

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS

Tuesday, March 6, 1990

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Parker Burrell (Swan River)

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Mmes. Hammond, Oleson, Hon. Mr. Downey

Messrs. Ashton, Burrell, Edwards, Harper, Maloway, Patterson, Praznik, Rose

WITNESSES:

Mr. Robert Ziegler, Private Citizen

Mrs. Jan Malanowich, Private Citizen

APPEARING:

Mr. Jay Cowan (MLA for Churchill)

Ms. Wasylcia-Leis (MLA for St. Johns)

MATTERS UNDER DISCUSSION:

Bill No. 31—The Labour Relations Amendment Act

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* (1005)

Clerk of Committees (Ms. Patricia Chaychuk-Fitzpatrick): Order, please. I call the Standing Committee on Industrial Relations to order. I have before me the resignation of Ed Helwer as Chairperson of this committee; therefore, the position of Chairperson is vacant.

Are there any nominations for the position of Chairperson? Mrs. Hammond. Mr. Patterson.

Mr. Allan Patterson (Radisson): I nominate Parker Burrell.

Madam Clerk: Mr. Burrell has been nominated. Are there any other further nominations? If not, Mr. Burrell, you have been elected Chairperson.

Mr. Chairman: Have we got a quorum?

Madam Clerk: Yes.

Mr. Chairman: Okay. Order, please. This morning the Standing Committee on Industrial Relations will resume hearing public presentations on Bill 31, The Labour Relations Amendment Act.

If there are members of the public who wish to check to see if they are registered to speak to the committee,

the list of presenters is posted outside of the committee room. If members of the public would like to be added to the list to give a presentation to the committee, they can contact the Clerk of Committees and she will see that they are added to the list. If we have any out-of-town presenters or any presenters who are unable to return for subsequent meetings, please identify yourself to the Clerk of Committees and she will see your names are brought forward to the committee as soon as possible.

Just prior to resuming public presentations, did the committee wish to indicate to members of the public how long the committee will be sitting this morning?

An Honourable Member: 12:30?

Mr. Chairman: Mr. Edwards?

Mr. Paul Edwards (St. James): Mr. Chairperson, I wonder if I might suggest that we schedule until noon at this point. I do not know if we have presenters to carry through to noon.

An Honourable Member: Oh, yes.

Mr. Edwards: I hear the Member for Churchill (Mr. Cowan) saying we do. Then I would certainly suggest that noon will be an appropriate time to take a break.— (interjection)— 12 noon, I am sorry.

Mr. Chairman: What is the will of the committee? — (interjection)— Okay, it is the will of the committee that we will go as close to 12 as possible. We are not going to cut somebody off or anything like that.

We have Robert Ziegler, No. 55. Is it the will of the committee to listen to Robert now?

An Honourable Member: Agreed.

Mr. Chairman: Agreed. Okay, Mr. Ziegler.

* (1010)

Mr. Robert Ziegler (Private Citizen): My name is Robert Ziegler. I am with the United Food and Commercial Workers. I am a business agent and have been so for the last 10 years.

Mr. Chairman: Could you pull the microphones down a bit so we can hear you, please?

Mr. Ziegler: Okay. My name is Robert Ziegler. I am with the United Food and Commercial Workers. I am a business agent, a union rep. I have been so for 10 years. In addition to looking after the membership, I have negotiated several contracts throughout that period. I have been involved in all the Westfair

negotiations since 1981. I am involved in the negotiations on an executive level. As well, I have personally been on strike for six months in 1978.

I am here to speak both on behalf of the Manitoba Food and Commercial Workers and as a citizen today. I would first like to deal with some comments made by Mr. Andy Smith last Friday which I think deserves some clarification. I was not here on Friday, but I understand he made two comments that I think are very important for this committee to be clarified on. The first point was that he said there is nothing to worry for this committee, that there will be no strike at Westfair Foods this year. The second point is that there is a letter from Andy Smith ensuring that the parties are going to use final offer selection and that there will be no strike. I say to you, both of those comments are false.

I have handed out two documents to the Clerk which I think you will have. One of them is a copy of the letter, the only letter that does exist, and the other one is a copy of Section 41 of the collective agreement. I would like to first deal with Section 41 of the agreement. Clearly in the Westfair contract, the only way that FOS exists with Westfair Foods is if this legislation exists in Manitoba.

I draw your attention to Article 41.04 which states: The parties agree that in the event either party invokes final offer selection in accordance with the provisions of the Manitoba Labour Relations Act. Clearly it can only be read one way. We only have FOS if it exists in the legislation. If it does not exist, we do not have access or recourse to that procedure to settle our dispute. That goes on farther in the last paragraph on page 41, which is again confirming. Again, in the event that any legislated provisions appear to conflict with the process set out herein, the parties hereby affirm their desire and intent to use this process in lieu of any such legislative process. Again, only if there is legislative process. Mr. Edwards, you are a lawyer. I am sure, looking at those two sections—I think we even had a discussion on Saturday, you agreed that only if there is legislation is that an opportunity for the parties to resolve their negotiations.

* (1015)

The next I want to deal with is the letter from Mr. Evans, the handwritten document. This is the only letter that exists in regard to FOS between the parties. There is a typewritten version that was signed a few days later, a month later, but it is the same wording. Clearly, all this letter says is two things: one, that if we go to final offer selection we will not compare it to the Manitoba Safeway Agreement. Secondly, before we apply for FOS, there will be a meeting between Andy Smith, who is the industrial relations director, and Cliff Evans, our Canadian director. If anything this does not speed up the process; it slows it down. It says we cannot apply for final offer selection until after there is an impasse, after Andy Smith and Cliff Evans meet, and then seven days later. In fact, this letter may prevent us from using FOS, depending on the timing of the meetings between those two parties.

I went further than that. I contacted Cliff Evans on Friday. He was, in fact, in town on Thursday for an

arbitration hearing. I checked with him and he said, there is no such letter. This is the only letter between the parties and there is no agreement to use final offer selection regardless of what happens. In fact, he confirmed that he does not even have that power to bind the parties. He assists, he is a great individual and he has assisted the party in a lot of negotiations, but he does not have the power to bind Manitoba employees to some deal. He has other duties. That is not what he does, but he acknowledged there is no other letter out there.

In regard to the legislative process, we had some concerns during this whole process. We received two legal opinions from two of the most respected labour lawyers in this province, Al McGregor from Simkin Gallagher and Mel Myers from Cliff Evans. Both of those legal opinions, looking at our contract, looking at the legislation, looking at all the documents, confirm that both parties lose their right to FOS if the legislation is gone. Beyond that, the legal opinion is that both parties still have their legal right to strike or lockout. The employer can lock us out again if they want under the contract. So they still have access. It is not a binding process.

It is important to remember that the last strike at Westfair was actually started as a lockout first and then a strike afterwards. I have heard the comment from some of the committee Members here, especially the Liberals, that they have not seen evidence that FOS works. Well, I assure you that if you repeal this legislation, what you are probably going to have evidence of is the effect of that repeal. I mean, very quickly, you will see it in Westfair Foods. You will see it in a lot of other employers also, but you will see the effect of repealing the legislation very quickly.

Andy Smith was here on Friday, I understand. He also made another comment. He said: we are not a bad employer. You heard a lot of laughs from people in the background when some of these comments have been made by other speakers, or questions of people, of them not being a bad employer. In the last two years Westfair Foods has hired 2,485 employees—a turnover of 2,500 people. They only employ 1,500 people in the plant. They are averaging 30 to 40 percent turnover per year. In some categories, it is higher; it is as high as 60 percent a year. I mean, they treat their employees like shit, and I apologize for that language, but that is the way it is. They do not want their employees to stay.

I heard another comment, and I will touch on it a little later, that Westfair likes FOS. Well, that is true. We negotiated FOS with Westfair Foods back in 1981 before the legislation was here. Westfair Foods was in favour of the legislation. They have it in other provinces. That changed back in 1985 when they requested to have it removed from the contract. That was their proposal. What is the difference then from now? We used to have good relations with Westfair. In the early '80s we had good relations with Westfair Foods. They were not a bad employer, but something changed. They figured that they were now established in the Province of Manitoba. Now was the time to sort of bash this union and destroy the strength of our membership and take away some of their rights.

* (1020)

Not a bad employer? 1987, when the strike was settled, Westfair Foods signed a letter, the back of the kind of letter of agreement describing some job duties for one group of classifications. It says, the job functions shall be as follows, and the above parties agree to be bound by this wording in the event of any dispute in the collective agreement. I mean, clearly, it says they agree to be bound by it.

Well, Friday, this hearing that Andy Smith and Cliff Evans were in, was the 19th day of a grievance, an arbitration hearing, that dated back to January of 1988, because the company is saying, yes, we signed that agreement, but that is not what we meant and we are not going to live up to it. I mean, 19 days of hearing—it is not completed—a year and a half later. They sign something and they do not intend to live up to it. I wonder what is going to happen with Andy Smith's words about intending to use FOS this time. After it is repealed, I wonder what he is going to say after it is repealed. Is he going to change again?

Those are my comments on behalf of Westfair Foods. Now I would like to speak as a private citizen and as a union representative, because as I have said, I have been involved in several negotiations and I know the process—how it works. It sounds good in theory, how negotiations have a lot to do with logic, reason, understanding and caring, but that is not the way negotiations usually work. As well, I was on strike for six months in 1978 with a subsidiary of Safeway, Empress Foods, production bakery. I walked that picket line for six months, supported my wife who was going to university, worked at night, and saw a lot of things—saw some violence on both parties that is inevitable in a long strike.

As well as seeing the effect on myself personally in the hardship and the money that I lost during that strike, I learned a little bit about the process, because if you all recall, Safeway settled their strike after two months in 1978, but our strike continued on for an additional four months. It continued on for one reason, both parties did not have a way to settle it. They could not save face.

FOS, I have no doubt in my mind, would have ended that strike four months early, would have saved everyone a lot of hardship. That was a successful strike in our view. There was not a single employee who went back to work in that plant. We were solid. We were united. The employer did not get back to full production levels but neither party had a way to save face. They had a bitter Safeway strike so they left us to decide sort of the final trenches in the battle for both of them to say they had their victory.

