in the wind and they now recognize it. They have said so and they are going to say so again.

I've heard the word "bizarre" from one of the members opposite and I can tell you that he probably knows less about management than any other person in this place and he's now proven that he wants to harm the worker.

A MEMBER: Is that right?

MR. F. JOHNSTON: That's right.

So, Madam Speaker, we know where this government stands. We know that the labour people now know that they can't be trusted or they can't be talked to in a way that they can take their word. We now know that the management people know that they can't be trusted

and they can't have their word taken. We now know that every segment of society, even in community services; we now know in Health, with hospital beds closing; we now know that this government can't be trusted with the people, because they tax and take money from their pockets unnecessarily; we now know that every Minister over there practically has been in trouble and the Premier has done nothing about it, and the people wonder what kind of a government you are; and now you have a situation where you pass legislation that will be harmful to the working people of this province.

The majority of Manitobans are the working people of this province and they work and they want to work. You have the audacity to sit there and think that your conscience is clear. I can tell you there are members over there who don't really believe in what they're doing, but they just are such wimps that they're going to do it anyway.

MADAM SPEAKER: The Honourable Member for Portage la Prairie.

MR. E. CONNERY: Thank you, Madam Speaker.

I won't take a long time in discussing this bill, but there are a few things that I would like to put on the record.

Madam Speaker, this bill was introduced in spite of massive, massive opposition from the business community and from the labour community, and I find it difficult for a Minister and a government to introduce legislation that has massive opposition. Obviously, the Minister did not consult with the labour unions; he didn't consult with business, because we see the Chamber of Commerce very upset with this government, upset to the extent that they are looking at even picketing this Legislature.

Madam Speaker, I wouldn't blame them if they did because this government and these Ministers have not listened to anything of common sense. When we discuss what it's doing to the business community, members opposite say that we're against labour. Madam Speaker, jobs are created by business, and all the names the member before used to describe these members are absolutely accurate. They haven't got a clue of what they're talking about.

They don't understand business; they've never created a job in their life; they've never risked investment, unless it's on a tax scam, where you know you're going to get your money back, but they're good at investing in that sort of thing, Madam Speaker, but outside of that, these members have not invested. Oh, the Member for Elmwood will say, he's in an insurance business. He didn't start the insurance business. He got involved with somebody else who was already in the insurance business. He never used his expertise to develop something and never will, and members opposite never will be able to.

But, Madam Speaker, I am thankful that the Minister of Business Development is here tonight. In Estimates, I tried to counsel the Minister that her portfolio had to be very cognizant about what all other Ministers did in this Legislature because they affected Business Development.

Madam Speaker, we know that the business community is a public investment community in this

province. The private sector, regardless of what they try to say, is not doing well. The only reason that we have a reasonable economic climate in this province is because the government is borrowing massive amounts of money and investing in public enterprises, which does have a spin-off in some of the private sector.

Madam Speaker, we tried to explain to the Minister that things like payroll tax has an effect on business; things like workmans - Workers - Compensation has an effect. I corrected myself rather neatly there. I recognize you like the workers better than the workman, but we could have called it workwomen; there's lots of good working women in this province. But, Madam Speaker, the Minister of Business Development needs to be more cognizant of all the ingredients that go into making the cake of business, making it work, and the Minister does not understand, because obviously there hasn't been any input that I can see from this Minister, in the Cabinet, that has guided them to not try to destroy the private sector business in this province.

Madam Speaker, we wonder if they're not trying deliberately to chase the private investment out of this province. They're doing absolutely everything they can to do it and, if they chase away private business, they're going to go to more public enterprises, more Crown corporations, which is what this government wants. They want total control over the cash flow in the province; they want total control over the people in this province; they want total control over the workers in this province, Madam Speaker, so that they can then defend their positions and they can maintain themselves in government.

Madam Speaker, legislation such as this will not encourage businesses to come from other provinces or to come from other countries. It's terrible legislation, top loading on top of all of the other legislation that this government has put in. Members opposite say, good stuff, and if you want to discourage private enterprise, you bet it's good stuff. It's the best stuff you could ever do to discourage private enterprise.

Madam Speaker, we see branches closing in this province. We see Canada Packers closing in this province and, in Estimates, I read a large list of companies that moved to Alberta, Saskatchewan, Toronto, Montreal, companies, Madam Speaker, that we were pretty proud to have here and that created a large job sector, but they've gone. They list a few that have come in, and thank goodness there are a few because of some natural reasons in Manitoba, that there are a few coming, and we've had some expansions like McCain and Carnation at Carberry. But, Madam Speaker, that's because we've got the best potatoes in North America that they've come here and they've expanded. Had they had a choice, they would not be here. They're here because the product is here and there's no other place they can get a product like it.

So they don't need to say that companies are coming here because of this government. They're coming here in spite of probably the worst Provincial Government that this country has ever seen. Madam Speaker, a company looking to come to Manitoba, first of all, is going to have first labour legislation contract imposed on them and, once that's been imposed on them, then they could be subjected to having the FOS imposed on them every year after that. Madam Speaker, they may never ever be able to get into serious negotiations with their union.

I've been involved in two different negotiations, labour negotiations. Madam Speaker, back in 1966, when I was elected to the school board in Portage and I was on the negotiating committee for the school board, I worked hard to raise the wages of the employees because school teachers in 1966, 1965, 1967 were grossly underpaid people. I worked hard to make sure that we gave the teachers the maximum raise that school division could afford and I'm proud of that. Today I think school teachers are well-paid, and I could not maybe take that same position. I'm proud of school teachers, but they're not underpaid the way they were in the mid-Sixties and latter Sixties.

Madam Speaker, I was also involved with our Marketing Board and they were negotiating with the MGEA for the staff at the Vegetable Producers Marketing Board. We had some tough negotiations to do and we were in tough times. In one particular year, we had come through a very particular, difficult, economic time and we had to ride very hard on what we were prepared to offer the union, and we explained to them, in our negotiations, why we couldn't go any further. Fortunately, that union had enough sense to understand that, yes, that was as far as we could go.

But, Madam Speaker, if we didn't have that opportunity and they said, no, we're going to go to final offer and, if by chance what the union had offered and was fairly severe and was beyond the ability of our Marketing Board to accept, we would have had to make some drastic decisions. Part of it would have been to curtail part of the operation. It would have been to lay off people. Madam Speaker, that wouldn't have been a good option to have. So I have some very severe reservations about the final offer selection because it creates an either somebody wins or somebody loses. When that happens, somebody gets hurt.

Madam Speaker, can you imagine a union negotiator losing on final offer selection, and what their members are going to say to them the next time when they want to be elected to the same position? They failed. Conversely, management who fails in the final offer selection is going to be looked down upon by the top management as having not been good negotiators, and somebody is going to be in trouble.

