

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS

Tuesday, March 13, 1990

TIME — 8 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Parker Burrell (Swan River)

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Connery, Derkach, Downey,
Hon. Mrs. Hammond
Messrs. Ashton, Burrell, Mrs. Charles, Messrs.
Cowan, Edwards, Ms. Hemphill, Mr. Patterson

APPEARING:

Mr. Bill Uruski, MLA for Interlake
Mr. Jerry Storie, MLA for Flin Flon

MATTERS UNDER DISCUSSION:

Bill No. 31—The Labour Relations
Amendment Act

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* (2005)

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. Order, please. Accordingly, the position of Chairperson is vacant, and the committee must proceed to elect a Chairperson. Are there any nominations? Mr. Downey.

Hon. James Downey (Minister of Northern and Native Affairs): I would like to nominate the Honourable Member for Swan River, Honourable Parker Burrell.

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

Mr. Chairman: Order, please. This evening the Standing Committee on Industrial Relations will resume clause-by-clause consideration of Bills Nos. 31, 57 and 80.

When the committee rose this morning, it had been considering an amendment proposed by Mr. Ashton to Clause 1 of Bill No. 31. The committee shall now continue discussion of this amendment. Is there any discussion? I believe Mr. Cowan had the floor.

Mr. Steve Ashton (Thompson): Mr. Chairperson, I think one thing we always deal with at the beginning of meetings is how late we wish to sit. I would suggest that we follow our practice of previous committee

meetings and set a tentative time for ten o'clock and see where we are sitting at that time.

I can indicate to the committee we are expecting a fair amount of discussion on our amendment, so the committee Members are aware. I would suggest we set an adjournment time of 10 and assess it when we get to that time as to whether we want to—

Mr. Chairman: What is the will of the committee? Did you want to try for ten o'clock? Mr. Ashton.

COMMITTEE CHANGE

Mr. Ashton: On another matter of business, I would like to move, by leave, that the Member for Logan (Ms. Hemphill) be substituted for the Member for The Pas (Mr. Harapiak) on this committee.

Mr. Chairman: Is it the will of the committee to grant leave? Okay, could we have a formal motion on the substitution?

Mr. Ashton: I will just move that formally, by leave, and I will write it out. I move, by leave, that the Member for Logan (Ms. Hemphill) be substituted for the Member for The Pas (Mr. Harapiak) for the Standing Committee on Industrial Relations for tonight's sitting.

Mr. Chairman: Effective immediately, is it the will of the committee to adopt this motion? Agreed.

Mr. Chairman: As I was saying, Mr. Cowan has the floor. If anyone needs a copy of the amendment or the Bill or anything like that—Mr. Cowan.

Mr. Jay Cowan (Churchill): Mr. Chairperson, in speaking to the Bill when it was introduced just previous to the break for lunch in the afternoon Session, we had indicated that we were bringing forward this particular amendment because we felt that it dealt with problems that had been expressed to us with the present repeal process as well as provided a rational framework within which decisions could be made on the fate of final offer selection within the context of an independent review. We believe that independent review is necessary, given the fact that there are differing opinions even after a couple of years of experience with final offer selection as to its impact on the economy of the province and on labour relations within the province.

* (2010)

During the course of the hearings we heard many comments and personal experiences of individuals who had been involved in strikes or lockouts that were

prevented or at least limited by final offer selection or could have been prevented or limited had final offer selection been available to the people involved in those management-labour disputes at the time they took place.

We heard from them that in a strike or lockout situation the toll on the family, on the worker, on the employer and on the union was significant. We heard that it pitted brothers against brothers, sisters against sisters, fathers against children, community residents against each other, neighbours against each other and divided the community in such a way that it took years and years and in some instances has not yet even been reconciled.

We feel that those sorts of situations should be avoided to the extent that they can. We understand that there is a need for the strike and the lockout to exist. We understand that final offer selection is the type of process that can prevent many unnecessary strikes and lockouts, but it is not a labour relations tool which unto itself can provide for progressive change or regressive change, if that is what some seek, in the labour relations field. It is a modifying factor and can be used very effectively when there are not significant principled issues at stake.

However, there are times when the strike or the lockout has to be used to significantly shift conditions in the workplace. We understand that and we respect that. Final offer selection has been devised and developed so as to allow that to happen, but on the occasions where the parties are not involved in that sort of a principled fight or struggle, it does provide another bargaining tool. I make that point because there are some who would suggest that final offer selection should be used to take away the right to strike and lock out. We do not believe that to be the case. We believe that as difficult as strikes are, as hard as they are on individuals and communities, they are from time to time necessary to effect major change.

On the other hand, Mr. Chairperson, we do believe that there are many instances where final offer selection can provide another option. We believe that to be so because we had heard from many individuals, many ordinary Manitobans, about their own experiences with final offer selection and how it helped them resolve otherwise irreconcilable disputes, sometimes bringing it into an unnecessary strike, sometimes preventing it in its entirety.

We heard them tell us about the instances where they had used it. We heard others tell us about instances where they did not have to use it, but knowing that it was there brought a reasonableness to the negotiations which allowed them to negotiate without having to call upon the legislative final offer selection process.

Mr. Chairperson, we understand that there are some concerns about final offer selection. We understand that in many people's minds that the jury is still out. I can tell you quite frankly that I believe it works. I believe that any independent review of it will show that it works. It may be that there are some modifications that are necessary. It is not a perfect piece of legislation. There is no such thing as a perfect piece of legislation.

Even if it is the best that you can accomplish at the time it is written, circumstances change over time and changes can be required.

* (2015)

What we want to accomplish with our amendment is, for those who are perhaps less biased than I—hopefully less biased than I—and also less biased than the Conservatives and less biased than the Liberals on this, to take a fresh look at final offer selection from an analytical perspective to determine if in fact it has enhanced labour relations in this province, to determine if in fact it has prevented or limited unnecessary strikes or lockouts, to determine what impact, either beneficial or detrimental, it has had on employers and employees in this province, to determine if final offer selection has served the public good in this province. We believe that review will show that there is merit in the concept of final offer selection, may in fact suggest ways upon which the present legislation can be improved—it may not—but we are prepared to put the fate of final offer selection in the hands of such an impartial body.