I have been involved in a lot of other strikes. I was involved with Blackwoods Beverages in Dauphin when I used to look after that area. That was an 18-month strike. An 18-month strike that ran from a December till May, through two winters. It is not like picketing out here in the city where you get some protection from the wind. That plant, it is a soft drink plant, is in the middle of the highway. Those employees had to picket through the winter and out in the wind. I had one of

the worst meetings, if you will, that I ever had to have which was to go out to those employees and say, listen—and none of them went back to work that originally went out, after 18 months of walking that picket line, freezing, of standing up for their rights—I am sorry we cannot get you a contract, we cannot get you back to work because all the employer has to do is go out, and there were only 13 or 15 employees in the plant, find 12 new employees to work there.

They were set and bent on destroying the union, taking away Manitobans' right to have a collective agreement. There was nothing we could do. They were there, they walked the line but they could not stop it. Eighteen months of their life, 18 months of hardship on them, their families, the community.

* (1025)

I was involved in another strike with the Canadian National Institute for the Blind which was also one of my hardest strikes to deal with. You do not know what it is like for a blind individual to be on strike. We had employees with their dogs. These employees have a routine where they get to know their workplace, they get to know their routine. It takes a lot to readjust that but we had for I think about 6 weeks the strike on Portage Avenue with these employees, not because the union was making outrageous demands for money or anything else but rather because the employer wanted to get out of the business. They could not be bothered with trying to provide jobs for their employees. They would rather let it close down, put these people out of work and less work for their management team. We finally settled that strike because of public support but that strike should have been avoided and would have been avoided if FOS was there at that point.

We had another strike that I was involved with on a limited basis which was Shoppers Drug Mart, at the Kildonan Place mall, a group of employees, almost entirely women, most either single or single mothers, most young. That was another hard strike because I guess it is indicative of the kind of membership that we have. We have a lot of younger members, a lot of part time staff which these were and a lot of women. It was hard for them because they were in a shopping mall so they could not even picket directly their employer. They had all these accesses to get around. It lasted 10 weeks. Again the employer's only desire in that situation was, we do not want a union at any of the other Shoppers Drug Marts so let us get rid of it here.

I have seen some other strikes. I have walked their picket lines. I have been involved. I saw the Burns' strike back a number of years ago that lasted four months. We have heard some of the people talk about it. Again I saw the effect on the individuals, but I saw the effect on our society too. I mean there was violence there. I saw one guy's foot run over by a truck. If you think about the cost aspect of it, I saw the police lined up, 25 in a row, every day for a period and escorting the strikebreakers in and the strikebreakers out. The cost on our society for that strike is something that could have been avoided if we had final offer selection. I saw a strike at Manitoba Sugar where my father-in-

law was involved. I saw him hit by a semi-trailer because the guy did not want to slow down for the picket line. I saw that violence, another one that could have been avoided if final offer selection was there.

Superior Cheese, another of our contracts that I was involved with, were on strike for just over a year. A situation where, nearer the end, every time we would make a proposal the company would change their last offer. We would say, we will take your last offer, and they would change it. We said, we will take your next offer; they would change it. They did not want us. We lost that one too.

I had mentioned a couple of these strikes that are out of town. One of the big pluses for final offer selections, in Manitoba, in the City of Winnipeg, people have more options. If you lose a job in Manitoba, if you go on strike and you lose a job or you do not get back, or whatever—you get fired. There are other jobs. When you are in Dauphin and you have been on strike for 18 months, you do not have the same options. There are not the number of jobs you can go to. You become blackballed because they do not want to hire you, because you stand for a union. Souris Superior Cheese was even worse. A smaller community, those employees suffered greatly for the money they lost. They also suffered for their future employment and their future treatment.

* (1030)

I cannot sit here and believe anyone that has been through a strike or anyone that really knows anything about it would want to take away or prevent those situations. Sure people have said, well, we have not seen the Westfair like we did in '87—partially because of FOS, but also, because just the cycle of time. You do not always get the bad strikes every year. The important thing, that in those 72 applications before the Labour Board, and I think that is a signal we should look at, every time it has been approved, working Manitobans voted that, yes, I want FOS. If Manitobans were not in favour of FOS, they would be voting against it when it came in front of them on that ballot the Labour Board puts out.

They said, yes, I want it. I have also heard some people say that employers are not in favour of FOS. I do not agree with that. Prior to the legislation coming into Manitoba, we have negotiated FOS in a number of collective agreements. We still have it with the co-operatives across the province. We had four recent decisions under final offer selection with four different selectors, and the process continues. The co-ops are confirmed and believe in final offer selection. They may not get up here and make a presentation because they do not have to. They believe in it; they have negotiated; they agreed to it.

1977, Empress Foods, a subsidiary of Canada Safeway—we negotiated final offer selection. We used it; we went to final offer selection. There again, another decision, that is five other decisions we have had. Even Westfair Foods, back in 1981 when they first opened up their SuperValu stores, negotiated the process. They continued in '83, continued in '85. It was removed in '85

at the request of the employer because of a sign of the times of where they wanted to go. They did not want to leave that fair chance out there. They wanted a strike. They figured—and I think we surprised them in '87—there is no way those part-time employees are going to go on strike. Their view of an employee is, they are productive from six months to two years, and after that they are a burden on their company.

I heard that at a presentation once from one of their—the person who looks after the front end. They have a big computer printout that monitors the items the person rings through, monitors the number of employees in their line. They said to us that all their research shows that the most effective time for an employee is six months to two years. After that, they are no longer in their prime. They figured that people would not go out in '87, so that is why in '85 they removed it.

Well, I talked about us having those five other decisions, four, when the co-op wanted Empress Foods. I will be honest; the selector chose the company's proposal in all five of those situations. Now, we have had two final offer selections under the legislative process, and they selected our choice once, in Unicity, and selected the employer's once. So we are six for the employer's selection and two for our selection, but that is not six losses and two wins. We won, the employer won in each one of those cases—maybe Unicity we will leave out—because the parties negotiated sincerely and got most of the material off the table. The final offer selection just resolved the ones the parties could not agree to.

In Vista Park Lodge, one of the situations we won, there was only one issue left. It was the pension plan. We had negotiated even the cents per hour, but philosophically we could not agree. We wanted it to be the union plan, the Canadian Commercial Workers' Industry Plan; the employer wanted their plan, like a private-run RRSP, a money purchase plan, and that was all the selector had to choose from. It worked. Both parties won because they had negotiated all the other items. It works.

Now, you have heard it from a lot of people, and I have heard it from someone else, that they had not heard or had not learned anything new from the union. I think it was the Liberals said that they had not heard anything new from the union bosses. Well, here is a process that is different to an alternative to strikes. How could anyone take away that alternative?

I am here to speak on behalf of the people who are not here and who have gone through it. I feel sorry for the Richard Naherny who got up at this podium and told his story about the suffering he has gone through. He admitted that he was found guilty of contempt of court for saying, what, scab shopper, and interfering with the filming of a private conversation. I feel sorry for everything he has been through, being terminated, being in the arbitration process, being transferred to another store and having his hours cut. I really feel sorry for him. His situation could have been avoided.

I feel sorry for Kathy Kraychuk, who was here and told you the story of how she was burnt in the chest.

I was there that day. I mean, can you imagine this respect—I mean, strikes can have this effect on people. It was a customer. It can turn the most meek and mild mannered person; they will lose control. What would drive an individual to take his cigarette and butt it out in a women's chest?

That is what strikes do to people, and that is only one thing. We had about 30 or 40 different cases of assault. We had women knocking cameras, doing damage to our—like, we were filming some things. Mild mannered people—strikes do that to them. They do it to our members too. I am not going to say they do not do it to our members. Our members have done things that they are sorry for, and they have paid the price, but it could have been avoided. You can help it be avoided.

I am sorry for the innocent bystander who was shot in the Westfair strike. His only crime was being out late and having to go to the washroom in the back lane. We could have avoided final offer selection, we could have avoided that man being paralyzed for life, if final offer selection had been in effect. How can you say to his family, I do not care, we have to take away that balance? I do not understand.

The people that I am really here to talk for today are the ones that are not here. The reason they are not here is they have not been through a strike yet. They do not know what is coming, but I guarantee you it will come. We do not have to look—Manitoba is not unique. Westfair Foods, seven or eight years ago no one would have expected a strike like that, but let us look around. Let us look at the Gainers in Alberta. Let us look at Griffin Steel in our own history in Manitoba.

Let us look at the—I do not know who the next employee is going to be that is going to involve us in a very bitter strike, a very violent strike, a very costly strike that could be avoided. How we can sit here and say we do not care about those people? That is who I am here for and on their behalf. They would like to be here if they knew what they are going to have to go through in the future. On their behalf I say that FOS has to stay. FOS is good for Manitobans, all Manitobans, not just the 35 percent who are in unions. I mean we have heard this figure, that it only affects one-third of the Manitobans. FOS is good for all of us.

It is good enough for our doctors. We have the Leader of the Liberal Party (Mrs. Carstairs) who supports arbitration for the medical association. It is good enough for the police. It is good enough for some health care workers and some of the teachers and everything else, why is it not good enough for everybody so that they can have some justice and dignity? All it does is bring a level playing field and that does not exist in a lot of situations. It does not exist in small-town Manitoba. It does not exist in the unit where there is only 12 or 15 people and the employer can hire replacement workers. It does not exist and it restores it.

Two last points I would like to cover and that is I look at and I wonder about the reason for the change in final offer selection. I have not seen anyone other than the Chamber of Commerce and one or two employers asking for the repeal of final offer selection.

Manitobans are not doing it. If you look at the presentations that are here, I have not seen it in the news, I have not seen it to the people I have spoken to. They have not said, this is a bad piece of legislation, we have to get rid of it. That is not what is happening. Manitobans like this legislation and those who have no comment have not experienced it, but if they knew what it was all about would be here and we would have more than 110 speakers, we would be overdone with.

* (1040)

The last comment I would like to talk about is I noticed a comment from the Liberals looking at a three-year trial period. I appreciate the shift, I appreciate their realizing that maybe this is not bad legislation. I appreciate that Mr. Rose, Mr. Patterson, Mr. Edwards and your Party, but if you are going to make a change you have to make it longer, not shorter.