Madam Speaker, I don't think we want to go this route. We have to have outs for everybody. Everybody has to be able to save face. Union members have to be able to save face and be able to say, well we did achieve some things. We didn't achieve all we wanted because it wasn't there this time, but we did achieve something. But in final offer selections, you are going to get all or you lose all, and I don't think any side wants that.

Madam Speaker, in the bill and in one area - and I was looking at factors to be considered in making a decision - they talked about the reasons that - it says: "In making a decision under subsection(4), the selector may take into account . . ." and it goes through some various sectors. One of them says, "the employer's ability to pay." Madam Speaker, what has that got to do with the whole thing, the employer's ability to pay? The employer might be a company who can pass it on. What if it is one of the big supermarkets? So okay, he can pass it on. So we'll give a big settlement to the workers in some of the supermarkets, which are fairly well-paid today, but we'll give them a big increase

because all the company has to do is add it on. They can and they do. So who's going to pay for this high selection then is going to be the consumers, the people of this province. They'll be paying the bill.

Madam Speaker, when you go the Safeway store or the supermarket or the little independents, whichever you go to, if there's an extra cost in there you, Madam Speaker, when you're buying your groceries pay for it, not the big companies. You, Madam Speaker, will pay that bill.

But, Madam Speaker, the ability to pay, what about the payroll tax? The Minister of Business Development said they were going to investigate and take a look at this terrible payroll tax that is a burden to the business community of this province. They did a review, and they added 50 percent on to it. But, Madam Speaker, the payroll tax has nothing to do with ability to pay. If you create a job, which this government says they want to do, and if an employer creates a job and pays that person a decent salary, no matter what the salary, there's a tax, Madam Speaker, on that job - not a tax after you've made a profit, but a tax just on creating a job and hiring an individual to work. They're going to tax that individual. Now here they say, depending on the ability to pay. So we see some double standards, Madam Speaker, in the role of this government as to what they say should be done.

They also say in here, "changes in the cost of living." Well, does that mean that it's going to be an automatic certain amount? If it's above the cost of living, will it be refused because it's too high or, if it's below the cost of living, will it be refused because it doesn't cover the cost of living? I have some concerns as to the direction that they're giving the selector as to what he has to do. He doesn't give him a lot of freedom.

Also, it says, "where in the opinion of the selector, the employer has provided sufficient information in respect thereof, the continuity and stability of employment for employees in the unit." I guess what the Minister is saying that anybody who's in the unit cannot be fired because they're not happy with what's going on. But if we go to final selection, then I don't know where this comes into play. I just don't understand that part of it, or are they going to say that it's mandatory that the company maintains the number of employees?

Once again, Madam Speaker, how do you determine that a company must maintain the number of employees? We look upon the suggestion that, if you're going to close the plant, you're going to have to give a year's notice before you have any layoffs. Many things can happen in the supply and whatever of a company, and they're going to have to maintain a staff for a year before they can lay them off. Madam Speaker, it's ludicrous. But we can understand it from this government because it's a ludicrous government. They just have no comprehension as to anything involving business.

Madam Speaker, members on our side will always be opposed to legislation that is written by labour leaders for their own, narrow self-interest. This is exactly what this legislation is. They don't care. The labour leaders aren't too concerned whether this labour legislation jeopardizes jobs or not. It is their position within their union that they're foremost concerned about.

This government is concerned about those union leaders because they're the funding of this provincial government. Without the labour union money, Madam Speaker, this government would not be able to function. So, I hope the Minister of Business Development when she listens to the arguments, will make some mention in caucus because we have some over 40,000 people who are unemployed in this province. The highest number of unemployed we have ever seen has been with this particular government.-(Interjection)- Yes, Madam Speaker, one member says "check the figures." Well, there are over 40,000 and also I guess if the figures are down, Madam Speaker, it's because we've had a little more out-migration to Ontario which we are seeing and we're seeing . . .

SOME HONOURABLE MEMBERS: Oh, oh!

A MEMBER: Don't worry about immigration.

A MEMBER: I'll send you out the figures, Ed.

MR. E. CONNERY: Members opposite aren't very happy to hear what is happening, but it's the facts.

When we get down to -(Interjection)- The three stooges are in rare form tonight, they're going at it pretty good. Madam Speaker, can you see the fairness in labour negotiations? -(Interjection)- Are you about to tell the three stooges to be quiet, Madam Speaker?

SOME HONOURABLE MEMBERS: Oh, oh!

A MEMBER: They brought their harps.

MADAM SPEAKER: The Honourable Member for Portage La Prairie has the floor.

MR. E. CONNERY: Madam Speaker, one of the things that concerns me when we get into labour negotiations and we see the large unions with all their battery of lawyers and negotiators and everything else going up against a small company in negotiations, that small company hasn't got much of a chance. We look at people with the ability to make and understand final offer selection, these large unions are going to win out in most cases and it will only be the very large companies that will have the expertise and the financial ability to fight the big union.

We think that it's going to be - if anything, I hope the Minister of Business Development recognizes this - the ones that are going to be hurt most with this in the business sector are going to be the small businesses, because they will not have the ability to fight Bernie Christophe and all the large unions and their expertise.

It's a very, very unfair - and this government talks about being fair - this legislation is totally unfair in how it treats people. I said I would only have a few words and I don't want to repeat all of the things that other members have said because as I listened to the speeches I have to agree with what they've said. They've said it. I agree with it. I wanted to add in just a few different things to add some of my concerns, the dimension as I perceive it.

Thank you, Madam Speaker.

MADAM SPEAKER: The Honourable Member for Burrows.

MR. C. SANTOS: Madam Speaker, whether or not the proposed legislation which is Bill No. 61, an Act to amend The Labour Relations Act, is good or bad legislation can only be determined after a recent analysis of the legal objectives of The Manitoba Labour Relations Act, the behaviour and analysis of collective bargaining activities in the critical sense, and an understanding of the power struggle muddle of collective bargaining. I propose to analyze the situation, Madam Speaker, from the point of view of an academic outsider who wants to understand the problem carefully.

What are the basic objectives of The Manitoba Labour Relations Act? If we look at the preamble to the act, and I would like to quote the preamble because the preamble contains all the basic objectives of The Manitoba Labour Relations Act, "Whereas it is in the public interest of the Province of Manitoba to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and unions as the freely designated representatives of employees."

If we look closely at this phraseology, we can extract three basic objectives: (1) to further the harmonious relations between employers and employees; (2) to encourage the practice and procedure of collective bargaining; and (3) to foster the selection of the union as the freely designated representative of the employees. They are all there in the preamble.