The amendment as drafted provides for a review by a final offer selection review committee which would be comprised of one representative of the Manitoba Federation of Labour representing employees' interests, one representative of the Manitoba Chamber of Commerce representing the employers' interests and one single chairperson that would be mutually acceptable to both to use the next 180 days—or at least 180 days from June 1—to review, research and make recommendations on final offer selection. If that committee were to come back and say that final offer selection should not be continued in this province, then our amendment would allow for the repeal to take place as of January 1, 1991, based on that recommendation.

If on the other hand the review were to say that final offer selection does serve the public interest, final offer selection does serve the public good, final offer selection has enhanced harmonious relations in this province and final offer selection has helped employers and employees avoid disruptive and unnecessary strikes, then why should it be repealed? We suggest that it should not be repealed, and to repeal it under those circumstances would be irresponsible, would be illogical and would be just plain silly unless one had another agenda, either hidden or otherwise, in mind.

Let us look at what the review could say. The review could come back and say, based on the analysis that this independent body has done, final offer selection should not be continued. Fine, we accept that verdict. The review could come back and say, final offer selection is working perfectly or as perfectly as legislation can work and should be continued, and in that respect it could be continued as is. The review could say final offer selection is working reasonably well and the concept is good, but it needs some improvements. Then the next Government or the present Government—whoever that might be—could then, based on those recommendations, bring forward the necessary amendments to the Legislature to refine final offer selection to make it work better, and that would be in the public interest.

The only way I see the review, this independent review, not being in the public interest is if it were to come back and say that final offer selection does serve the public good and at the same time have no power to influence the fate of final offer selection as a result of its deliberations. That is what the Liberals would have us do, as I understand their proposed amendment. Theirs is a post-mortem process. Theirs is an autopsy process. They are suggesting that we repeal final offer selection, that we kill final offer selection and that we then dismember the body, take a look at what happened, take -(interjection)- Well, I will not get quite as graphic as the Member for Thompson (Mr. Ashton), but the fact is they want to review it at that point in time. It will have already been repealed, and if it is found to be a workable concept, a good concept, they suggest that it will be somehow miraculously brought back to life.

I can tell you, Mr. Chairperson, that I lived through the development of that legislation. I know how much time it takes, I know how much energy it takes - (interjection)- The Member for St. Vital (Mr. Rose) says, but we are NDP.

* (2020)

I want to reiterate that point. We are, we were a Government at that time, and we are a Party that is sympathetic to labour. Even with that sympathy and that strong affiliation and that strong bond, it was a difficult process to bring forward final offer selection. We understood the issues, we understood the collective bargaining environment in which those issues are dealt with. We understood the political currency and the political courage and commitment that it takes to bring forward that legislation and it took us far too long to do it. It took us far too much energy to do it, and we spent far too much time doing it, and I am glad we did all that because I think it has proven to be the right thing to have done, but I know that a Liberal Government or a Conservative Government in a minority or a majority position without that sort of initial philosophical approach will not be able to invest the time, the energy, the political commitment and to spend the political currency that it takes in order to bring forward that legislation, because it was done at some peril and it was done at some cost.

I know that the Conservatives will not do it on the basis of ideology. I do not think the Liberals will do it because, and I am not trying to denigrate them in any way by saying this, I think they will have other priorities that are more important to them, other interests that they have to serve.

I tell you quite frankly -(interjection)- the Member for St. Vital (Mr. Rose) says, are things more important than this? I think to his caucus there are other issues that are more important than this, and I base that on the statements that they have made in the past.

Mr. Chairperson, let there be no doubt about it. If final offer selection is repealed and a review takes place afterwards and the review were positive, I can tell you that it would still be a very long time before final offer selection was put back in place in this province. That

to me is the fatal flaw in the Liberal proposal. It does not recognize the reality of developing legislation, the difficulty of it.

They think that they can just come back, if they were in a position of power to do so, and I do not think that will be the case, but if they were they could just come back and have final offer selection re-enacted. The fact is, it will not happen that way.

If it does not happen that way, what have they done by their process? They have taken and conducted an independent review which is powerless to effect change and for that reason a waste of time, because even if it comes forward with a positive recommendation for final offer selection they will not be able to do anything about it. They will have created expectations that something will happen if the review is positive that they cannot fulfill, thereby further fueling the cynicism of the public with respect to political promises and electoral expectations.

They will have, I think, betrayed many groups in this province, because they would have held out promise for reinstatement that would not happen and they would have in essence done what they want to do, or what they said they want to do right from the beginning—killed final offer selection, only they will have done it through a sham, through a con that will not wash, that will be seen through like the smoke and mirrors that it is, like the smokescreen that they intended it to be.

We are offering a better solution. We are prepared tonight, tomorrow, in this venue, behind closed doors, to sit down and talk with any of the Parties about the proposal that we have and how to improve upon it. There are some basic principles under which those discussions must take place. One is that there be an independent review. Two is that that review be able to be influential. If it says repeal, then repeal it be. That is what our amendment says, but if it says that it should be continued, then final offer selection should be continued. To suggest that otherwise should happen, I believe is not only a smoke screen, but it is a betrayal and will result in such.

So, Mr. Chairperson, I hope that we can have a rational, logical discussion this evening about what to do with all the information that we have learned, not only over the last few days and weeks but over the last two years since final offer selection has been in place.

* (2025)

I just read the most recent review of final offer selection in a magazine called *Industrial Relations*, which just came out quite recently within the last couple of weeks. It was a review of the Manitoba experience in final offer selection. It expressed the history, indicated that there had been concerns with it in the past, looked at what had happened during the last little while—and it was done by Manitoba professors—and it came to the conclusion that final offer selection does provide for an opportunity in this province to enhance harmonious labour relations to prevent unnecessary and limit unnecessary strikes and lockouts. Furthermore, they went on to say that if final offer

selection is repealed, what effect it will have is to reduce the ability of unions in the smaller industries, in the service industries to unionize their workforce, to organize their workforce.