We heard all kinds of comments that we have not seen the results and you have looked at the statistics and everything else. Giving it an additional 10 months, I do not see that. You have a five-year period that is in there. Let us let it run at that. If you want to make a change, let us lengthen it. Adding an extra 10 months, that is not really going to give it a chance to really prove what it can do. Manitobans have a legislation that is designed to run for five years, let us let it run five years. If you want to make any change, make it longer; let it work.

Those are my comments. Any questions that you have I would be more than pleased to answer.

Mr. Steve Ashton (Thompson): I too was interested in what has been talked about in the paper today. A 10-month, I do not know, a reprieve, remembering that all the 10 months will do is just delay the time in which final offer selection was going to disappear. I would rather see a longer period, quite frankly, but we had suggested if you look at the bare minimum that a four-year period would be the absolute bare minimum, recognizing that in 10 months, by the time you even get the data for this year the Bill is passed through. I just want to focus in on that. As you said, it is the first time the Liberals have indicated there is any value to this legislation; that is a fairly dramatic shift. You are suggesting to this committee that a three-year sunset, in this case 10 months, not even 10 months, we are less than that now, nine months and a bit is really not going to be satisfactory to give final offer selection a chance.

Mr. Chairman: Mr. Ziegler. Am I pronouncing your name correctly?

Mr. Ziegler: Yes, that is right. Quite clearly, 10 months is not enough. When you look at the legislation first coming in, in 1988, the bulk of negotiations were ongoing and did not have the access to it, and that is why you had Unicity Taxi.

Unicity Taxi, that strike in 1988, went on for about 70 some-odd days. The only reason it occurred was because those negotiations were ongoing, so that is, if you will, a strike that looks bad for FOS because it

went for 70 days. If final offer selection had been available that strike would not be there. You have to discount that first year of statistics because a lot of negotiations were ongoing and you could not get it. I will be honest, there was some trepidation by parties the first year to use final offer selection because they were not quite sure what would happen, what kind of selections would come out, who would be appointed and everything else. The first year is not of much use to look at. We start looking at 1989, adding another 10 months is not enough, if you really want to see how it works, at least five years. I personally would like to see it longer.

Mr. Ashton: Well, I too have been somewhat puzzled by the three-year suggestion, quite frankly, the Minister and ourselves could not proclaim this until next year. It is not out of line with legislation, it was introduced, really it is not much different than a straight repeal; often we repeal legislation. You are saying very clearly that you want to see a far longer period than 10 extra months, and you feel that it is absolutely vital if we are going to give any kind of proper analysis to it, that we have considerably more experience than just the additional 10 months, which only gives us three years out of the original planned five.

Mr. Ziegler: Clearly we need more time. I have been through the negotiation process and everything else. I say I want six, I could probably live with four, but three just is not enough.

If I look at it, it seems like it is a process to get us by the next provincial election and then we will deal with it afterwards, that is what it almost appears to me. It is good legislation, let us let it get a chance to run.

Mr. Ashton: It is interesting you talked in the bargaining vernacular when we suggested four years; that was in essence our final offer. We felt that was as far as we could go. We did not like to have to even reduce the period from five years. I believe five years, especially given the fact that it is working. If it was not working, fine; but it is clear.

We bent over backwards to the Member for St. Vital (Mr. Rose), to try and give it a chance, that is why we suggested the four. We would much prefer five, but that is what you try and do to save something that is good legislation. To suggest the 10 months now, something which the Conservative Minister of Labour (Mrs. Hammond) herself could announce as a matter of Government policy this minute, really I am surprised. I might have expected the 10 months from the Minister of Labour, and I do not mean this as any criticism by knowing her perspective on this Bill, but I am rather surprised.

As I said, it is interesting when you look at the vernacular of negotiations here because I do not know if the Liberals are looking for a way of saving face. If they are looking for a way of recognizing the fact that they were wrong in their initial criticisms, and I believe this committee has proven fundamentally that they were wrong, there has to be a better way. I would like to

ask you, you have been through the situations, discussions, negotiations; can you make some suggestions, perhaps to the Liberals who are trying to find some way of saving face, to admit they were wrong? Do you have any suggestions to them, perhaps suggestions that go beyond what I have been attempting to do to get them to recognize that this has to be given more of a chance?

Mr. Ziegler: Clearly, and I have seen the shift, they have discovered the way themselves to save this legislation. That is from listening to working Manitobans. It is not listening to me and it is not listening to the union representative. To say that, I sat there through this process and I spoke to the woman who almost lost her kids; I spoke to the one whose family broke down; and I spoke to those. Clearly, they can say, Manitobans like this.

I have seen that from the questions and I appreciate that from the Liberals. I have seen the questions you have given to our members and to the other members in the last little while. They have reflected that you now understand what this legislation can prevent. I think that gives the opportunity to go to four years, by saying that Manitobans have asked us for it. They have said that it works. We have convinced that it is not only good for them but our society. That is the way.

I have been moved to tears by some of the speeches. They are real life. I am moved to tears even more when I think about the next person who is going to have to go through this, maybe one year from now, instead of 10 months from now. Give it the full four years and maybe we will have a thing, and then maybe we can convince the Conservatives it is good legislation. We will need more than 10 months; we will need a year and 10 months. Then, hopefully, Manitobans can convince the Conservatives that it is good legislation as well, because it is good for Manitobans.

Mr. Ashton: You must be an optimist if you feel that we can convince the Conservatives on this. But then again, if we have convinced the Liberals to admit that final offer selection is not bad legislation, there may be hope yet for the Conservatives. In fact, what has puzzled me, and you touched on it, is the fact that we have the second highest strike rate in the world in Canada. We are second only to Italy. That has been the consistent trend year after year after year.

* (1050)

I put this to Mr. Smith from Westfair, who would like to talk about the literature in very sanitized terms. I will get into some of Mr. Smith's comments in a minute, but how is it in Canada, after that experience, companies such as Westfair themselves and other companies cannot even themselves see that there is a need for a better way? The second highest strike rate in the world—in a lot of cases because when you get into a strike in Canada, it is very difficult to get out.

You mentioned in terms of the saving face. I went through a strike, in 1981, that went three months. I believe that would not have gone three months if there

was some way of getting the parties back to the bargaining table. In fact, it took, the election of the NDP Government at the time, bringing the Inco representatives from Toronto and bringing in some of the key people from Steelworkers to get discussions going, because the two bargaining parties could not even talk to each other any more. Anybody who went through that strike would be the first to admit that was happening. Now, if final offer selection had been available, that process would have done.

I want you to elaborate on what you had said, because I have been through it, not anywhere near as much as a lot the people in this committee. I have never been through as much as they have been, but I have been through that situation, a strike situation—two of them actually. To those people on this committee who have not been through a strike situation, can you perhaps give us some idea of the kind of difficulty you can run into in a lengthy strike, where the two parties not only cannot get a contract, where in a lot of cases they cannot even talk to each other after a period of time?

Mr. Ziegler: What happened—

Mr. Chairman: Yes. Mr. Ziegler.

Mr. Ziegler: I caught myself before I went too far.

Mr. Chairman: Thank you.

Mr. Ziegler: What happens in a situation is that effectively once a strike begins, that first minute, both parties are caught. They have to convince their supporters, whether it is the company negotiator who has to convince the stockholders or convince the board of directors or the executive of the company that their decision was right and it was worthwhile, and they get caught. Likewise, the union negotiating committee and executives negotiate. They get going along and nothing happens for the first few weeks after a strike begins, because the parties entrench their positions. They cannot say, well, we only went out for a day, and therefore everything has happened, we are back together. It goes in and you get to the situation—

I said negotiations have nothing to do with logic. It just does not. It is like you and me. When I get into a situation with my kids—my children, they do not like it when I say kids—they make a mistake or they do something wrong but they do not want to admit it. They need their way of saving face. Both parties realize that they have to deal with each other, but they also have to deal with their superiors or, in the union's position, their members. They do not want to say that I was wrong to take you on strike. I am not saying they were, but they do not want to say that as the employer does not want to say that I was wrong for causing this strike to his superiors.

There are not very many options that are available during a strike to allow the parties to do that. I mean you have conciliation mediation before you go on strike, but there are not very many opportunities. Final offer selection can take the burden off the two parties and say well I stuck to my position, but someone else chose

the other. It gives them that opportunity to not say they were wrong. They know that they are going to be able to modify their position so both are more reasonable when they make that selection, but now they can pass the buck. I mean they can say I did not give in to the other party. The selector chose their position, so that is one way that it can work.

Mr. Ashton: It is interesting when you get into what happens, because I really believe that is one of the real problems in Canada that we have had. You end up in situations—now let us take Westfair as an example. I read out an advertisement that Westfair Foods placed in the newspapers in 1987, read it out to Mr. Smith. He said he had not been responsible for the advertisement, but it was interesting because he had said to this committee that Westfair Foods respected free trade unions and collective bargaining.

I read comments from the newspaper and my understanding, and you can correct me if I am wrong, is that the strike vote was taken. It was supported by in excess of 90 percent of the employees. Now this ad said well there are only 150 people picketing. There are 600 people have crossed the picket lines. This is out of a total workforce of 1,600 or whatever the total was. I mean if one was to read that article, I do not think one would expect that Westfair Foods had any respect at all for the union.

I ask Mr. Smith directly, did he not recognize the fact that there was a free and democratic vote taken and that 90 percent of the employees supported the strike. I would like you to explain to the committee what happened then, because I have seen strikes where you may end up with a 90 percent support. People cross the picket lines because they feel they have no other choice. They see other people taking their jobs away. In the case of Westfair, they were hiring strikebreakers before the strike began. That was confirmed from Mr. Smith.

I just want to deal with that. Take Westfair as an example. If you can explain what had happened with the strike vote, and then what happened once the strike occurred, so that we can get a balance to Mr. Smith's comments on the one hand of respecting free trade unions and then some of these advertisements which not only were vicious personal attacks on the president of your local, but also were, I believe, attacks on the workers themselves through the demographic vote who voted for the strike and were subject to these repeated newspaper attacks that did not explain Westfair's position. They attacked the union, and they attacked the employees.

Mr. Ziegler: You have to put some of Mr. Smith's comments in context. I will give you a little bit of the background history, the last negotiations, not the one at the strike, the one before.