The first objective is to further the harmonious relationship between employer and employee. This objective presupposes that there is such an employer/employee relationship and that such employer/employee relationship is designed to have a harmonious relationship between two parties, the employer and the employees. In order to maintain this harmonious relationship between employer and employee, it is essential that there be mutual trust and confidence between the two parties. It is essential that there be a lot of good will and mutual tolerance and understanding between these two parties in industrial relations.

The second objective is to encourage the practice and procedure of collective bargaining. In order to encourage the practice and procedure of collective bargaining, we have to understand what the process or procedure of collective bargaining is. The process and procedure of collective bargaining is that it is a process of negotiating between management representing the interest of the employer, and the union representing the interest of the employee, in order that the parties therein may mutually determine the nature of the employer/employee relationship and arrive at a certain set of rules that will govern that relationship with respect to, for example, in matters of wage rates, in matters of hours of work and other terms and conditions of employment, for a specified period of time as determined in the collective agreement.

Before the augment of unionization, the relationship between employer/employee was established by means of individual contract of service between a person, an individual, who wants to offer his service for a price for remuneration to the employer. Because of the nature

of economic phenomenon, it is usually the case that the employer had more resources than the employee and therefore the person who is offering his service is usually at the mercy of the person who is buying his service. Therefore, in the course of our experience in society, we have developed this movement toward collective development of this contractual relationship in the form of a collective agreement.

The collective agreement contains not only those terms that are mutually agreed upon between employers and employees, but also certain rights and obligations that are imposed by statute in order to arrive at what we call fairness in the relationship, such rights and obligations, for example, about the standard rules of minimum wages, rules about holidays, rules about unemployment compensation schemes and rules about human rights. Whether the parties are agreed on these rights and obligations or not, the statute deems them as written and included in the collective agreement.

In order to guarantee the practice and procedure of collective bargaining will be fostered and enhanced, The Manitoba Labour Relations Act guaranteed to every employee the right to participate in the organization of a union, the right to become a member of a union and the right to participate in the activities of a union.

On the other side, in an almost parallel recognition of that right, The Manitoba Labour Relations Act also recognized on the part of the employer or a person representing the interests of an employer the right to participate in the activities of an employer organization, the right to belong in an employers' organization and the right to become a member of an employers' organization. So that is fair in terms of advancing the practice and procedure of collective bargaining.

The third objective of The Manitoba Labour Relations Act is to foster the selection of the union as a freely designated representative of the employees in collective bargaining. This is a modern rendition and modification of the old established doctrine, what is known as free collective bargaining. The doctrine of free collective bargaining is based on the fundamental concept of voluntarism, in the context of the North American private sector, the economy of laissez-faire. In the North American conception of the free-enterprise economy, the basic and fundamental value that has been recognized in this society is that the parties themselves and no other should be able to determine for themselves the nature of the relationship that they are establishing between themselves, free from any intervention from any outsider, including the government.

But that is based on the premise of free-enterprise economy, on the premise of laissez-faire, but the premise is no longer true. We now live in a mixed economy of both public and private sector. Therefore, the old doctrine is already outmoded, and it has been replaced in our Manitoba Labour Relations Act with this new conception of the free selection of a union as the freely designated representative of the employees.

What does that mean? It means that management cannot interfere with the administration, with the formation or with the operation of a union. In fact, under The Manitoba Labour Relations Act, management is even prohibited in contributing any kind of support, financial or otherwise, in the formation of a union. Why is that? Because if management, who is normally and ordinarily the dominant economic power in the

relationship, will be able to contribute support to the formation of the union, then the union structure will be so dominated and so influenced by the employer in such a way that the union structure becomes the alter ego of management. It becomes what we call a company union. If it is a company union, which is negotiating with management representing the employer, in reality, what we see there will be the same and single entity negotiating with itself.

The management, representing the interests of the employer and the company union structure negotiating supposedly for the employee but, because it's so dominated by the company, it becomes the company negotiating with itself, unilaterally therefore setting forth the contracts and conditions of employment in the workplace. That is undesirable, and therefore we have adopted the third objective, the free selection of the union as the freely designated representative of the employees.

It is this purpose of preventing and precluding the normally powerful economic employer from unilaterally laying down the terms and conditions of employment, as if there were no collective negotiations at all. That is the legal set of objectives.

Now, let us analyze the behaviour of people in collective bargaining relationships. In terms of behavioural analysis of behaviour of the participants in the collective negotiations, if we really look closely into it, according to Walton and McKersy (phonetic) in their book, "Behavioural Theory of Negotiations," there are actually three or four bundles of activities that are taking place in this delicate art of negotiation. There are really four different types of bundles of behavioural activities that are taking place: (1) what they call distributive bargaining; (2) what they call integrated bargaining; (3) what they call attitudinally structuring; and (4) what is called intraorganizational bargaining. These are all words, but let us analyse each one of them.

Distributive bargaining means that one party's gain is the other party's loss. That's what distributive means. Therefore, all those who are engaged in distributive bargaining are encouraged to use this technique of bluffing. The art of success in distributive bargaining is to conceal your own position and discover what your opponent wants. There is no point in arguing about reason, there is no point in asking about cooperation because, by the very nature of things, in distributive bargaining, my gain is your loss, your loss is my gain. That's distributive bargaining.

This is manifested in the negotiation relating to wages. The higher the wages, the greater the expense on the part of management, the greater the gain on the part of the workers. The lower the wages, the lesser the expense on the part of management, the greater the gain on the other side. That's the distributive aspect of bargaining.

The second type of bargaining is called integrated bargaining. Integrated bargaining means that one's person's gain is not necessarily another person's loss. It is in direct contrast to what, in mathematical theory, is called zero-sum gain. Two-person, zero-sum gain, that is distributive bargaining. This one is a two-person, non-constant gain. My gain is not necessarily your loss, and your loss is not necessarily my gain. It is possible to have a win-win situation referred to by the Leader of the Opposition. This is integrated bargaining.

An example of this is a good grievance procedure installed in the workplace - both sides benefit - a good pension system, agreed upon between the parties. The side of labour, employees, and the side of management benefit in the institution of such things as pension plans, dental plans and good grievance procedures. This is integrated bargaining; it benefits everyone.

The third type of negotiations taking place is what is known as attitude restructuring. In the course of the negotiations, the parties at the negotiation table implicitly or are actually trying to encourage or discourage certain types of behaviour. Either they are developing the attitude of trust or distrust with one other side, attitude of love or hate or attitude of hostility or friendliness. Ultimately, they realize that they had to live together symbiotically. Even after the collective agreement had been formulated, they will have to administer the collective agreement together and, therefore, it is essential that they talk to one another in reasonable terms. That is attitude restructuring.