What that says to me is that final offer selection has and will continue, if left in place, to help those that are the weakest, the most vulnerable in our workplaces, to help the service sectors, to help primarily women who are working in the service sector, to help primarily immigrants who are working in the service sector, to help primarily those who have been kept powerless far too long by the likes of Liberals and Conservatives who kowtow to their big business and corporate friends at the expense of working people in this province.

I make that point because I believe that is what the real agenda is. The real agenda is not one of compromise, although I acknowledge that the Liberals have come a far way with respect to changing their initial rhetoric about final offer selection, but I think they have done that out of political expediency and not out of a true desire to subject final offer selection to an independent review and a determination of its fate based upon that independent review.

So I think they have made the first step out of political expediency primarily, but that does not stop them from making the second step out of principle. If they believe in the principle, then they will sit down and discuss the option that is before us that allows for the review to have the effect which most would want it to have and which it is intended to have and figure out a way that we can take a hard look, an honest look, an unbiased, an independent look at final offer selection and then come up with a rational conclusion based on logic, reasonableness, analysis and not based on a political debt or an ill-conceived campaign promise that they made a long time ago.

They have already said—if one looks back to their campaign promises, you will see a shift. Some have called it a flip-flop. I will be more kind. You have seen a shift. You have seen them move away from that earlier hateful, vitriolic rhetoric about final offer selection towards what they term a compromise. If it is a true compromise, then they have only one small step further to go. They made the big step now. All we are saying is take the proposal that they brought forward and refine it to the extent where the study takes place before the repeal, and the repeal is based on the study. We have a solution, a real compromise, which is acceptable to the Opposition Parties at the very least. I do not think we will move the Government one bit, but theirs is based not on only a campaign promise but a consistent long-standing historical anti-worker bias that they have exhibited in so many different ways throughout the history of this province.

So I do not believe that we can hope even through logic, as impeccable as it may be, to convince the Conservatives to try to give final offer selection a fair chance, but I do hope the Liberals who have told us that they are a reasonable Party, who have told us that they believe in fairness -(interjection)- well, they have not proven it yet, but they have an opportunity to prove it, who tell us that they want to walk the middle line between big business and big labour, to put some effect to those words, to turn those sentiments into reality.

Believe me, if they do so, it undercuts some of the political advantage that we now have over them with respect to this issue. We would gladly give up that political advantage in order to give some advantage, some very long due advantage to workers, particularly in the small workplaces, in the service sector, who have traditionally been treated from a perspective of powerlessness—notwithstanding the fact that they are organized—by their employers. Give them a bit of the advantage to strike a better balance in their workplace and that is what they told us final offer selection does.

They came here, they spoke of feeling powerless in their negotiations, that an employer who had all the leverage of being a multinational or global corporation, to make decisions that would impact upon them, their families, their friends, their co-workers in their communities, from boardrooms way outside the province, in some instances outside the country, and never see nor feel nor have to take into consideration the social consequences and the economic consequences of those decisions.

* (2030)

What final offer selection offered to them is a way to bring those parties to the negotiating table in a much more balanced and a much more fair manner. That is all they are asking for. So if you honestly believe, and I address that to the Liberals, that you have a moderate role to play, and a constructive role to play, you have already come the first step.

Make one small step further, look at our amendment, make suggestions for improvements if you believe it can be improved upon based upon the principles as outlined earlier, vote with us on this and in voting with us on this, show the people of Manitoba that it is the Conservative Party that is hidebound in their ideology and anti-worker, that it is not the Opposition Parties, and show the workers and the others who came forward to speak to us for so many days and evenings that we have listened to what they have said, that we care about what they have said, and that we are prepared to treat what they told us with respect and with fairness.

Mr. Chairman: Thank you, Mr. Cowan. Are there any more questions?

Mr. Bill Uruski (Interlake): Mr. Chairman, while I do not have any more questions, I would like to make a few comments as well to the amendment before us and to, I guess, question where we are really headed in this whole area.

Primarily my remarks will be addressed to the Members of the Liberal Party because I believe that they initially came out with some very, very determined positions, both the Leader of the Liberal Party (Mrs. Carstairs) and the Labour Critic, had their minds made up on this issue, that this Bill was anti-business, it promoted strikes, and generally was bad for the economy of this province and it should be got rid of. Then we began the process of debate. We then had a number of hearings. We have had a lot of presentations from people who were directly affected by this legislation over the last basically two years.

The Liberals heard those workers. I am not sure that any of the Conservatives heard them, because they have made their commitment to their business friends, and they are not prepared to move one iota to give this legislation the chance it deserves. One has to then question the Liberals, since you now appear to want to allow this Bill to be reviewed and reviewed after the expiry date of this year. In other words, extend the Bill for another roughly 10 months or nine and a half months of life till the end of the year, and study it.

So if you are prepared to go and extend the Bill till the end of the year, the real question is, why would you not in the interim be prepared to study it? Why would you not be prepared to say, all right, here is our chance to look at what the workers told us? Let the independent committee, and surely the Liberals are not going to question the independence of a person nominated by the Chamber of Commerce as the - (interjection)- Oh, they are? Oh, I see.

Now we have the Liberal Labour Critic questioning the nominees or the integrity of the Manitoba Chamber of Commerce as to whom they might question the nomination of the nominee of the Manitoba Chamber of Commerce as an employer representative to the group.- (interjection)- Well, they are representing the employers. They are not independent.

Mr. Chairman, then as well the person nominated by the Federation of Labour. If the Liberal Caucus do not like a representative of the Manitoba Chamber of Commerce as the employer representative, let them say so. Let us look at what their alternative would be or who their alternative might be to this committee. Surely, they would respect a nomination of the Manitoba Federation of Labour as representing workers in this province. If the federation does not represent workers in this province as a person nominated for their behalf, then I do not know who does.