The company infiltrated the union negotiating committee. They had two individuals who were reporting directly back to the management. One individual was told to take all the handouts, and as soon as the negotiating committee met they were to courier it to this management individual. The second individual was

just directly reporting. The day the contract was negotiated he was given a job at head office out of the bargaining unit. I mean just a coincidence that he got a full-time job there. The two of them admitted that they were talking to management and that continued on.

The company was trying in the next round of negotiations to infiltrate our negotiating committee. It got so bad we had to ask people to take an oath saying that they are loyal and that they will not disclose any information and if they do they will resign from the company. I mean, it is that bad, but now you put that in perspective as to what happened in '87. As I said, the company honestly did not believe that their employees would stand up to them. I mean, they try and brainwash them, and they try and treat them so badly that they have no power left; they intimidate their employees. Then the strike vote came in, and I was there, and that vote was accurate.

He makes these comments about all the people they had and everything, and all the people wanting to go back to work. Well, if there was so many people going back to work, why did they have the ads in the paper asking for people? I mean, under their situation, they should have been running fine. We were keeping employee counts and customer counts. Our people know who was in the store and who was not in the store, and there were more people hired from off the street than there were from our members. We know what was going on. Why were they hiring or putting ads out asking for people? Why did they not open the Transcona store? They were never able to get up to full operation in Winnipeg; they did not get that last store going. But you had the indication and you saw it in Gainers in Alberta, where the employer before the strike put out an ad and hired 1,000 people before the strike began. They did that and they trained it here.

Mr. Ashton: Well, I put that directly to Mr. Smith on last Friday. I quoted from the newspaper reports, and he attempted to deflect from that, but you are saying quite clearly that Westfair Foods was hiring strikebreakers even before the strike began, and during the strike they hired a significant number of strikebreakers during the entire period, the 125-day period.

Mr. Ziegler: Clearly, we had an arbitration involved. It goes to show where Westfair is not a bad employer. The company used to pay their employees that they trained. They would bring them in for 20 hours—six o'clock, five o'clock in the morning. They would train them before the store would open. Well, before the strike, they changed that. Because they knew a strike was coming, they started hiring these people, or bringing them in, and giving them free training. They required them to work for 20 hours, to work on a cash register, to memorize the codes, and they did not pay them a cent.

Through that arbitration, we got a list of employees that did that just a couple weeks or the month before the strike began, and the company admitted in arbitration that there were a lot of other people hired during the strike, the same situation, but they would

not give us those names. There were several hundred more in that category. Clearly, there is no doubt; the company has never denied it. They hired a bunch of people before the strike began and they hired a bunch of people during the strike. So clearly there were a lot of employees that were hired to break that strike, and the company had planned the strike well in advance of it occurring.

Mr. Ashton: Well, it is interesting in terms of what happened, because Mr. Smith from Westfair Foods—and Westfair Foods, by the way, is the only employer that we have had in this committee that has been represented by an official of that company. Any other company—in fact, we have really only had one other company—has sent their legal representatives here to do the talking for them. Now Westfair Foods said, and this is exactly what Mr. Smith said on Friday, that they have very good labour relations at Westfair Foods. When I asked him how he indicated that was the case, he said, well, there was good attendance at the Christmas parties at Westfair Foods.

Now, you painted a pretty bleak picture of what happened in 1987. I want to look at what has happened since that time, 1987 to 1990, leading up to this year's contract. Leaving aside the Christmas parties, although you can comment on that if you want, I was quite frankly amazed—I do not know where Mr. Smith is—he invited me to go down and talk to people in the stores. Well I have, and I have talked to a lot of people. Boy, you do not even have to ask someone where they work if they are working in the retail food industry. I mean, if someone is from Safeway, if someone is from Westfair, you get a completely different picture and that is what amazes me. I mean, Safeway is their biggest competitor in terms of Westfair, and yet, most people—I am not saying they are a perfect employer—most people said Safeway is a fairly decent employer. We have had people come to this committee. You talk to anyone and they start talking about the terrible climate of labour relations, you can almost guarantee that they are working for Westfair.

I want to ask you because it is very relevant to this committee. We are dealing with a strike that perhaps could have been prevented if final offer selection was available. What is your assessment of labour relations climate at Westfair Foods? Is it as rosy as Mr. Smith suggests, or are there continuing problems?

* (1100)

Mr. Ziegler: Well, if it is rosy, the roses are dead and done.- (interjection)- You got that. My main duty with our union is presenting arbitrations, dealing in mediation with employees who have had some discipline or not been paid for their vacation and everything else. The feelings with Westfair Foods are no better now than they were the day the strike ended. Maybe I will not go that far. After the strike they are probably a little better than they were right after the strike, but they are still pretty bad. We have a company who—I mean, we have trouble with people getting breaks, people want to go to the washroom, everything. It is absolutely terrible, the atmosphere; employees are still intimidated.

They are so intimidated that they are even scared to testify—I had a hearing on one thing about people working less than four hours. The company believes it does not have to follow the legislation. They believe that, if they want to send someone home or allow someone to go home early after an hour or two, they do not have to follow employment standards, it does not apply to them. I try to get people to just say that on such and such day I only worked an hour and a half or two hours. Employees said, I will testify as long as my supervisor, or no one is going to be there from the company. I said they are going to be there. They are scared to just tell the truth because it will affect in their scheduling. The company has a lot of power, and they do that because they schedule for these employees hours and that is their lifeline.

The Christmas party. If anything, it reminds me almost like the Government sometimes, the federal Government, where I may not like what they have done in a lot of things, but when they give me a free tax credit on my RRSP, I will take it. It is not because I like what they are doing because it benefits me, so if Westfair wants to throw a free Christmas party and I get a free drink or free meal or something, yes, maybe some people attend it, but do not take that as saying that the relationships are any better than they were.

Mr. Ashton: I will be interested to hear in my next discussions with people who are employees at Westfair Foods what they think about that comment too, because I did find it rather amazing. You are saying that it has even got to the point where really since the strike people cannot even get breaks. They are hassled about going to the washroom. Maybe I misunderstood what you said, but is that really what is happening with this so-called progressive employer?

Mr. Ziegler: We have had problems ongoing for a number of years. When it suits the company, it is slow, they will send someone home because they do not want to pay them. We have had situations, some in the past, some recent, where people have had nosebleeds and they have not been able to get relief from their cash register. People have to go to the washroom and they say, we are too busy, I cannot let you go. One woman stood for seven hours at her till; they would not let her have her break.

Their other view is that they will work you for 45 minutes, they will give you your 10-minute break, and then they will work you for five hours afterwards. Then they say, well, we have met our obligations. The concept is that it should be sort of the middle of your shift so you get a break. That is what it is called, a break. That is not to them, as long as they give you your 10 minutes, 15 minutes, they are happy.

Mr. Ashton: I just want to put it in perspective. Is that a problem, for example, at Safeway, a similarly large employer? I do not want to be unfair to Westfair, or are they the only ones that are really creating this type of situation?

Mr. Ziegler: There is no comparison between Safeway and Westfair. I have to relate an example and I have

to give Safeway a big pat on the back. We had a member who committed suicide about a week and a half ago at that store; the member had been terminated for theft. It had a big impact on the employees because a lot of the employees had said, yes, I saw so-and-so take a package of cigarettes. This happened Thursday evening. By Friday Westfair (sic) had a counsellor in that store talking to employees, giving them time off work to talk about what had happened.

You could have someone come into the store with a machine gun and mow down half the employees, and Westfair would just go hire another couple of people the same day to fill in the store. There is no comparison between the two as to how they treat their employees. There is no comparison. We have no trouble with breaks at Safeway.

Mr. Ashton: Well, it is interesting because Safeway has not been before this committee arguing that final offer selection, the repeal, and as I said, this is the only employer—I find that absolutely amazing—the only employer that has come before this committee with an official from that company. The only other employer really that has made a presentation before this committee is Unicity Taxi. Westfair and Unicity Taxi really are the only two employers. One, in this case, had a legal representative come here. It just amazes me, when one looks at their record as employers.

I am just wondering, you have had some knowledge to the Unicity as well. I do not want to get into speculation, but I really think that one of the reasons these particular companies have been here is they want to keep this climate of labour relations. They want to—in fact Mr. Smith said you cannot have good collective agreements unless you have fear. Fear of a strike and fear of a lockout. From your experience in dealing with Westfair and also your knowledge of Unicity, is that a concern you have, that if final offer selection is repealed it will give much more of a leeway, a blank cheque if you like, to companies to do the kind of things you have been talking about here today?

Mr. Ziegler: You have to look at both of those employers. You look at Westfair Foods, Andy Smith, they still have final offer selection in a lot of the contracts in the western provinces and that is because most of them are our unions—they have got a thing—are not taking them on as vigorously or trying to stand up for their members' rights. I cannot understand that double standard. It is good for the rest of Canada but it is not good for Manitoba. That is because they do not want to break the unions in the other provinces. They want to break us here.

I look at Unicity Taxi. I presented before the Labour Board our case on application for final offer selection. You have to understand Unicity Taxi. Unicity Taxi also wants to get rid of a union for its members to the point where Mr. Watson was up talking about the French translation of the preamble to The Labour Relations Act being different than the English translation of The Labour Relations Act, so therefore this is a charter issue. Therefore, under charter issue we should strike down final offer selection, or we should not invoke it. He was grasping at straws that are unbelievable. His

whole attitude of that presentation was to prevent us the opportunity from using final offer selection, because if you did that I guess we would be back on strike again. You have to remember, three contracts ago we took a wage freeze at Unicity Taxi. Two contracts ago we had I think about a six-week strike. Last contract we had a 70-day strike, and that was only 70 days because of the legislation.

There is a group who want to get rid of the union. We have an arbitration award after the last strike with them. Joy Cooper who used to be vice-chair on the Labour Board ruled against the company. They tried to take away the duty of our bargaining unit members and give it to some supervisors and call it a technological change. The arbitrator indicated that was not proper and ordered them to change it. They would not agree. We had to go back to her for clarification. They would not agree. They are now saying they are not going to live up to an arbitrator's decision. They only have one desire.

Now, the point that I make on that is who is next? Is it going to be my daughter? She is young now. Maybe it is going to be one of my sisters. Maybe it is going to be one of your daughters or sisters or nieces who is going to be put through it. Who is next?