The fourth category of behaviour taking place in that very intricate negotiating process is what is known as intraorganizational bargaining. The union leaders representing the employees, when they negotiate with the representative of management, representing the interests of labour, have their one eye on the side of management and their other eye on the side of their constituents, the employees that they represent, because the employees they represent are not a homogeneous group. They have different interests as well, the old timers against the new workers, the old as against the young. These are different interests that they have to reconcile if they are to represent the interests of the workers fairly on the bargaining table.

Therefore, it is always the technique of union negotiators to throw as many demands as they can on the table and say to their own constituents, here, I am representing you, I am representing all your interests. They try to reconcile all those conflicting interests so that no one segment of the constituency that they represent can say, you have neglected our interests, you are not voicing our interests on the negotiating table. That is known as intraorganizational bargaining.

This is a very intricate system of human behaviour that we have to understand if we want to understand the effect of compulsory interest arbitration, especially this present form, the final offer selection.

Let's look at the model of bargaining itself as a power struggle. In a book called "Collective Bargaining," written by Chamberlain and Khan (phonetic) about 20 years ago, they said that the measure of the bargaining power of a party to the bargaining table is simply the ratio of the other party's cost of disagreeing with the first party's demand, relative to the cost of their agreeing to their demands.

Let me repeat that one, as a very delicate statement of a relationship. If we are to measure the bargaining power of management, it means the cost to the union of disagreeing with management demands relative to the cost to the union of agreeing with management's demands. If we are to measure the bargaining power of the union, we can measure that one as the ratio of the cost to management of disagreeing with union's demands, relative to management's cost of agreeing with union's demands.

Therefore, a party to the collective bargaining agreement is said to be in a strong bargaining position

if the cost to the other party of disagreeing with its own demand is much, much more, relative to the cost to the other party of agreeing with its own demand. It is in this context that, at the negotiating table, one of the parties, usually the weaker parties, is under the circumstances under constraint to make concessions because the costs to it of disagreeing to the other party's demand must outweigh the costs of agreeing and therefore it will lead to a lack of mutually agreeable settlement, and it will help to make concession if it has to go forward in the negotiation.

It is this nature of the bargaining relationship that explains why conventional arbitration of interests is sometimes a hindrance to the arrival to the mutually settled agreement. If I come to the bargaining table as an intransigent negotiator and makes so unreasonable a demand and never makes any concession, believing that the arbitrator will simply take the compromise position, take one-half of what I want and the other half of what the opponent wants, then by being intransigent, by not making any concession, I am liable to gain by what the arbitrator will finally arrive at because I am so far distant from the other fellow's demand that he will have to formulate a compromise position that takes . . . of what I want. Therefore, it encourages people to be intransigent, never make any concession, take unreasonable positions. That is why interest arbitration procedure has been objected to as destructive by collective bargaining. That has been the opinion of some people because of this encouragement of intransigent position.

The real issue then is, given all this context, whether or not compulsory interest arbitration is a reasonable alternative to what is known as economic work stoppage as the result of the exercise that the ultimate power of a strike on the part of the union and the ultimate power of a lockout for refusal to give any concession to a written collective agreement on the part of management. Is compulsory interest arbitration the submission of the issue to some disinterested neutral third party to determine the ultimate outcome? Is that a reasonable alternative to the arrival to the solution of the dispute and the writing of the collective bargaining agreement?

The principal objection of some people to compulsory interest arbitration is that it is destructive of collective bargaining. Why? They reason out because the parties have to surrender their right of choice to some third party who will determine the final outcome of the negotiation. Therefore, they say the surrendering of their right to some third party destroys the collective bargaining negotiation.

The second objection is that it has a narcotic effect on the part of the parties; narcotic effect meaning that since the parties to the negotiation will know more or less in advance that if they cannot agree, the arbitrator will make an award, therefore, they habituate themselves in not bargaining in good faith and hoping that in the ultimate outcome the arbitrator will write the collective agreement for them. That is called the narcotic effect, they become lazy to bargain in good faith, because they know ultimately the arbitrator will make a compromise position and settle the dispute and write a collective agreement for them.

A third objection to compulsory interest arbitration is that it has a chilling effect on the part of the parties

to the negotiating table. That is to say those people who are making some unreasonable demands at the bargaining table, so unreasonable and so unrealistic and standing by their demand, without making any concession, are therefore chilled in their position. They are not in the mood to come with some concession, and therefore they are unable to arrive at a mutually settled agreement. That is known as the chilling effect of compulsory interest arbitration.

The final offer selection is precisely the antidote to that chilling effect because under conventional interest arbitration, the parties will not be encouraged to make concessions. The final offer selection says if you do not make concessions and the other party makes concessions, the arbitrator will be persuaded that the other party's last offer is the reasonable one and he will more likely select that one to your detriment.

Therefore final offer selection is giving a strike-like effect to the outcome of the negotiation without actual work stoppage. This is the principal advantage of final offer selection. It gives the strike-like effect by giving the ultimate weapon to one of the parties to invoke final offer selection without any work stoppage as a result of a strike or as a result of lockout. So we get our cake and we eat it too.

In a strike situation the parties may get what they want but the economy suffers - lack of work for people, people thrown out of work, loss of wages to the workers, loss of profit to the employer and loss of service to the public at large. That's the effect of work stoppage.

But we preclude that effect and instead invoke final offer selection with the same strike-like effect, but the effect of the ultimate weapon because the fear of any of the parties is that the last offer of the other party would be considered reasonable by the selector or arbitrator and will be selected to his own detriment. Therefore this will induce him to be reasonable in his offer, to be reasonable in his demand, to make concessions, and thereby arrive at a mutually agreeable settlement.

Madam Speaker, there could be some more modification of this package deal type of final offer selection. In Michigan, for example, they have developed a revised version of the final offer selection by what they call "issue-by-issue final selection." They take one issue at a time and each party will have a final position and the arbitrator will select one. And the next issue and so on and it becomes an orderly settlement of disputes. In Wisconsin, they even modify the system further by allowing a lot of mediation, a lot of conciliation, and will allow the final offer only after the arbitration hearing has been done, in order to encourage the parties to be more reasonable in their position, in their offer, in their proposal. There are lots of improvements that can be done.

In summary, Madam Speaker, I am persuaded that the final offer selection with its own reasonable caution and reasonable exercise will result in taking the outcome as if there were a strike, without actual work stoppage, and thereby inuring to the benefit of both labour and management and of the community at large.

Thank you.

MADAM SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Thank you, Madam Speaker.