I wonder, Mr. Chairman, whether the Liberals like the suggestion made in the amendment is that those two groups can agree on who the chairperson should be. Will we allow them, as legislators, to agree on who the chair will be or is that too much for these two groups to think for themselves and pick out a chairperson who is acceptable to both, or is that something we cannot really accept and allow this Party to go through?

If it is acceptable, Mr. Chairman, then what it comes down to is, let this group do its work. The question is, is it before final offer selection is repealed, or is it studied before that? Now, what the Liberals have said is let us let it die. Let us let it die and then we will exhume the body after it is dead and start examining it. What was it like two or three years ago? What did that body look like? We start examining it, looking at basically, I would assume, the kind of information that workers have told us through the course of many evenings of hearings on this legislation, that for them who were involved in the process, it worked.

Mr. Chairman, when I took part in this debate, and I have not taken part in many of these types of debates, I said, and my colleague from Churchill repeated it, that this legislation primarily helped those who were the most vulnerable in the workforce, those in the

service sector, those who this Minister of Labour (Mrs. Hammond) in her other hat as a Minister purports to defend and support, and that is the women of society.

She is also the Minister responsible for the Status of Women. Mr. Chairman, I find that almost a position of being in conflict of interest. You cannot defend the position of women in the workforce on the one hand and take away the little bit of power that they may have and support that they may have in the workforce by virtue of repeal of this legislation. I find that the Minister of Labour should be turning different kinds of colours on this issue and being somewhat apologetic to the women of Manitoba and in the workforce who came before this committee and told Members as to how this legislation helped them in the workforce.

Mr. Chairman, it appears to me—and I hope that the Liberals will change their minds—that their tactic may be one of attempting to provide a quick fix, to be able to say well, we are on both sides of that fence. We are on the side of business that says, well, look, it is going to end in ten months, we may study it, but to heck with it. On the side of labour they can come out to labour and say look, we have supported you, we have given you nine and a half to ten months of legislation and so what. So then it ends, we will have a look at it after the fact.

Are they prepared to really say, to really take a look and allow someone both from management and from labour with an independent share to review the successes or failure of this legislation. Are they in fact prepared to put their money where their mouth is and allow somebody with less philosophical hang-up than we have in this Chamber to say this legislation worked or it did not. If they say it worked, then it stays, and if they say it does not work, it is gone. Are you prepared to put basically your money where your mouth is and agree to this amendment to show Manitobans that we are prepared to let workers and management with an independent share to in fact decide the fate of this legislation as to whether this experiment will continue in Manitoba or in fact it will die and if it dies we all have said, we tried and it died. So what have you got to lose? You have by this amendment that within the six months that are still in motion the study takes place.

* (2040)

The Minister of Labour (Mrs. Hammond) has to call the group together, they pick an independent chair, and 180 days later that study reports. She has between March and June to go to those two groups, sit down with them, work out who their representatives are, and they have until June 1 to pick their independent chair. If they cannot agree on this legislation that it has not worked, we will all say it is done and we walk away from it.

I say to Members opposite, put your money where your mouth is and let us say, the legislation went down the drain because it did not work and that group told us so, or it worked and it stays. How about it?

Mr. Chairman: Thank you, Mr. Uruski. Any more debate? Ms. Hemphill.

Ms. Maureen Hemphill (Logan): Thank you, Mr. Chairman. I am not sure we are debating at this point, but I think that we have some points that we would like to make at this very critical time in dealing with this piece of legislation, where we are looking at possible amendments and the direction that we are going to take in giving this piece of labour legislation and this option for improved negotiations, this option that clearly has been allowing people to improve their negotiations, get contracts, and avoid strikes.

We are looking at how we are going to handle it so that we are giving it a real chance. I think that is what we are saying. The experience to date we think tells us that it looks like it is working quite well. We are the first ones to say that it has not had enough time, that it needs more time, that we need more experience, that we need more contracts to find out whether it should stay as it is, whether it needs some amendment, or whether it is not working. I would be very surprised if, after a really objective evaluation, they turned and said that it was not working and that it should be repealed and that it should not exist.

I think everything we have heard to date about, not other jurisdictions as much, but as what has been happening in Manitoba from the people that have gone through the negotiating experience using final offer selection tells us that this is working quite well and it might need some improvement. It might need some amendments. It might need some changes. We are also the first ones to say that if that turns out to be the case, we will be the first ones there supporting those changes and those amendments because, as my colleague said, this was not easy for us to bring in. Just because the relationship with labour, any thought that we just brought this in because they wanted it, without a lot of thought and consideration, really is not the case. We had a lot of discussion within our own caucus, not only about bringing it in but about how the elements should be, what were the components.

We brought the sunset clause in because we wanted to have a chance to have a really good look at the legislation to see how it was working and not just bring in a major piece of labour legislation like that and leave it on the books if it was not going to do the job that we thought it was going to do. Having said that, I do not think anybody here thinks that it has had enough time, except those who do not want it there at all and do not want to look at what it actually is doing.

The people who came before us I think were very honest in telling us what kind of an experience they had. We had a number of people from labour who say, I was opposed to this when it came in, I had a lot of reservations about it, I said, no, I do not think this is going to work, who, having worked through a number of contracts, are standing here before us in committee saying, not only did it work, you know, I have changed my mind, but I believe that having the option of final offer selection, in cases that they cited, stopped us from having serious labour difficulties and possibly in some cases stopped us from going on to a strike. That is all it is supposed to do. It is supposed to be an option that people can choose. It is supposed to be an option that gives them a choice, if other methods

and other options that they have had previously do not work.

One of the things that is clear is that those who choose to apply are applying early. They are applying early on in the game so that if their negotiations break down they have that option on the table. Once they have applied, if they decide to use it—in fact, even before they have decided to use it—it appears from what they are telling us that even having the option of final offer selection on the table, just to be used, possibly to be used, makes them bargain almost in better faith. There were reasons why it does that. The reason it does that is that they may end up with a selector making a choice between their two final positions on the table. Since they know that, they do not want an extreme position on the table, and they do not want a position on the table that they cannot defend and that they cannot justify.