Mr. Ashton: You were stating quite clearly to the committee that you believe, in a number of recent cases here in Manitoba, that there were employers whose main goal was to break the union. You have indicated to the number of strikes where because it is legal to hire replacement workers, scabs if you like, you can continue the operation of the firm even though employees are on a legal strike. You are suggesting there are employers who want to break the union and that by taking away final offer selection, all we are going to do, if this committee and others at some point in time vote to repeal final offer selection, is make it that much easier for them to keep people out on a picket line for month after month and potentially break the union as well.

* (1110)

Mr. Ziegler: Clearly, that is what I have said. Clearly, that is what a lot of other people have said at this microphone over the last week and a half, two weeks. It goes beyond that. It may be one point that has not really been made about this legislation that should be. This legislation can have another process, I mean, it can work when the two parties are not out to bash each other's heads either. It can work in that regard also. It allows the parties when they just disagree to give it to someone else to make that decision. We have used it in a lot of situations, those are the ones that do not make the air, where the Parties use it to both their benefit. They get settlements.

Vista Park Lodge used final offer selection, was not a company that was out to break the union. FOS worked in that situation and it helped both of them. It can be used and I think with time it is going to be used by more and more parties where they are not out get each other but where it is an alternative to allow them to

save face or to allow them to deal with a situation where they just philosophically do not agree with the union, but yet not have to resort to a strike. That is one point that maybe has not been made, but that is a very big role that FOS can play in Manitoba. It does not have to be only with the unions or employers, there are a lot of employers who are not out to break the unions. There are a lot of good employers. I have dealt with a lot of good employers.

There are some of them that need that extra tool. That is a big plus that maybe has not been dealt with on final offer selection and should be kept in mind.

Mr. Ashton: I agree with you. There are good employers out there and it is interesting that we are not getting the good employers, the ones with good labour relations coming before this committee saying get rid of final offer selection. The only two companies that we have had come forward are the companies that have had some of the most bitter strikes in recent memory. That is why I really wonder if it is not because they wish to break the union.

By the way, I do not know if you are aware, but Mr. Smith tried to suggest that somehow in Manitoba that MFCW has worse contracts than the affiliates, the locals in other provinces. The way I read it, it was almost as if, just looking at some of the comments that they put in the newspaper, and this is my interpretation, that they are trying to teach MFCW, local 832 of the UFCW a lesson.

I would just like to ask you, you have obviously have knowledge of other areas, what you think of that comment?

Mr. Ziegler: By and large, I think our contract is superior to any of them in Canada. There may be an individual clause here or there that they have better. That is the same with every contract. We have some very good contracts in a small employer that has one good benefit but that has a lot of other bad, that is just the give and take or negotiations.

You have to look at Andy Smith, where he is coming from. We are in negotiations right now, and if you—

Mr. Ashton: I am not sure. We do not have any Government Member here currently. With all due respect, I do not know, -(interjection)-

Mr. Chairman: Charlotte is right there.

Mr. Ashton: We have one Member, the Minister is not here. I think this is a very important discussion. If the Government Members do not wish to continue the sitting at this point in time, we can come back when they are organized. This is a very serious matter.

Mr. Chairman: There are six Members present. That is a quorum. We will carry on.

Mr. Ashton: My apologies, Mr. Ziegler. I find it very frustrating to say the least that the Minister, herself, is not here. This committee has a purpose. I believe you are relating information that is very important for

our deliberations. My apologies, I hope that the Minister and other Government Members could be asked to attend this committee. I think it is really important. Perhaps if you could continue your comments I am quite willing to adjourn if the Minister—I really do believe for the purpose of the presentations that it would be far better if we had the Minister here.

Mr. Jay Cowan (Churchill): On a point of order. There is a certain practice that has grown up over the years around the conducting of committee meetings. One of them is that the Minister responsible be here at the committee meeting when presenters are making their case. What is being said here today is very important to the whole issue of final offer selection. We expected the Minister would want to be here to listen.

We have in the past recessed the committee for a short period of time to allow Ministers to carry on business that they felt they had to carry on for five or ten minutes and then reconvene the committee when they came back. What I would suggest we do in this instance is recess the committee until the Minister can come back, and then we reconvene the committee. That is a standard practice in the past and certainly something we did when we were in Government and we would expect the present Government to do.

Hon. Charlotte Oleson (Minister of Family Services): Thank you, but I do not think there is any need to recess the committee. The Minister will be back shortly. I will not elaborate on Hansard on the reasons for her short absence, but I think that you could go ahead with the committee and proceed. She will be back momentarily.

Mr. Ashton: Yes, I think we have been fairly reasonable in terms of duration. If the Minister has an urgent meeting and cannot attend, we could have recessed. What I am concerned about is the fact there was no notice. We do not know when the Minister will be back. I really believe this presentation, other presenters, deserve to have the Minister here to listen to those comments. I would suggest that we recess till the Minister is able to attend.

Mr. Chairman: It is not paramount that the Minister be present at all times. If it is the will of the committee that they want to recess until the Minister returns, then that is fine. What is the will of the committee?

Mrs. Oleson: I disagree with the Member. I think you could go on. I had indicated that the Minister would be back momentarily. You could continue with the committee, and the Minister will be able to read the comments in Hansard. If there is some point that is being missed, I am sure she will be apprised of it by her staff, and we could continue with the meeting. We have a lot of people to hear. I would suggest we get on with business.

Mr. Cowan: On a point of order. I suggest we get on with the business as well, and the business is having the Minister who is responsible for a piece of legislation here to listen to the presentations that are made. This

piece of legislation is as important as any other business that we do in this House. It is a standard practice for a Minister to want to be present at all times to hear what people are saying, ordinary Manitobans are saying to the Government with respect to the legislation they bring forward. We have representation here.

Well, I see the Minister has returned. I just make the point that in essence, the committee work did stop until the Minister had an opportunity to return. It probably would have been easier had we recessed, but having not done so, I suggest that we ask Mr. Ziegler to repeat his last answer which the Minister missed and carry on with the questioning.

Mr. Chairman: Mr. Cowan, you do not have a point of order. We will just carry on.

Mr. Cowan: First time this year I did not have one.

Mr. Chairman: No, that is not correct either.

Mr. Ashton: I realize the Member may not have had a point of order, but he had a point. I think perhaps we should ask Mr. Ziegler to give the answer that he was in the process of giving. Our apologies, but I do believe it is important for the Minister to be present. The Minister in particular, who is bringing this Bill forward, should be hearing all the arguments on various sides of the issue, and in this case from the many presenters such as yourself for saying that the Minister is wrong and ill advised. So please continue your comments.

Mr. Chairman: Mrs. Hammond, on a point of order.

Hon. Gerrie Hammond (Minister of Labour): We were talking about breaks there. I did not really feel I had to ask the committee to recess to have a few minutes out of committee without it getting to be a giant discussion. I have been here every minute of this committee pretty well. I really think that the comments about me being out are a little unfair. If Mr. Ziegler feels he has something that I should hear while I am here, I would be very happy to hear him, but I sincerely object considering the amount of time this committee has sat and the amount of time I have sat here and really listened to what people are saying.

Mr. Chairman: Mrs. Hammond, you do not have a point of order.

Mrs. Hammond: Either?

Mr. Chairman: Either.

Mr. Ashton: Mr. Chairperson, just back to Mr. Ziegler, if you would like to just continue. I think this is an important issue.

* (1120)

Mr. Ziegler: To restate the question as I see it was about the comments by Mr. Smith about our contract being poorer than the other provinces. As I indicated, I strongly feel that our contract is superior to any of them in western Canada. I know for sure that of the two provinces, B.C. and Alberta, there is no comparison. Saskatchewan is close, but I still think we are superior. You have to take that comment in light of what is going on.

We are about to begin negotiations with Westfair Foods. I mean, they are trying to make us look bad so that they can—they have interfered with the negotiation process so many times and you have to take it into light of those previous actions and I am sure that is what he is doing there. He is trying to make us look bad in front of our members. I will put our contract up and we have done comparisons against it, and our contract stands up. He wants to get rid of this union so you have to take that in light of that.

Mr. Ashton: I also thank you for clarifying what the situation is in terms of final offer selection because I tried to get Mr. Smith to clarify, and I do believe a number of Members of this committee had a misunderstanding about what the situation is.

I believe the documents—I mean quite frankly I am amazed when I read this letter. It bears no relationship at all to what Mr. Smith had said. The effect or intent of the letter was—and I do not know if you heard his comments, but essentially you are saying that this is a procedural letter, it relates to a contract that does not include final offer selection in the free-standing way as it did previously, prior to 1987 our understanding is it was in place.

The reason I am asking this question is because yesterday we had someone here who worked for Econo-Mart who said that in the future she believes, not only if you take away final offer selection from legislation, it will not be available in the legislative sense, but it actually could in some ways become an issue, an issue that might even contribute to a strike in terms of the sense that people would want to get back . . . final offer selection, something that will be taken away if this legislation is passed.

I am just wondering if you could elaborate on that following from your very important contribution to this committee, in clarifying the, I would not say misinformation, I do not want to make that sort of accusation, but I would say that people were misled as to the effect of these letters.

Mr. Ziegler: Quite clearly, and I think it is important to note what happened in 1987. Article 41 is not an agreement by the parties to a final offer selection process. What it is, was an attempt by the company to opt out of the legislation.

The strike in 1987 was prolonged by the company wanting a legal binding agreement saying there is no such thing as FOS. They could not get that so what they settled for in place is a document that opts out

of as much of it as it can. They are saying you cannot deal with this, you cannot deal with that, you cannot do this, you cannot apply for final offer selection until you jump through this hoop and you jump through that hoop. What Westfair did was to negotiate out of the process. They have no support for it here in Manitoba. Everywhere in Canada it is good legislation, but they are not trying to bust the union there. Here it is not good legislation. I mean it is good or it is not good, and it is good.

Mr. Ashton: It is amazing because if one was to sit here Friday afternoon, one would have assumed that Westfair, well, they had final offer selection in place until '87. The interpretation Members of this committee had from their presentation was that they still had it in place and it would still be in place in 1990.

What you are saying is that it was in place, it was taken out, the pressure since 1985 from Westfair Foods has been to take it out of the contract. You are saying that the last contract basically included some further complications in terms of applying for final offer selection. The provision basically relates to the legislation.