Madam Speaker, after listening to the eloquent words of the Member for Burrows, I don't know why he isn't Labour Minister in this Cabinet because he understands labour a lot better than this present Minister. It's a shame that that talent is allowed to languish in the back bench when it's so forthright in its understanding of labour matters and if there is a need for intelligence in the wilderness over there of that Cabinet table, the Member for Burrows can provide it.

And here the Premier is leaving him languishing on the back bench. That is a tragedy and a shame, Madam Speaker. I have never heard a more reasoned and understanding, albeit not quite correct, presentation of labour understanding, but I have never heard anything like that come from the Minister of Labour and one has to ask the question: Does this present Minister of Labour understand labour matters like he understood the Telephone System? I suppose that's the bottom-line question and all Manitobans are asking that right now.

All Manitobans are asking that, and do you know, it's unfortunate for the Member for St. James, Madam Speaker, when he's brought this bill before the Legislature because I have to tell you that I made a prediction after the Member for St. James half-resigned from Cabinet. He gave away MTS and he kept the Labour portfolio. I made the prediction that this Session they would use this Minister of Labour, this Member for St. James, as their point man on controversial labour legislation, and depending on whether he succeeded he would be reinstated, presumably, in the eyes of the New Democratic Party back to his previous glory, if he had any.

But if he failed he was a downed Minister, he was a lost soul in Cabinet. He was one of the members of the Pawley Cabinet that Frances Russell described as the "walking dead," so the Premier would lose nothing by making him withdraw the bill and removing him as Minister of Labour.

It was an "all or nothing" position, very politically astute. You put a person with no political future up with a piece of controversial legislation, you see how it flies. If you have to pull it, what have you wasted? You've wasted a discredited Minister, one of the "walking dead" in your Cabinet, as Frances Russell has described him.

But, Madam Speaker, I do not believe that in this bill the Premier and his political advisors - because this Premier does not get political advice from his caucus and his back-benchers, but that group of political hirelings that he has to provide political advice, the strategy team - greatly over-estimated, or underestimated I guess, the kind of labour union backlash that there would be to this bill. I don't think the Premier and his advisors who told him what to do understood the volatility of this issue.

So, Madam Speaker, it's going to be interesting as we go through hearings, as we debate this further to see whether the Member for St. James will survive as Labour Minister. We know he's half-resigned. Maybe this session we get the other half when he drops this bill and backs away from the Cabinet table once and for all.

Now, you know, unfortunately most Manitobans would welcome that because they do not believe that this Minister has anything to contribute. It would have been

interesting for the Minister of Labour today to be in Roland at the regional meeting of the UMM. And I might add that at that meeting, in which this bill came up for discussion, there was no Minister of Municipal Affairs, there was no Minister of Agriculture as has been seen at other regional meetings of the UMM.

They dare not go to Southern Manitoba for a number of reasons, but added to the reason the Municipal Affairs Minister wasn't there of course, was the fact that he's tied up now with all of the strategists in the party to try and get himself out of Thursday morning's MPIC meetings where the Minister responsible for MPIC has been found to have been giving conflicting stories in this House. Found not by us to be giving conflicting stories, but found by the Provincial Auditor to be giving conflicting stories to the House.

So, Madam Speaker, the relevance -(Interjection)- Madam Speaker, the middle member of the three notable cartoon characters is saying, "a little relevance" to the bill. The relevance to this bill is that had a Cabinet Minister been -(Interjection)- had any Cabinet Minister been to the meeting in Roland this morning, they would have found that the vast majority of councillors: (1) understand this bill; (2) do not believe it should be passed; (3) believe it will be detrimental to any negotiations with their employees they might have.

Madam Speaker, since all members of the Cabinet and the government failed to be at that meeting, they have no opportunity to hear that, that opposition to this bill. So, I think it's incumbent on me since I was there to point it out to members of the government - this legislation is not viewed as beneficial and positive.

Madam Speaker, it would be unparliamentary if I referred to the middle member of the group of three over there by his beloved nickname, because I know, Madam Speaker, you would not prefer that, so I shan't. But I simply want to tell you that one of the stations that we get on television which is from the United States - it's the new tower at Pembina - has a lot of old television appearances, stuff that I remember when I was a kid, and they're really quite entertaining. There's Laurel and Hardy, which are very good movies, from the silents to the speakies, and then there's Curly, Moe and Joe, the Three Stooges. And, Madam Speaker, it's an amazing resemblance in this House to the latter program, of three honourable gentlemen in the back row opposite - and I know I can't indicate who they are or what that particular television serial is like, but they continue to make the kind of comments that are very appropriate and very laughable as one watches the Three Stooges, Curly, Moe and Joe on television.

Madam Speaker, there are a number of problems with this legislation, and the problems are not as the Member for Burrows tried to not address in his eloquent speech, because the Member for Burrows was on, I presume, message No. 3 from the NDP, where you mention all the different kinds of bargaining, but you fail to ever mention once that this final offer selection abrogates from any of them in that it interferes in the most massive way with free collective bargaining, a process that we have believed in this House, that all New Democratic Party members believe in, adhere to and want to promote.

But here we have the defenders of free collective bargaining allowing a discredited Minister of Labour to come with Bill 61 which destroys that process. This

bill, more than any other piece of bad labour legislation brought to us in the last five years by the New Democrats, this legislation is by far the worst, in that this legislation clearly, clearly establishes a winner and a loser in the final offer selection process.

Madam Speaker, what our honourable friends are assuming is that given that the Labour Board in its choice of the selector in this bill will always pick one favourable to the unions, given that the New Democratic Party believes that having that power in the Labour Board, that this bill will always result in a settlement agreeable to the labour unions, because this government has control of the Labour Board and the process of selecting the selector.

The unions don't see it that way; they see a definite downside to this . . . and why is it? And I believe I understand their position better than most New Democrats do. Why is it that given the opportunity while a New Democratic Party Government is in office to have a Labour Board consistently on their side, why is it they fear this legislation? Well they fear that maybe, at some point in time, somebody impartial, truly impartial might come along and put a truly impartial selector in place that may once in awhile choose the management's side and create them in the union movement as the losers, and not management as the losers, which is envisioned by the NDP by this legislation.

So the unions, the union leaders that have the fortitude, the intelligence and the courage to buck Shirley Carr and the Canadian Labour Congress and others who are trying to put the thumbs on them, they are speaking out and they are warning this government that this legislation is not good legislation for the union movement. Why is it that this labour supported, labour financed, labour controlled party is not heeding those warnings?