So it is one of the reasons that it is clear, that it seems to be not only encouraging but requiring those who are negotiating at a table with final offer selection to put very fair, reasonable and not extreme positions on the table and to put positions on the table that are justifiable. In other words, they seem to do more to back up the statements and the positions that they are taking when they are bargaining under final offer selection.

The other reason they do that is, first of all, they want to win. When they are negotiating, there are winners and losers, and they want to win. They want to make sure that the final offer, the final position, they put on the table has a chance of winning. It does not have a chance of winning if it is an extreme position that they sometimes take on both sides, employer and employee, when they are not bargaining under final offer selection and when we know people come in with crazy positions and say they want 20 percent when they think they are going to end up with five, or where the employers take a strong position, they are prepared to give three or four benefits and they say nothing, you are not going to get anything.

Those are extreme positions—or even take away benefits. So they want to win, and they want to be seen to be fair by the selector. These are the reasons that they give for putting these reasonable positions for the improvement in the bargaining process. They want the selector to think they are fair, because they know if the selector thinks they are unfair and unreasonable, he is not going to choose their position, and they are going to lose.

It also has been demonstrated that even in the cases where they do not get a complete settlement under final offer selection, it narrows the issues that are being dealt with. So they may, in some cases, still have to go to the selector to make the final decision, but there may only be one issue outstanding and they may have been able to resolve all the other issues themselves.

So one of the other points they made is that they believed it worked, and in many cases—and I think we heard that out of the 72 that applied, 49 of them settled it themselves before they even got to a selector, 49 of them settled it totally themselves. Where they went to

a selector, there may have only been one outstanding issue, and they may have resolved all the rest of them themselves.

So it promotes and encourages good bargaining. It allows people to get an agreement where they might not if they were going to arbitration or if they were negotiating without it. It gives them a choice. It helps small unions, and it helps small business.

In the Province of Manitoba, where I think 94 percent of the jobs in the Province of Manitoba come to us through small business, then giving protection and rights and giving options to those small unions and small businesses, who do not have the muscle, who do not have the resources, who do not have the ability to sort of fight on a level playing field, to give them this option, I think, is something that we should do if it is demonstrated after a fair and reasonable amount of time that this is a good option, that it is a good choice, that it is another alternative in the bargaining process for Manitoba. That is all we are asking for. Just give it that little bit of additional time.

Now the Liberals are saying: We agree that it needs more time; we agree with you, and we do not agree with the Conservatives that it should be repealed right away; we think it needs more time.

* (2050)

So I think the question we are talking about—the issue is in two areas. One, how much time, and is that additional 10 months enough time? Is the amendment that we have brought in, the reduction from the five to four, is that too much, is that too long a period of time? I do not think so. I do not think it is an extraordinary amount of time. I do not even think the five years was a bad period of time to really give a major piece of labour legislation a chance.

The other issue is when to have the study. I do not think there is anybody that is looking at this debate or looking at this discussion who would agree or would think it is a good idea to repeal it and then to study it after. It just does not make sense to do it that way.

I think that clearly what you would want to do before you repeal it is gather all the information that you can. When we were debating this in the House, we thought that we did not have as much information from the Manitoba experience as we would like to have, because whether we had the studies, and we were quoting from the two or three studies that were done by professors in Manitoba that said very positive things about the legislation and that cited specific cases where it showed, for instance, that the employer wins sometimes and the employee wins sometimes, that the union wins sometimes and the management wins sometimes. It seem to be fair from that point of view.

They had other information that we quoted from, but we did not think that was enough. One of the things we did is have our research staff call people and talk to them directly, people that had been at the bargaining table. We asked them a series of about 12 questions. The questions we asked related to the concerns that were raised by the Liberals and the Conservatives about

this legislation. You know, do you think this is going to happen? These are the concerns that they raised.

In every case the answer that came back was, no, that is not the experience we had. In every case the answers that came back were, our experience was very positive. I would use it again. I would use final offer selection again. I would like to have that option there. I do not know if I want to use it next time. We certainly do not want to use it all the time. Not everybody wants to use it, but I would like the option to use it if the situation that we are bargaining in suggests that we will have a better bargaining process, a fairer bargaining process, a more reasonable bargaining process and a better possibility for a settlement if we can use the final offer selection.

I think that we have to be very concerned about another group in our society that I think final offer selection will benefit, and that is women. The women that are working, close to, over 50 percent of the work force are working in—a large number of them in the service sector, but most of them in poor paying jobs with very little benefits in situations where they have very little power and very few rights. It is clear to us that people like immigrants working in the garment industry, the visible minorities, the single-parent women, women that are making up the work force in many of those service sectors and industry are going to have a better chance to get some of the rights and some of the benefits that most of them do not have, that most of the rest of us take for granted.

I am just dealing with a case now of a woman who has been working in the garment industry for 22 years. She is a leather cutter, which means she is well trained and she is highly skilled. She has had a bad accident where she fell and she broke both of her wrists. Can you imagine being a leather cutter, having cut leather for 22 years and breaking both of your wrists, where what you require is a fair amount of strength to cut the leather?

When we are looking at what she has available to her after her 22 years of service to this one firm, she has no pension. There is no guarantee that she can be put into a job that she can now handle with her weakened wrists. She is 58 years old, so she is too early, she is not old enough for the retirement benefit. She is two years short of retirement. She probably cannot qualify for disability and there is no pension. She has worked for 22 years and she has nothing.

She is not alone. There are hundreds and hundreds of women out there like her that do not have a decent wage and do not have any benefits that we in Canada would consider to be basic rights really in a country like Canada, but where they work and sweat and slave all their lives and have nothing at the end of it. The way they are going to get that is through negotiating contracts. The way they are going to get that is to have the ability to have their case made and have it listened to in a fair and reasonable bargaining milieu and atmosphere. We believe final offer selection is one of those tools that should be available to them.

Mr. Chairman, I guess we are saying at this point we think we are close enough on the major issue—the

two Opposition Parties—that we think it needs more time. We are both saying that. The argument is how much more time, but the bigger argument for us is not just the amount of time but the question of studying it.