You are saying that actually during the negotiations one of the issues that kept the strike going was the fact that Westfair wanted to take out final offer selection. I want this to be very clear to Members of the committee, because this was a company that came before this committee and said that they were arguing that final offer selection should be repealed and at the same time in their presentation were giving Members of this committee the impression that somehow they would be quite happy if final offer selection was to remain in place despite the legislative repeal. What you are saying is that since 1985, Westfair Foods has done everything possible to get rid of final offer selection, not only before this legislative committee but in contract negotiations with the union.

Mr. Ziegler: Clearly, that is correct. Clearly, that prolonged the strike last year and there was a lot of issues of them getting legal opinions. At one point, I think they even wanted a letter from the Minister of Labour (Mrs. Hammond) saying that yes, we can opt out of it. They actually wanted the Minister of Labour to write a letter saying that yes, it is okay for Westfair to opt out of legislation. That prolonged the strike and it caused problems in these negotiations and in the last. I can see it being an issue, as you mentioned earlier, of us trying to negotiate it back in, if it is not in the legislation it could cause a dispute. In the legislation it cannot cause a strike, there is a provision not allowing that, but it will cause problems if we have to try and negotiate it in again.

Mr. Ashton: It just amazes me that a company can come in and make a presentation and give such a different picture of what has happened in reality. I really thank you for coming before the committee in clarifying exactly what has been happening in terms of final offer selection.

I just want to move on, just a couple of quick questions, I know we do have other presenters this

morning. There have been various criticisms made of final offer selection and it was suggested that people are going to sit out the strike for 60 days so they can access it because of the 60-day window and I would like your comments on that.

It has been suggested that it weakens the accountability of the union leadership to its membership. You have had the experience obviously in terms of Westfair. I would like you to comment on that. It has even been suggested that final offer selection divides people in the workplace. I want to ask you for a few comments on that as well, because we have had people come before this committee, particularly Westfair workers, who have said this is the only thing that has brought people together in the last two and a half year period.

Right now in Westfair the people who walked the picket lines, the people who crossed the picket lines, the new employees are all saying the same thing, that final offer selection should be kept in legislation and Bill 31 should not pass. So I want you, if you can, to deal with some of those, and those are, quite seriously and this has amazed me, but those are three of the strongest, supposedly strongest, arguments that have been put forward on final offer selection. I would appreciate your comments on those.

Mr. Ziegler: It is a comment that I have heard, and I could not believe either, talking about staying out for the 60- to 70-day window. I think people have said it correctly, that if you have been on strike yourself, you could never make that comment. That is like saying I am going to take a hammer and hit myself on the head so that when I stop it feels good. That is what the comparison is. It is like you are saying, I am going to beat myself up, so when I stop I feel better. No one in their right mind is going to lengthen a strike a day if they can settle. No one is going to lengthen it a day.

If you have been on strike, the problems it causes financially, the problem it causes with your family, the problem it causes with your co-workers, the problem it causes with your customers, the problems it causes with your employer. No one in their right mind would walk a day longer than they have to, if they can settle. Now that does not mean that people are going to give up on their principles. If there is something at stake as far as their principles or what is right or wrong, yes they will walk a day longer. But not just so they can apply for FOS.

With regards to the comments about weakening leadership. Every union leader is responsible to the membership and every leader that I know of in Manitoba is elected by their membership, and that is the ultimate test. If they do not deliver to their members, if they do not do a good job, they do not get elected. That is the bottom line. You know the process, in our union we vote in favour of final offer selection, but before that decision to make an application occurs, it is discussed amongst our committee, it is looked at. We do not just say, okay, I do not care what the members want, I am doing this. If we did that, people would not be around to get elected. We are like you. We are like politicians. We get elected by the people who are out

there. We serve them. We do not serve, we ain't gonna be back. The final comment, I forgot the third part of your question, I apologize.

(The Acting Chairman, Mr. Darren Praznik, in the Chair.)

Mr. Ashton: I just have one final question. We started off our discussions this morning, our questions, in terms of this latest development, of the fact that the Liberals are finally recognizing there is value in final offer selection. This, by the way, is from the Party that said it was bad legislation; it was bad for unions; it was bad for business. Now, they have come a little bit along the way. I feel it is not enough; 10 months is really—it is not much more. I mean, the Minister of Labour (Mrs. Hammond) could do that, but for the Liberals, they probably feel it is a big move, because psychologically they have admitted—and it is right here in the Free Press this morning; it is not based on comments here—that final offer selection has some value.

We have been desperately trying to get the message through to them. People before this committee have desperately been trying to get the message through to them. It appears that they have a little bit of an inkling of how important this is, but quite frankly, and I agree with you, 10 months is just not enough.

* (1130)

I want to ask you and give you an opportunity as I have to other people, and this time particularly focused on a Liberal Caucus that you know has moved, maybe not a long way, maybe an inch or two towards recognizing the value of final offer selection, what would you say to them? I think you mentioned the right word before, about serving your members, and that is what unions do—serve their members. In terms of serving their constituents, what appeal would you make to them? What would you say to them, and I have said this in context whether it is public or private, to try and convince them to move even further now?

They have gone those first couple of steps. That is the toughest part in any particular situation. What would you say to them to try and move them where they need to be, which is to give final offer selection a real chance in Manitoba so that the many people that you mentioned, who have been before this committee, who have spoken from the heart, people who have never presented to a legislative committee before, who gave up their time, their scarce spare time, who came here—many of them were so nervous, it was clear—never spoken in public before, who spoke from the heart and told heart rending stories about what it is like out there in the jungle of labour relations that some people would like to see as happening, what would you say?

I give you the opportunity to really address your comments to the Liberals this time, because you may be more of an optimist than I am. I am not sure if we can move the Conservatives, but in the case of the Liberals, they have taken that first step. What would you say to try and convince them to go to the point that is necessary to save final offer selection and give it a chance?

Mr. Ziegler: Clearly the Liberal Party elected a lot of new Members to the Legislature in the spring of 1988, and that support came, unfortunately, at the loss of another Party, that I support. But it came from one group of people. It came from working Manitobans. It came from working Manitobans in the city and across the province, and those working Manitobans saw something in the Liberal Party; they were hoping that they cared for them.

You have those employees in rural Manitoba who work for a small employer; you have the small employers in Winnipeg. You have the women, and women are a group that are strongly hit by this Bill, because a lot of them are single women. They cannot afford to take the time off. A lot of them cannot even afford to live on the money they are making, never mind the effect of a strike. The new Canadians—we had the speech from a garment worker—another group that cannot afford the effect of a strike. If you really care for those groups of Manitobans who got you elected, show them, because if you act the other way and do not give it a chance, those same Manitobans will go back against you. Those are the Manitobans—they have been here speaking to you, or they are the ones that have not gone through it yet. If you want to keep their support, show them you care for Manitobans.

The Acting Chairman (Mr. Praznik): I understand the Member for Thompson (Mr. Ashton) said he had one final question, the last one.

Mr. Ashton: I do not have a question, Mr. Chairperson. I just want to thank the presenter and I really hope the message that you brought to the committee, some of the people, will get through. Thank you very much.

Mr. Edwards: I have a question for the presenter. You mentioned that final offer selection was a part of your collective agreement. You said you negotiated your agreement in 1981 and it was negotiated out in 1986. How did that come to be negotiated out in 1986 if final offer selection is such a wonderful thing?

Mr. Ziegler: Like in all situations with negotiations, that contract expired May 5, 1985. The contract was settled August 11, 1986—dragged on for a year, whatever. The employer was adamant about getting it out. They made other proposals to us that were good. We have a responsibility to take our membership those offers. In 1985 we never looked at what was going to happen in '87. We did not feel we could take a strike in 1986, after a year and a half of negotiations over final offer selection.

We did not give it up easily, but negotiations is a give-and-take process. We did not want it out. That is how it came out.

Mr. Edwards: Again I am going to refer back. Mr. Smith, when he was here, commented that in western Canada—

The Acting Chairman (Mr. Praznik): Could I ask Mr. Edwards to speak up, please? We are having a hard time hearing him.

Mr. Edwards: Sure, Mr. Chairperson. When Mr. Smith was here, he indicated, I believe, that the Westfair workers in Manitoba, perhaps in Winnipeg, whichever ones were on strike in 1987, were poorer paid than any other workers with that company in western Canada. To your knowledge, is that true?

Mr. Ziegler: I do not believe so. Because of time lapse, there may be a couple of months where their contracts may have been renewed before us and they were ahead of us. But, no, that is not my understanding. In fact, I think we were paid more. There may have been an exception with some categories in Edmonton, just because of timing and everything else it is possible. But for a short period, they were ahead of us. By and large, the industry is pretty standard across the country.

Mr. Edwards: Let me get this straight. Mr. Smith says you are one of the poorest paid or the poorest paid, he may have said. Your evidence is that you are far from the poorest paid. You are above average, are you saying? Are you one of the best? You are the person who negotiates things. You must do comparative analysis even within the same employer. Where do you rank?

Mr. Ziegler: We are among the top group. As I said, it depends on the exact date of the expiration and renewal. There may have been on one category—I guess it reflects our concern for our members—I think in Alberta they may have taken a wage increase in lieu of some other items, and I think it was a lump sum payment. They may have been ahead of us for a short period.

Over all the years, we have been in the top group of wages. In fact, in the food store industry, some of the Winnipeg agreements are some of the best in North America, for some of the rates. B.C. of course has a higher rate; they have a higher rate for everything. We are some of the best in the country.

Mr. Edwards: If final offer selection were to be repealed prior to your contract coming up in May of this year, it has been suggested by Mr. Smith, and I think Mr. Mitchell has made this argument as well, that some amendment to the present legislation would be required to allow you to access final offer selection. I have read your provisions which you have very kindly provided to us.

(Mr. Chairman in the Chair)

I note that it does say, with respect to final offer selection, that the parties agree that in the event either party invokes final offer selection, in accordance with the provisions of The Manitoba Labour Relations Act. I frankly do not understand what amendment in the labour relations Act would help you use final offer selection if the provisions had been repealed. That argument has been made, that an amendment could somehow allow you to continue going to final offer selection. Is there any way you see that as possible? Is there an amendment we could attach to this legislation, which might allow you to use final offer selection?

I frankly do not see it on the wording of the agreement, but maybe you can enlighten me.