It's been talked about on a number of occasions; it's been talked about on numerous occasions, and what we have is the fact that this legislation is for one labour union leader. That is for Bernard Christophe; it is for one labour dispute, namely his current strike action and bargaining action against Westfair Foods. Bernard Christophe is calling in his IOU's with this government and this discredited Minister of Labour. Do you think Bernard Christophe does not know that this is an all or nothing time with this Minister of Labour? Bernard Christophe knows what I laid out earlier in my remarks, that this Minister has absolutely nowhere to go but up. You couldn't possibly get further into the political quagmire than this Minister of Labour right now is.

So Bernard Christophe came to him and said: Mr. Premier, Mr. Minister of Labour, I need final offer selection just in case I can't get a settlement with Westfair Foods. He knows that this Minister is so desperate to try to regain some credibility that he will bring it forward, he will try to fight it through the House; he will try to fight it through committee, to get it, to try to put a little bit of shine on his very, very tarnished political career.

So, Madam Speaker, Bernard Christophe has done a very, very smart political thing in convincing this discredited and bottom-rung Cabinet Minister to bring this legislation in. But, Madam Speaker, just a few things need to be clarified in this legislation before we have the Minister close debate on Third Reading.

Now I can't refer to clause-by-clause in Second Reading. But, Madam Speaker, I read with a great deal

of interest the whole process of voting. Now first and foremost, for the Member for Burrows, who from time to time has spoken as if he believes in fairness and equity - from time to time his speeches indicate he understands what is fair and equitable.

But, Madam Speaker, he supports this bill, which is very inequitable and very unfair. Who is it very unfair to? In this case, as is usual with legislation, labour legislation passed by the New Democrats, it is unfair to management. Why is it unfair to management? Because either party, management or the union can ask for final offer selection under the provisions of this bill. But, if management requests it, the labour union membership, at large, has a vote and they may reject management's desire to go to final offer selection.

Now, if one assumes that that is fair, that that is a fair provision in the bill, then what is fair about the circumstance where if the union requests final offer selection, why would management not have the right to have a shareholder vote, to determine whether they want to go in to final offer selection? If it's good for the goose, it should be good for the gander. But it isn't. It is one-sided. It is biased again against management and the rights of management.

The Member for Burrows, who from his very first speech in this House, his maiden address, in the Throne Speech of 1982 talked about principle, talked about integrity, talked about equity, talked about fairness - if he would read his very first speech in this House, he would not have got up tonight supporting this legislation because there is not fairness and equity in this legislation.

MR. C. MANNES: He got slammed pretty hard for that speech.

MR. D. ORCHARD: Oh, yes, my colleague, the Member for Morris, reminds me that the Member for Burrows got slammed very hard about demanding truth and integrity from the Cabinet and from his government colleagues. I understand now, five years later why he got slammed for making that kind of a speech. Because we see consistently members of his treasury bench not being fair, not being consistent, not being factual in their giving of facts to this Legislature, and not being honest to the people of Manitoba.

We know now why five years ago he was slammed down from making a speech on behalf of the New Democratic Party, and exhorting fairness, equity, honesty in dealing with the people of Manitoba.

So, so much for the Member for Burrows' high principled ideas of five years ago. He sat with you people too long, Madam Speaker, and I feel somewhat sorry for the Member for Burrows, because I believe deep down inside he probably still maintains those principles of fairness, honesty and integrity.

But he's flying with crows, and when you fly with crows you get shot for one. And that, Madam Speaker, is why the Member for Burrows discredited himself tonight by supporting this legislation in light of the fact that he, in the past, has said he supports fairness, equity and truth.

Madam Speaker, given that it is biased automatically against management, in terms of whether you go to final offer selection, even given that automatic built-in

bias that we expect from NDP labour legislation, to be biased in favour of the labour unions, given that, how do you explain later processes in this legislation which describes how the vote takes place? How do you determine who votes? That seems like a simple sort of a question. I mean, if Westfair Foods is on strike, and Bernie Christophe's membership, employees at Westfair Food Stores in this province, they should be the ones that vote on final offer selection, but that isn't what this bill provides. This bill provides that, where a vote is determined, in the opinion of the board, the board being that same biased Labour Board, biased towards the unions, biased against management, that same board can have the vote consist of employees who have a continuing interest in the outcome of the strike or lockout.

Well, Madam Speaker, I ask a simple question. What does that mean? Does that mean in the Christophe strike against Westfair Foods that not only Westfair employees have a vote on final offer selection but, indeed, because the same union representing the same workers at Safeway have an extreme vested interest in having the Westfair strike go on and on and on, does that mean the Safeway workers have a vote on final offer selection in this dispute against Westfair Foods? That's what your bill provides. Were you aware of that, I ask the Member for Burrows? And is that fair?

It goes on further, Madam Speaker, to say, where, in the opinion of the board, once again that same bias Labour Board, there are compelling reasons to expand or reduce the voting constituency referred to in the previous section, the board may expand or reduce the number of people that can vote on the process of final offer selection. In the opinion of the board. And who is this board? This is the Labour Board appointed by the NDP Government, biased toward the union movement, and we are allowing them to make a decision, for instance, to have the Safeway workers in the Bernie Christophe union vote on whether the Westfair workers should have final offer selection.

Well, I want to tell you right now you give the Safeway workers a say in that and they're going to say, continue to strike, we love it, because we've got our brothers and sisters in the union on the picket line in front of the Westfair Food stores with placards on them saying, "Safeway's got it." Now, how silly and ridiculous can you have a circumstance where Bernie Christophe is telling striking workers at Westfair to encourage the shopping customers of Winnipeg to go to the competitor and, having received good service there, they may well stay there. Bernie Christophe is asking his membership to slit their own throats, and they are doing it willingly.

I find that totally bizarre, but the Member for Burrows stands up and supports this legislation, given that enormous power before the Labour Board. Does he think that's fair? Does he think that Safeway workers should have a vote in final offer selection on the Westfair workers who are pounding the pavement, and any benefits they may well accrue will eventually accrue to Safeway workers? Is that fair and equitable?

Madam Speaker, if it is, I don't know where the Member for Burrows' vaunted attempt to bring honesty and integrity and principle to this House have gone. It's gone out the window. He's sat with those people too long around a caucus and Cabinet - well, not around

the Cabinet table, around a caucus table. His principle and his desire for truth and honesty and integrity are gone.

Madam Speaker, other sections of the bill involve the choosing of the selector. The selector in this bill is the key individual. Now, the selector is to be mutually agreed upon by both parties, labour and management. Okay, sounds fair, doesn't it? And the board, presumably shall supply a list of selectors available to help in this process.

Madam Speaker, given the bias of the board, the Labour Board, let's assume a circumstance where management is not comfortable with this selector, because this selector has enormous powers. This selector has the ability to choose one offer from management or one offer from the union and nothing in between.