I just cannot imagine them deciding that they want to repeal it and study it afterwards. I hope that when we are talking here tonight somebody is going to explain that to us, why that makes sense to them as an option, when they are willing to bring in an amendment; why they think that is a good idea, and why they would want to eliminate any program before it has been studied.

If they want an evaluation—if they did not want an evaluation I could understand it, if they said no. We are willing to give it 10 more months and then you know it goes. Since they say that the study is important and they think it should be studied, what is the argument for doing it after they have repealed it, instead of before?

I hope they are going to be able to tell us that, because I think we have very good labour negotiations in this province. It has come through a lot of effort and a lot of hard work by a lot of people and by not only working people and people in the unions, but people in this Legislature and people who have brought through that legislation and other legislation that has given us one of the best labour relations climates in the country.

I think we can be proud of that, and a lot of that other legislation people were frightened about too. A lot of them said, first contract, all of these things, we are not comfortable with that, we think it is going to do terrible things. Experience has shown it does not, and they have been some of the reasons why we have such good labour negotiations. This is another opportunity.

Let us not give it up until we have proven that it should be given up. Let us not get rid of it until we know and have information that tells us it should not exist or it should be changed and what those changes should be.

Mr. Chairman, I would just like to end by saying I think we should be talking seriously about those two points, how long the extension should be and particularly when the study should be. We would argue hard for doing it before the repeal so that we do not put ourselves through a timely expensive process of bringing back in a piece of legislation and a law that is proven to work, because I am quite sure that is what is going to happen.

It may need some improvement; it may need some changes. I think it is going to stand the test and the answer is going to be that final offer selection works and should be kept as an option for labour negotiations in the Province of Manitoba.

* (2100)

Mr. Chairman: Thank you, Ms. Hemphill. Are there any further remarks on the amendment? Mr. Uruski.

Mr. Uruski: Mr. Chairman, I am actually dismayed at the silence of the Liberals in this committee. For those

who said that we are willing to allow this another 10 months of life, of an experiment, that some of whom call this a bold experiment, and they are sitting amongst us now from the Liberal Party, now not to even come out and start saying where they are on this matter.

Mr. Chairman, I am in fact disappointed for a group who say that they are flexible, that they are in fact prepared to listen and to look at alternatives. If anything, if I was in the labour movement, I would probably be disappointed with our position now because we originally really wanted the four-year experiment and we had put it forward that this in fact remain one year less and be studied at the end of four years. So talk about the flexibility that is shown by Members on our side to say, yes, okay, we will take you up on your three-year experiment, but rather than study it after the repeal, let us study it before, in the intervening months, in the last six months. That is really what is on the table.

We have moved a long way. We had a sunset clause in the legislation, five years, and then we, because it was an experiment, were trying it out. The Member for St. Vital (Mr. Rose) says, why. Because we were trying something new. We have said this over and over again, it was a new era in labour relations in this province. We were trying something new, and in most cases the climate was such that relations proved that final offer selection was not required; settlements occurred.

In a portion of those where it was used, basically, and I stand to be corrected, but I think about 50 percent of the managements' positions were accepted, and those that went to arbitration, about 50 percent of the labours' positions were accepted. So it was generally, of those that actually went to final offer selection, basically half and half.

Now we have basically moved back from five to four since we have seen some movement on your side, on the Liberal side, to say, all right, we will let it go for another 10 months. Let us go for three years rather than repeal it right now as the dogmatic Conservatives want, so we are prepared to go to the 10 months. Then really what is at issue? Do we study it after it is repealed or do we study it before it is repealed? That is really the crucial issue.

So we say, hey, why will we not allow labour and management to go through the process of studying it before the Bill ends, the sunset clause ends? I will put it to the Liberals, the real hooker is that if they agree that it has been a good experiment, that we allow it to stay. That is the hooker.

Are you prepared to accept that, because that is really the crucial issue. If both labour and management with their independent chair agree that this has been a worthwhile experiment, then the sunset clause of the five-year and this sunset clause, your sunset clause of the three years, is out the window, the legislation stays and the experiment works. Who then is the loser? No one is the loser. You are not the losers; labour is not the loser; management is not the loser. They have had a chance to look at it with an independent chair. No one loses. Everyone wins. Manitoba wins.

The ones that lose are those that are hidebound to their business friends in big business in Manitoba, and

that is the Conservatives. You certainly are not going to lose, and we are taking a chance because we have backed off our position. We had five years. We moved to four, and then when you came you met us part way and we are saying, okay, where they are part way, then let us do the study before it ends and let us move this thing off and let the independent committee deal with it.

Mr. Chairman: Is there any more debate on the amendment? Mr. Storie.

Mr. Jerry Storie (Flin Flon): Mr. Chairperson, first of all, as my colleague from the Interlake has suggested, we are certainly somewhat—more than somewhat disappointed to be at this stage discussing an amendment. The fact of the matter is, we maintained over a long period of time and through some strenuous debate that the final offer selection experiment, as my colleague has called it, has been successful.

I find it intriguing that despite all of the evidence, despite the fact that we listened to dozens of presentations, despite the fact that we had hundreds of people lined up to speak to this committee in support of final offer selection, we still find ourselves faced with a Party that is intransigent—that is the Government—a Party that appears to be ambivalent, to some extent, yet wanting to curry favour, on the other hand, with working people in the Province of Manitoba.

To the Member for Osborne (Mr. Alcock), yes, the Member for Osborne is included in that group - (interjection)- Well, my colleague for the Interlake was being nice. Perhaps he is better at it than I am. The fact of the matter is, I see no particular reason to be nice. I want to review the Liberal position on final offer selection.- (interjection)- My colleague from Thompson says which one, and that is a very good question.