Mr. Ziegler: I do not see any amendment directly that would help us. If the legislation is gone, it is gone. Clearly that is the prerequisite. If there was some way you could strike down the limits the company put in the contract, about saying that someone cannot opt out, or provisions of the legislation, and if they, no matter what their contract says, have full access to the legislation, that would be an improvement.

There are other improvements I would like to see with moving that 30- to 60-day window later, because you mentioned in one of your comments that quite commonly negotiations go beyond the expiration and therefore the only option would be a strike. So if you want to make an amendment, let us move the application, the first window later on, close it right up to the day of the expiration of the contract or even later.

Mr. Edwards: I am sorry, I did not mean to cut off the presenter. With respect, if the final offer selection provisions as they exist were repealed, would there be some fall-back? Is there anything in this collective agreement which we have not seen which would put you back into a final offer selection scenario pre-1986, and are there any fall-back final offer selection provisions in the collective agreement that we have not seen?

Mr. Ziegler: If the legislation is gone, then there is nothing in the contract, there is nothing—any side agreement, there is no—it is gone, and we will probably be on strike this year.

* (1140)

Mr. Edwards: It might interest you, and I just raise this, that it was my impression from Mr. Smith's comments, that he was seeking an amendment and I have to look back to his presentation. I do not have it in front of me right now. He was seeking an amendment in order to preserve the final offer selection for this coming round of negotiations and he was extremely concerned, as I think Mr. Mitchell was, that a repeal would not allow final offer selection to be used in your workplace in this coming negotiation. Now, those are his words, not just said, I think, spuriously, but he came to this committee and I believe put it on the record that he wanted an amendment to ensure that final offer selection could be used. Do you know what he was talking about?

Mr. Ziegler: I think I know what he was talking about, but it was not what it sounded like, if you know what that means. He was talking about—it is called double talk. If Mr. Andy Smith wants to make sure there is final offer selection in this contract, give me an hour, I will draft up the wording, and the two parties can sign it today. They do not need the legislation. I will draft it up, I will take our 1983 wording, I will retype it, he puts his signature on one side of the page, I put my signature or Bernard Christophe puts his signature

on the other page, and yes, if he is serious, that is all we need. We do not need the legislation amended. Double talk.

Mr. Edwards: I guess the only other thing which concerns me then is that this letter you have provided to us is dated October 3, 1987. I am not positive—I would want to speak to Mr. Smith again—as to whether or not that is the only letter. I appreciate that you have brought this letter forward, suggesting that it is the letter Mr. Smith referred to. I also appreciate the fact that you said Mr. Evans has told you that this is the only letter of this sort discussing final offer selection, and I will, quite frankly, if I can in the very near future, attempt to pursue this with Westfair and determine if there is another letter, because I would like, if at all possible—and I think you would agree—for us as legislators to ensure that final offer selection can be used, assuming that that was the spirit of the agreement in 1987, albeit repealing the legislation as a whole. Then we will certainly want to consider that, and I think the Minister would as well if that was indeed the spirit and intent of the agreement. But we do need some clarification.

I also make the point that, while obviously these hearings have been dominated by Westfair Foods in terms of presentations from individuals who work there and yourself and Mr. Smith, and we appreciate hearing about this relationship as one which we can learn from, we are here obviously dealing with legislation which covers every workplace in this province, every workplace under the jurisdiction of the provincial Government, and so I am very cautious not to give too much weight to one particular relationship, albeit it is one we can learn from, but there are many hundreds of others, and I simply bring that to your attention.

Mr. Ziegler: You probably hit part of the nail on the head. It has been dominated by Westfair members because they are the most recently affected. If you held this committee after the Burns strike, if you held it after Griffin Steel, if you held it in Alberta after Gainers, you would have those people, but the reason you do not have them is that it has not occurred. But do not think for a moment that it will not again if this legislation is gone.

Mr. Edwards: I will just make one comment. My friend from Thompson has indicated that he went down into the trenches, as it were, and spoke to Westfair workers. I know a lot of Westfair workers. I also took the opportunity to drop by the store at Kenaston and Grant, and, just for your information, I spoke to the first eight people that I came across who were working at that store.

You might be interested to know—and I do not dispute that there are many who have come here with very serious and high levels of emotion about this issue, and I do not doubt their sincerity—that, out of the eight, five had no idea of what final offer selection was. One knew what it was and liked it, one knew what it was and expressed no opinion, and the eighth knew what it was and said that he did not like it. Out of eight, one person knew what it was and did not like

it. I appreciate that probably those may have been employees who have not been there since the strike. I appreciate that. I just hit the first eight. I did not ask how long they had been there. I am cautious in looking at this particular incident and attempting to legislate specifically for it. I appreciate that is not what you are asking us to do, and you have said that if it is not Burns, it is Griffin Steel, it is other instances around the province.

I do appreciate your coming forward, if for nothing else, for me anyway, than giving us some clarification on this relationship, given that we have had an amendment requested of us.

Mr. Ziegler: With regard to your eight people, I am not sure if you were in the room or not when I mentioned about the 2,500 people who have turned over since the strike. Of the 1,500 people who work at SuperValu, over half are brand new. They were not there when the strike was on; 785 employees who presently work there have been hired since the strike. The people who have been there longer, a great number of them, the company wants to get rid of them and schedules them the bad shifts, whatever.

The only group that we really have full time is the night crew, which you would not have spoken to. Those are the ones who have been around longer. In the bakery and the meats, that is where the full-time jobs are. Basically, if you are a woman, you are not going to get a full-time at SuperValu. You have to be a meat cutter, a baker, or the night crew. That is where the full-time jobs are. I am sure out of the eight you probably had six new people, and that is probably also indicative of what I said of the other people who have not gone through it yet and do not know about it. That does not mean that this legislation cannot help them.

Mr. Chairman: Thank you, Mr. Ziegler. Are there any more questions? Then we will thank you very much for your presentation.

Mr. Ziegler: Thank you very much.

Mr. Chairman: What is the will of the committee? It is 15 minutes to 12. Did you want to rise, or did you want to listen to—we have another presenter here. Let us go ahead then. Mrs. Jan Malanowich.

Mrs. Jan Malanowich (Private Citizen): Good morning.—(interjection)—

Mr. Chairman: She is No. 12 on the list. Go ahead, please. Do you have a written submission?

Mrs. Malanowich: No, I am sorry I do not. I am here as a private citizen, and I just want to talk to you about final offer selection and what I believe to be, not necessarily the ultimate, but close to the ultimate to prevent strikes, lockouts, and a variety of other negative things that can happen in the workplace during negotiations.

I am going to refer to some things in The Pas. I have lived in The Pas for 17 years and just recently

transferred down to Winnipeg. When Mr. Ziegler was talking about Westfair, we in fact were involved in some of the Western Grocers problems up in The Pas. I belong to the labour movement and was quite active in the labour movement in The Pas. We saw the detrimental kinds of things that took place with the Western Grocers strike. We were there as the support mechanism. We saw the loss of wages, the loss of productivity with the company. It quite surprises me that companies do not comprehend what they are going to lose when a strike takes place, specifically in a small community. In a small community, you are all neighbours; you are all friends. It pits worker against friendship; it pits management against worker. It pits everybody against the business community as a whole if they in fact support the struck employer.

* (1150)

What we could relate to were the things that happened during that strike when we, as a labour body, went to the various grocery stores that were utilizing Western Grocers and asked them to please not support Western Grocers at this point in time. We know that as a total business community, yes, we should be using them. But they had to evaluate what was happening to the workers and the reasons the workers were out on strike.

As a result, we had one of our major grocery store owners agree that he would transport all his produce and products in from Winnipeg himself. He was very supportive of the workers. Why was he supportive of the workers? Who actually put the money into his business? The Town of The Pas, I think if we took a look at it, we probably have close to 75 percent of the population there unionized. With increases in wages, with good benefit packages, the money ultimately goes back into the community.

With a strike action, the money is taken out of the community. The hostilities prevail. He was prepared to support the workers. He is not a unionized employer, by the way. He has probably avoided that. He pays good benefits to his employees, and they are not prepared to unionize at this point in time. But I will tell you, if he was not such a fair employer, it would probably take no time at all for them to decide to be unionized.

So I looked at this kind of strike, and if FOS had been in place at the time that this strike took place, it could ultimately have eliminated a number of things that happened in the community, the unrest that took place and just the negative feeling in a small community. I mean, the paper headlines, everything else stops dead, and the strike issue is on the front page. Not on the front page from the perspective of the employer, mind you. I mean, the employer is good and fine and wonderful. The employees become the scapegoats in any strike action. I think that is terribly unfair.

I just look at a recent thing that took place in The Pas. Now mind you, I was down here when this happened, and it was the lockout at the Wescana Inn. If any of you have been in The Pas, we have a few places that are considered comparable hotels, the Wescana being one of them. It has been unionized by

the international Woodworkers of Canada for a number of years. The employer decided to lock out the employees just prior to Christmas, and the threat was, look at what we are going to do for you, boys and girls. You are not going to be getting any money for Christmas, and you are going to have to starve to death. Talk about Scrooge City. That is exactly what he was implying with that lockout.

The ultimate was that the whole community stood behind the employees, to the negative feelings of the owners of the place, Evans and Mardeen Premachuk. They could not believe the community had such strong support for the workers that worked at the Wescana. People refused to go there and eat. People refused to go there and take rooms. The airport bus refused to cross the picket line. As a result, since the lockout has ceased, the bus can no longer even pull on the property of the Wescana. They will not allow them because they supported the workers.

I mean, that is totally ludicrous. They are providing a service of bringing the clientele to the hotel, and now they are forbidden to do that. The taxis were treated with the same respect. One firm in The Pas crossed the line. So the employees were told, after the lockout was over, do not dare call any other taxi if someone asks for a taxi; you must call this particular company, because this other one would not cross the line.

Now, this is totally ludicrous. These things in a small community do more harm than good. I just cannot see that the Government is not prepared in this day to enforce some legislation that will make it a positive experience for negotiating. It is good for both sides. It is not just a win-all situation. It is good for both. If you happen to get a situation where people get to loggerheads, perhaps it is even personalities that become involved—I do not know. Quite often, frankly, I think that is what it is. I think it is personalities.