That's enormous power to put in the hands of one individual, namely the selector under this bill. But, Madam Speaker, if management does not agree with the selector, who this individual is, what is the power granted in this act to the Labour Board? The power is then for them to appoint a selector; appoint a selector who the management may well have refused because they think he carries a high union bias.

Is that fair, I ask the Member for Burrows? Of course it isn't. We've already got it that the union can go to final offer selection when management cannot say no. The reverse is not true. If management wants to go, the union can say no. We've already got a bias from that standpoint and you've added further bias by saying that, once at final offer selection, the choice of the selector if not by mutual agreement, shall be by appointment of the board.

Ask me, ask anybody in Manitoba, whether there will be a fair and impartial selector chosen in the Bernie Christophe dispute at Westfair Foods. Do you think that Bernie Christophe does not have this Minister of Labour so much under his thumb that Bernie Christophe will not make sure that management will not agree to the selector? And do you think that Bernie Christophe will not make sure that this Minister of Labour has the Labour Board appoint a selector who's highly biased towards Bernie Christophe's union? Of course he will.

A MEMBER: Bob Mayer.

MR. D. ORCHARD: Bob Mayer is one of the names that comes immediately to mind as a "totally impartial individual." He's only an MFL executive member, etc. I mean, he has no bias towards unions, does he? He's only been on the executive of the Manitoba Federation of Labour. But yet, under this bill, a Bob Mayer can be the selector to decide which offer - union's or management's - is chosen in the Bernie Christophe strike at Westfair Foods. Is that fair? Can the Member for Burrows honestly stand up the next time he has an opportunity to address this bill and say, "that's fair and equitable," and follow the principles he enunciated five years ago in this House in his maiden speech?

Of course he can't, Madam Speaker, because it isn't fair. It isn't equitable. It's another piece of NDP-biased legislation designed to benefit the union bosses - the union bosses.

Now, Madam Speaker, let's take another few scenarios.- (Interjection)- Well, the Minister of Labour

says, "come on." It's right in your bill, and you, Sir, are a lawyer. You should understand what's in your legislation better than that. If you don't know that's in your bill, then we expect to see amendments at committee stage to take it out, because that is exactly what is in this bill - exactly what is in this bill. If the Minister of Labour doesn't understand that, then he's even more incompetent than I'd given him copious credit for being.

Madam Speaker, the Member for St. James, from his seat, talks about sand and, if it wasn't for the tears in his eyes, I would have sworn it was sand in his eyes at the committee hearings of MTS when he found out that finally his world was crashing down around him. You know, the unfortunate thing about this Minister of Labour is his world is crashing down around him again, because he's been set up again to be the fall guy for the NDP, the fall guy on MTS, the fall guy now on labour legislation.

Let me just - I hope I haven't lost my, oh, here it is. I simply ask members of the New Democratic Government, do you people want to have a law - (Interjection)- Madam Speaker, I can't quite hear the mumbblings from the Minister of Labour, but I presume he's supposedly saying something that is quite inflammatory. I remember the Minister when he worked for me and he never used to do that and I can't imagine him doing it now, because he was quite a decent employee when he worked for me, for a short while.

A MEMBER: It was too long.

MR. D. ORCHARD: Well, I know, it was too long.

But, Madam Speaker, the basic premise of this bill is that this bill automatically creates two classes, winners and losers. That's as clear as the nose on your face. Anyone who looks at this bill knows that in final offer selection, you have management with a position, the unions with a position. According to this legislation, one or the other shall be chosen and nothing in between. That's what this legislation provides.

Now, are you saying, collectively, as the New Democratic Party who is supporting and bringing in this legislation, that there will not be a winner, i.e., that side whose offer is chosen and consequently the one side whose offer is not chosen will be a loser? In your drive and desire to have industrial harmony in this province, are you saying that the losing side, be it management or be it the union, are going to be happy being a loser throughout the term of a one, two or three-year contract? I don't think so. That's what baffles me. I can't understand why you bring in legislation that is going to create losers when you want to promote harmonious labour relations in the Province of Manitoba.

Madam Speaker, there is some confusion on this and I will admit that the Minister of Labour probably was at his confusing best - and no doubt he will accuse the Free Press of misquoting him - but the Winnipeg Free Press article, one day after the Minister of Labour had taken some more questions in the House about this legislation after yet another union head said they do not support it, the Minister went out in the hall and he indicated that there was the potential for winners and losers.

When questioned by reporters who understood the legislation, he said, oh but in the process of making that selection, the arbiter - or the selector, pardon me - could maybe make amendments to one offer or the other. Madam Speaker, that's not anywhere present in this legislation. Then when the Minister was reminded that was not in the legislation, he said, oh yes, you're right, well of course it has to be one or the other.

This Minister, in his confused defence of this bill, switched his story in the time of about a five-minute interview in the hall with reporters who understand the legislation. I know that the Minister is saying bologna from his seat because the Minister no doubt will indicate that he was misquoted in the press; they didn't understand what he said. But that is the impression the Minister tried to leave, is that indeed there is movement on final offer selection. There is none; there is no movement. The legislation provides no movement. The sections in this bill say you have to pick one or the other.

Madam Speaker, this Bill 61 is one more of this government's attempts to buy future support of labour union leaders. It's one more attempt at that, and there have been a number of them. There's been the certification process that's been brought in by this government; there has been the first contract legislation, that's been brought in by this government. Those pieces of legislation are not working, and they're not working where? They're not working in the private sector unions. They may work in the public unions; they're not working in the private sector unions, and that is the tragedy of NDP labour legislation in this province.

Their whole philosophy has been to reinforce support from the labour union bosses. They don't care, in the long run, about its impact on the provincial economy, the rate of job creation in the private sector, and hence, Madam Speaker, they don't care about the working men and women of this province because, when an industry does not come here or leaves here, and unionized men and women lose their jobs in the private sector, as has happened to the tune of 11,000 manufacturing jobs in the five years that we've had this government in power, those are union brothers and sisters who are not working in Manitoba because of NDP legislation and NDP anti-business attitude.

I need only remind you that the Canadian Federation of Independent Business describes the NDP Government as the most anti-business government in Canada. If you want some of the examples of how your legislation in the past has harmed the workingmen and women of this province, go down to Morris, Manitoba where they used to manufacture school buses but, because your legislation that you passed says you must honour the contract of a failed business when you buy it, the purchaser of that bus plant could not do that. That bus plant is employing people, employing men and women in the mid-west U.S. That's what NDP labour legislation did in the private sector to the working brothers and sisters in the Province of Manitoba, in the Town of Morris. It sent those jobs to the mid-west U.S.