The Liberal position seemed to be, at the outset, because of a commitment they had made to the Chamber of Commerce, that under no circumstances would final offer selection pass. The Liberal position was that final offer selection had created a terrible mess in the Province of Manitoba. The Liberal position was that final offer selection was not working. The Liberal position was that final offer selection was unfair to organized labour. The Liberal position was that final offer selection was unfair to business. The Liberal position was that final offer selection was unfair to the Liberals. The Liberal position was—oh, it changed, oh, it changed—oh, well, Mr. Edwards came back and said, after listening to the people of Manitoba, a light has gone on in the Liberal mind—first time ever, apparently - (interjection)- one watt, as my colleague for Arthur said.

Well, the Liberals had changed their mind. The fact is that we had some extremely emotional testimony before this committee. We had some extremely thoughtful presentations from members of the public, people who had been involved in heartbreaking, gut-wrenching strikes, people who had family difficulties, people who had financial difficulties because of strikes in the Province of Manitoba.

We heard from people who had experience with final offer selection. We had people who had bargained using

final offer selection. We had virtually no one on the other side of the coin who came forward and said final offer selection is not working and should be dispensed with. We had a couple of people who were spokespeople for the business community, who came before the committee and attempted to perpetrate some myths, to use some myths that had been used by the Liberal Party, by the Government, in attempts to discredit final offer selection, but they failed. They failed before the committee and they failed miserably. I believed that the Liberal Party was serious when it said it would listen, when the Member for St. James (Mr. Edwards) held his press conference and said there is no shame in saying that we listen to Manitobans.

* (2110)

Well, Mr. Chairperson, I have no doubt that they listened. The question is, when are they going to start thinking? That is the question, because if what people said before this committee had any impact on the Members of the Liberal Party, I do not expect it to have any impact on the Conservative Members. They have not attempted even to debate the issue. The Minister responsible for this piece of legislation has not said one word in its defence, not one word. She cannot defend the repeal of final offer selection. Fortunately she has some good sense, because she is not trying to defend it. You cannot defend the indefensible.

The Liberal Party, on the other hand, have changed their position fairly consistently. First, it was a no-good piece of legislation that should not be considered under any circumstances. Then it maybe had some merit. Then, yes, definitely there was some merit and it was even worthy of study, even worthy of study, except that we have now a proposition coming from the Liberal Party that, yes, it is good enough so that we should even have it extended for a period of time, but really what we should do is kill it. That would be the best way to show that we really do understand how important this legislation is.

Mr. Chairperson, I am not sure what all of that means to the people of Manitoba. I am not sure what all of those changes, all of those mental gymnastics might mean to the people of Manitoba. I would hope, however, that we could have some consistency on this issue. I would hope that we could have an agreement that at least makes sense, if we believe anything that the presenters told us as they came before this committee, if we believe anything that they say, that there is some merit in this legislation, that this legislation may have in fact saved Manitobans from some bitter, long strikes. It may have saved some working people from financial and emotional, psychological hardship. We have not had much evidence, on the other hand, that it has created any of the dangerous, damaging repercussions that the Chamber of Commerce predicted and some others predicted about final offer selection in Manitoba. We have a good labour relations climate. There is evidence to support the fact that final offer selection is working.

Now, Mr. Chairperson, why would we be proposing, or why would the Liberal Party be proposing that this

legislation, this experiment be killed? What logic is there in that position, given the distance that they have come in their thinking over the last year, and particularly the last couple of months through the committee process, one of the real democratic processes in the country where we actually hear from the public on a piece of legislation? What logic is there in saying we think, yes, that this is good, but let us kill it and then let us study it, let us do an autopsy, let us do a post-mortem, then let us just ignore it, let us pretend we did not do a post-mortem, let us pretend that nothing really happened, let us pretend we do not care whether the final analysis is that this is supportable legislation or this is terrible legislation, let us just ignore it.

Mr. Chairperson, it is unfortunate, and I feel saddened by the fact that we are at this point proposing an amendment. It is perhaps the only practical alternative that is supportable at this point on the part of the Liberal Party, and I do not expect the Government to support it, but I am hopeful that we can convince Members of the Liberal Party that it makes more sense to study it, to come to some independent conclusion about the merits of final offer selection before it is finally repealed.

We are no longer talking about lengthening the time frame. We are no longer talking about a four-year proposal with a four-year sunset. We are no longer talking about five. We have adopted a position which says that, yes, let us extend it for that 10 months, and during that 10 months let us study it, let us examine it thoroughly, let us examine the pros and the cons as they have been expounded by the respective groups on both sides of this issue.

What could be more reasonable than asking a representative of the Manitoba Federation of Labour, who obviously support the legislation, and a member of the Chamber of Commerce, who obviously do not support the legislation, and having them choose an independent chair and consider the merits of the legislation, not the politics. Let us all recognize that we have been involved in the political process over the last six months. There has been some posturing. There has been some positioning on this legislation. The Government laughed. There has been positioning on the Government's side, too. It has been stubborn, it has been shortsighted, it has been ideological, but it has been positioning nonetheless.

What could be more fair than asking an independent body to say let us set aside the political arguments and the political posturing and let us have an independent look at the merits of the proposal? I want to know what anyone, any reasoned, rational being could be afraid of in asking for that kind of independent review before we repeal final offer selection. What could the Liberal Party, the Labour Critic, possibly be afraid of in asking for that kind of independent review?

I cannot personally think of very many explanations for that fear, unless of course the Liberal Party is not sincere about the impression that Manitobans gave them when they made their presentations. Either they were being insincere when they said they listened and they had heard because they seemed to be prepared to kill it rather than study it and examine the results

and then make some rational decision, or they really never did change their minds. The official Opposition Leader, Mrs. Carstairs, made up her mind a long time ago, and really the position, although there has been some additional posturing, really has not changed.

Mr. Chairperson, the fact of the matter is that final offer selection has worked in the Province of Manitoba. The evidence is overwhelming, the evidence is clear, and the experiment which was to last five years is now apparently drawing to its final moments unless we can find some compromise. We are not adverse to compromise. Clearly, it was not our first choice. Clearly, we believed we were right both in introducing it in the first place and defending it in the second place, we believed that the merits of using final offer selection as a method of avoiding strikes speaks for itself and the evidence speaks for itself, but now we are down to the point where we appear to have no alternative if we want to save the experiment of attempting to find a compromise.