People then get to a point where no matter how long you give them, they do not want to reach a settlement. Final offer is the alternative that we need. We need it as a strong legislation. We need it for the working men and women. Just looking at the people from SuperValu, my God, do they need it? Mr. Ziegler was right. Look at all the single parents we have over there. In this day and age—I used to work as an economic security counsellor. I did that for eight years. I tell you, even on part-time wages, these people are having one hell of a time making ends meet. If they go on strike there is absolutely no way they are going to be able to meet the commitments. We are going to have people back on the welfare roll. We are just creating such a negative atmosphere that it appalls me.

Popping back to the pie issue again and the lockout, do you know what surprised me? The Chamber of Commerce in The Pas refused to cross the line. They refused to hold their meetings in the Wescana. I tell you, that was an eye opener to the owners of the Wescana Inn. They could not believe that the business community showed such strong support for the workers. We talk about neighbourhoods and working together—Trappers Festival, a well-renowned festival.

They have utilized the Wescana Inn to put entertainers up, to hold the casinos, to just do a variety of things.

Well, this year they were basically told they could not even go near the place. Do not even touch us with a 10-foot pole. Oh, that is good community morale, and it showed. I was up there and I was appalled. So I guess I am going to leave you with this thought, that something has to be done, and something has to be done that gives us strong, strong legislation, and I am asking you to ensure that we have final offer selection on the books for the protection of the labour movement and the employer, because it is going to solve some problems for both sides. Thank you very much.

Mr. Ashton: I am very pleased to see you here, by the way, to give the northern perspective, because I know the many years you have spent in the North. It is interesting because when you mentioned The Pas it could have just as easily been Thompson. Westfair Foods, one of the stores they did not open was in Thompson and I know why, because people, whether they are members of a union or not members of a union, and in a lot of cases the employers would not have crossed that picket line, it is just not done.

You mentioned about hotel strikes. We had a hotel strike a few years ago and it was virtually shut down because people just would not cross the picket lines, to go to the vendors, to go to the pub. It is a different sort of situation that you are in although it can still be pretty tough on a community, even with that level of support. It can create a lot of problems. Inco is the same. There has not been an Inco strike yet where Inco has hired strikebreakers, certainly in Thompson, and yet it has a lot of pressure on communities.

You mentioned the hotel strike. I was just wondering, in the years you were in The Pas, how many, just roughly, how many strikes that would have occurred in the community over that period of time?

Mrs. Malanowich: As I say, I can think of the Western Grocers one. I know that there were a couple with the mill. That was when I first moved up to The Pas, and we have not seen a lot of that in the last while. The correctional officers went on strike for a period of time. The Canada Manpower people—the Post Office people went on strike; we supported their strike. CN had strike issues. I do not know whether I can think of any more right off the top of my head or not.

Mr. Ashton: It must have been a fairly extensive number; this is a fairly small community. Thompson is really in the same way, relatively speaking. During that period there were a fairly significant number of strikes in that community.

* (1200)

Mrs. Malanowich: Yes, I did not mention the hospital either because they have had a couple or three with the lab techs. There was almost a strike with MONA. We were preparing for that. Things that you must realize in a small community, you have a labour component that is there as a support mechanism and a helping hand to any group that is faced with this kind of problem.

Mr. Ashton: It is interesting, you talk once again for the northern perspective. I have raised this question

with people before the committee, and I know in my own area I have yet to run across anyone really who wants to get rid of final offer selection. Most people either are not aware of the provisions, but certainly are not calling for it being repealed. The people I have talked to, when you explain the provisions to them, support it. Now when I say the people, I am not just talking about people who have been through strikes or people generally. I am not just talking about union members. I am talking about people in the community.

I just want to talk to you in terms of your perspective as a former—I realize you have since moved south, but I am sure you must keep contacts still in terms of The Pas. In a community like The Pas, do you sense anyone really out there wanting the Government to ram through this legislation and get rid of final offer selection?

Mrs. Malanowich: No, I do not. If anything, I see it going the other way, that they would be more than happy to have good, strong legislation that could alleviate some of the strain that is placed on workers and management.

Mr. Ashton: I certainly appreciate your comments. I know it is very difficult in terms of getting the northern perspective. It is very difficult to travel here, and I think we sometimes have to honour people such as yourself who have lived in the north for a considerable period of time, who now live in the south—I know I still have contact with many former constituents who now live in more southern areas; I know one is very familiar to you, Mr. Chairperson—who can speak directly. It is a bit more easy for them to speak directly than people in the community, so I thank you for coming forward and representing the northern perspective very well.

Mrs. Malanowich: Thank you very much.

Ms. Judy Wasylycia-Leis (St. Johns): I also want to thank you very much for coming forward and bringing your perspective to this issue as a working person, but particularly as a woman, and I think you have really focused in on the importance of final offer selection, particularly for women and families.

I would like you to—since we have here today the Minister responsible for the Status of Women (Mrs. Hammond) and the Minister responsible for Family Services (Mrs. Oleson), albeit they are members of the Conservative Government, which has been fairly obstinate in terms of this issue and seems to be intent on repealing this very important piece of legislation—but I am wondering if you could just—maybe there is a chance we can perhaps persuade them otherwise if you could address the importance of final offer selection from the point of view of women and women's equality and the point of view of families and keeping families together and quality of life for families and communities while we have those two Ministers here so that perhaps we can advance a bit on this issue.

Mrs. Malanowich: I will certainly try. I just want to start back at the time when I actually worked for the Government in Economic Security, and I am going to

look at it from that perspective. Many times I had clientele come into my office, not because they wanted to be there, but because they were forced to be there. There was absolutely nowhere for them to go. They were earning minimum wage, which certainly did not meet the needs of raising children. At that point in time they were probably not successful with getting maintenance payments from the spouse, or maybe there was no spouse around. Maybe they were just single parents now left to their own demise.

You would encourage them to go out and find employment. You would encourage them and tell them that they would probably still be eligible for benefits under the program, under the working program that we had at that point in economic security. They would go out there. If they were fortunate in finding a job over minimum wage, nine times out of 10 that job was in a place where there was a union. They not only gained monetary benefits in the sense of a pay cheque that earned them more money; they in turn gained benefits such as dental care, vision care, sick days, good vacation benefits, a number of things they would never have seen in private enterprise.

I would encourage these people to do everything in their power to get out there. Some of them did not have the capabilities of doing that, so it has been a struggle for them. They may have had to turn around and go back to school. In going back to school, not only did they have to go back to school themselves, their children were probably in schools. If they were not in schools, they were looking for proper day care. All these things ended up being the big nucleus of how they were going to make themselves more productive and happier with their own well-being. They felt that they were doing something for themselves.

I think that through the things that we can do through negotiations we can help these women see a better life. I will tell you, there are far too many of them out there with part-time jobs, not because they want part-time jobs but because that is the only employment they can find.

I tried to put my family on a welfare budget to see if we could live, and quite frankly, it was scary. There was no way that I could even adjust myself to having to live within the confines of that minimum amount of money. So I look now at these women who are trying to increase that earning power, and in increasing it have a good, sound place in the community, be able to participate in a variety of things that are community-minded, not be afraid that they are not going to be able to make the rent payment, be in a position to be able to go out and get a mortgage on their own, so be it if they have got the capabilities, the skills and the kind of job that will allow them that.

We are seeing more of it, but we are not seeing enough of it. Women are still majorly at the bottom of the earning potential. Pay equity throughout the government has helped, but there is still a lot of room for improvement. I think you should think about how it will affect not only women, though—this is not just a women-man situation. This is a joint situation. I think you have to take everything into consideration when you are dealing with this specific legislation, but it is important for FOS, definitely.

Ms. Wasylycia-Leis: So what you are really saying is that final offer selection, because it is a new way to the way of prolonged strikes or lockouts or other labour dispute resolution mechanisms, actually keeps people from having to fall back on welfare, and therefore has the potential for keeping down costs in that area to Government and to taxpayers as a whole. Is that what you are saying, in part?

Mrs. Malanowich: Yes, that is what I am saying. I think that the circle can go around. You can eliminate a lot of the hardships by putting legislation in place that will assist in alleviating strikes.

Ms. Wasylycia-Leis: I am pleased that you focused in on that, not only because we have the two Ministers here that I mentioned, but also the Liberal Critic for Economic Security. He has said that he is concerned about the whole issue of social assistance and getting people off of welfare. I think you have made the case very well, and I hope that message is getting through.

Just a final question which, if I can try to summarize in terms of your theme and presentation and just get your final comments on it, it seems to me that what you are saying is that support for final offer selection is coming from many groups in our society, from working people everywhere, because it is in a way a new approach that lends itself more to co-operation, to conciliation, to compassionate solutions, rather than the old way of conflict and long, prolonged, drawn-out strikes or lockouts, and that in fact this new approach is something that will have to shape our society in the future and particularly shape labour relations, not because it is something that will give an unfair advantage to workers, or not in terms of attracting or keeping competitive business in this province, but because it is a new way that society has to come to grips with and must be a model for all aspects of our society. Can you elaborate a bit on that and wrap up our, my comments anyway?

Mrs. Malanowich: I agree with what you are saying. Conflict is not the answer to settlement. It never has been, and it never will be. I see this as being an area in which Government can act responsibly to ensure that kind of conflict is eliminated. Sure you are going to have some disagreements at the table; that is the way bargaining goes. But there certainly is an avenue with this that can eliminate the brutality and the negativism that is imposed, again I will say it, on the workers, because all the negatives seem to go to workers. The employer always seems to be up here on a pedestal during any strike action, and it takes two at the bargaining table to reach a settlement, not just one side, and there has to be give and take. This can be done in a non-conflicting manner, but if people are not ready to reach that settlement in that fashion, something has to be done to ensure that that is carried through in a non-conflicting manner and that can be done by final offer.

Mr. Chairman: Thank you very much. Mr. Rose.

Mr. Bob Rose (St. Vital): Mr. Chairman, we have no questions, but we would like to sincerely thank Mrs. Malanowich for sharing her experiences with us today. I appreciate it very much, your coming down.

* (1210)

Mr. Chairman: Okay, thank you very much. Just prior to rising for the morning, I would like to remind committee Members and members of the public that the committee will be also meeting this evening, March 6, at 8 p.m.

The time is now 12.10 p.m. What is the will of the committee? Committee rise.

COMMITTEE ROSE AT: 12:10 p.m.