Madam Speaker, the cutesy Minister of Environment says from his seat, liar. I mean, he's really a winner today. That is exactly what happened and, if he fails to admit it, then I suggest he described himself in his terminology, not me, because the circumstances are exactly as I described them.

Madam Speaker, this piece of legislation is one more piece of legislation which is biased towards the union movement, the union bosses, and is anti-workingmen and women, because there will not be jobs created in the Province of Manitoba as a result of this legislation. This legislation will see jobs lost in the Province of Manitoba.

Now, Madam Speaker, again because I was at the Roland UMM meeting, a lot of the municipalities right now are going through labour certification negotiations and may well be subject, at some point in time, to final offer selection because, bear in mind, that a municipality with six employees who is certified now and has a bargaining unit, they could ask for final offer selection and it must go ahead. The Labour Board, if the municipality does not agree to a selector, will pick a selector to choose one of the sides' offers, either labour or management, in the municipalities. The municipal officials, Madam Speaker, are greatly concerned about this legislation piled on top of the certification process.

You know the point that they made today at Roland - and it's a pity that there wasn't a Cabinet Minister, or at least a backbencher down at Roland to hear this. But the point they made is that, in the certification process, all they need is 50 percent plus one signed up, and then the certification process goes ahead. That can happen overnight, Madam Speaker, i.e., one of the shop stewards from one of the unions can come out to Roland, Manitoba or Miami, Manitoba, as they did in Somerset, and they can sign up four out of seven employees employed by the municipality. They don't even have to talk to the other three employees because they've got 50 percent plus one. They run back to Winnipeg that night, after having caught four of the seven employees out in the backyard having a barbeque, and they can be at the Labour Board at 9:00 a.m. the next morning, file that certification application, and the process is irreversible for at least a year.

What was suggested at the UMM meeting today in Roland, given their concern about final offer selection, is that those employees should be allowed a cooling-off period so that, if they sit down around the coffee table in the municipal shop, the seven of them, and one of the four who's signed up decides it wasn't a good idea the next morning and they don't have enough for certification, that person should have the right to say, I don't want my certification card used that next morning. But that is not possible under NDP labour legislation.

Yet the Minister of Consumer Affairs will give you how many hours to back out of a contract? Forty-eight hours. You sign on the dotted line if you get hustled by a street salesman into putting siding on your house, or time-share accommodation. You have 48 hours at least to refuse that contract that you signed. But when it comes to NDP labour legislation, you don't have five minutes to change your mind because, once it goes before the Labour Board, it's a full year in process before those seven employees can be decertified.

Now, Madam Speaker, feature the havoc that this will create with final offer selection in tandem. There are eight municipal corporations who now have unionized workers in the Province of Manitoba.- (Interjection)- Madam Speaker, I notice with a great deal of interest the Minister of Labour is up there making

peace with the Member for Burrows, telling him not to listen to what I'm saying about honesty and integrity.

I would expect the Minister of Labour to say that to the Member for Burrows, because the Member for Burrows is listening. I give him credit, he always listens. If the Member for Burrows gives serious thought to this legislation and reads his speech of five years ago, he will not support Bill No. 61 when it comes to a vote if he reads his maiden speech in this House and believes in what he said five years ago. Madam Speaker, I got slightly sidetracked there with the Minister of Labour up trying to change the Member for Burrows' mind.

Madam Speaker, given this arbitrary 50 percent plus one and the whole certification process that is then triggered irreversibly for at least a year, feature what you're doing to the municipal councillors throughout Manitoba now with final offer selection because you can now have four out of seven employees sign a union card. They can go into negotiations with their employer, the municipality. If they don't come up with a reasonable mutually agreed-upon settlement, their shop steward, at the urging of the Minister of Labour, will apply for final offer selection.

Madam Speaker, what will that mean? As I've already pointed out, we've got a selector who can be chosen to be biased in favour of that bargaining unit, that union group. Do you know what would happen? A contract detrimental to the municipality could be forced upon the municipality.

Now my honourable friends over there would say, so what, because they don't understand. But you know who pays the entire cost of the operations of the municipality? The local ratepayers. Most of those ratepayers in rural Manitoba right now are small businessmen and farmers, both of whom are hurting enormously right now. They do not have net incomes with which to pay higher taxes forced upon them by a contract settlement forced upon the municipality by final offer selection.

Madam Speaker, this is what this caring, sharing group of New Democrats are doing in labour legislation. They are forcing further costs upon municipalities as one small instance in rural Manitoba, extra costs that those municipalities can ill afford to bear right now. Ask yourself, on that side of the House, how many of your brothers and sisters in the union movement have taken a 30 percent reduction in income last year, and are going to take a 20 percent reduction in income this year. Ask yourselves how many of your brothers and sisters in the union movement have done that.

The only ones who have are the ones whose jobs have disappeared because of NDP labour legislation, and they're completely out of work. They've taken 100 percent loss in their salaries. But the vast majority of them haven't taken any reduction whatsoever. There have only been some private sector unions, like the steelworkers in Flin Flon, who have taken no salary increases for three years in a row because their industry is in trouble, and they recognize it. It's those kinds of unions that absolutely dislike and despise the pandering that this NDP Government is doing to the public service union bosses.

Madam Speaker, I just ask my honourable friends in the government to consider what you are doing once again to stack the cards against management and labour relations in this province with Bill No. 61.

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Consider it, not from the standpoint of some big multinational corporation who may temporarily be in Manitoba before they fold their tent and leave, consider it for the municipalities and the ratepayers in rural Manitoba and indeed, the City of Winnipeg, taxpayers that are your constituents who are telling you right now the tax burden is too high, who are telling you right now that their farm business, their small business cannot stand additional taxes caused by an imposed settlement to a newly-formed union bargaining group in their local municipalities.

The people of Manitoba who pay the bills cannot stand the cost of this legislation and if you have any semblance of integrity and decency about you, you would withdraw this bill and avoid those kinds of additional costs being foisted upon the provincial economy and the rural Manitoba economy, and the small town economy in this province when they can least afford any additional costs.

If you want to represent the people of Manitoba, do it by withdrawing Bill 61, even if it means this incompetent Minister of Labour will finally do the act of integrity and resign completely.

MADAM SPEAKER: The Honourable Member for St. Norbert.

MR. G. MERCIER: Madam Speaker, I move, seconded by the Member for Pembina, that debate be adjourned.

MOTION presented and carried.

MADAM SPEAKER: It is my understanding that debate will stand in the name of the Honourable Member for Turtle Mountain. (Agreed)

The hour being 10:00 p.m. the House is now adjourned and stands adjourned until 1:30 p.m. tomorrow. (Tuesday)