The Liberal compromise, the Liberal proposal—as I say, I am not certain of the motivation for its introduction, but I am certain of two things, No. 1 that the Liberals proposed a 10-month extension or a three-year provision on final offer selection. I am certain that the Liberals are proposing to study final offer selection. The only thing I am uncertain of is why the Liberals insist that we kill it and then study it rather than study it and have an independent body study it, move aside all of the political questions, all of the posturing that has occurred. Why would the Liberal Party support that kind of position? Why would they not support an independent study?

Mr. Chairperson, the compromise we end up with and that we have put on the table in our amendment is a compromise that recognizes two of the principal components of the Liberal position. It includes the 10-month extension, and it includes the principle of a study.

The only other principle, which I believe every thinking person in Manitoba would agree with, is that you study something thoroughly and competently before you take action. You do not act and then study. If we are serious, we study, then act.

I am hoping that is a position that has sufficient merit that Members of the Liberal Party can support. I know that the Member for St. Vital (Mr. Rose) spent many hours in the committee. The Member for St. Vital was one of those Members of the Liberal Caucus who probably spent more time here than many of his colleagues, if not most of his colleagues.

I cannot believe the evidence that was presented to us by men and women, working people in the Province of Manitoba, would not have left an impression on the Member for St. Vital.

I am hoping the knowledge that the Manitoba Federation of Labour and the hundreds of people who presented before us, and the hundreds of people, the dozens of people that presented before us, the hundred and some that were to present and the tens of thousands of people that they represent are enough, in their belief, that final offer selection, at a minimum,

should be studied before any finality is put upon final offer selection, is a reasonable proposition.

* (2120)

I know that the tens of thousands of people who are just beginning to understand the importance of final offer selection after it has been in place in the province for two years now that it is worthy of studying it before the axe falls on what I think has been a useful trial period.

Mr. Chairperson, I do not know—I would like to hear from Members of the Liberal Party what additional evidence they would need; what additional arguments they need to hear before they can be convinced that the alternative we have proposed, which is a compromise, a second compromise and a compromise which responds to their own initial compromise—and I recognize that they did compromise in the beginning from their original position. I am wondering what arguments it would take to have them compromise that final step, to have them accept the logic that a review by an independent body is not worthy of support and is not a logical course of action, before we act.

It is not clear to me that any reasoned argument has been put forward to support the position that that argument or that proposal should be ignored. I know that although we will not have an opportunity to hear from other public representatives at this stage in the game, if they could be heard tonight—and there are some of them in attendance tonight—they would give you the same message each one of my colleagues has given you, and that is that this legislation is working; that it is worthy of study before it is killed; that it makes sense to study it. It makes sense because the Liberal Party has already recognized that it should be studied, and they have recognized it could go on, it should go on for another period of time before it is finally repealed.

Mr. Chairperson, I do not know whether I have any additional arguments to provide to the Members of the Liberal Party. I can only tell them that in my almost nine years there have been very few pieces of legislation that have been dealt with in the legislative Chamber, which I believe have been more important to the Province of Manitoba, very few. Certainly there have been none that the New Democratic Party Caucus has fought more vigorously and more vociferously on than final offer selection. My colleague reminds me that maybe in 1972, when Manitoba got its publicly-owned automobile insurance corporation, that was a more heated debate.

The fact of the matter is, that too was an argument in which the Liberals and the Conservatives were very much opposed to the Government, to the New Democratic Party position. When Autopac was introduced, we heard from Liberal quarters and Conservative quarters that this was the worst day for Manitoba, that it was the end. The fact of the matter is that now the Liberal Party, and I am pleased to say this, is one of those two Parties perhaps, although all profess at some level to support MPIC, who certainly do support the concept of publicly-owned insurance at this point.

I believe that final offer selection is another watershed in our legislative history. This is not in the area of insurance. It is in another important area, and that is the area of labour relations. We know that the Liberals and the Conservatives have been hard pressed to support labour legislation in this province, whether it was the introduction of The Labour Relations Act or The Payment of Wages Act, amendments to it, increases in minimum wage or, now, final offer selection. I believe in the final analysis the direction that has been taken in those pieces of legislation has been positive for Manitobans in the main, and final offer selection is no different. It has been positive.

It is unfortunate that we really got into this debate because of a political commitment. I believe that our proposal to have the real worth of final offer selection studied by an independent group with an independent chair and left up to be decided, leaving finally its fate to be decided on the merits of the case as they can be presented and as the information and evidence can be gathered is a logical proposition, is one that is worthy of support. It is a position that will be supported, as I say, by the people who presented in favour of final offer selection at this committee, and it would be supported, I believe, by the tens of thousands of people that they represent.

Mr. Chairperson, this has been at some points a very heated debate and obviously the feelings on this issue have run extremely deep amongst certain individual members. I hope that the depth of those feelings is not going to impair, finally, the thought process. I believe that we are all here to do what is best for Manitoba. We at different times believe that different things are best for Manitobans. I believe because of our differences on final offer selection, one of the most reasonable alternatives we have is to turn the technical merits of this case over to this independent group composed of representatives of the Manitoba Federation of Labour and the Chamber of Commerce and an independent chair.

I think it is a practical solution. I hope it is sufficiently reasonable that it can be supported. I emphasize that it incorporates two of the main tenets of the Liberal proposal. I remind committee Members that it is a compromise from the position we have strongly held. It is the second time we have attempted to compromise to find a reasonable resolution to this impasse.

I hope before this amendment is decided finally that Members of the Liberal and Members of the Conservative Party will take a moment, just a moment, to reflect on the people who appeared before this committee with tears in their eyes; the people who appeared before this committee who were not used to public speaking; the people who appeared before this committee for whom it took a great deal of courage to stand up there and tell of their experiences, and the people who really believed in what they were saying and believed in the cause they were standing up for.

I hope that the Liberal Members who attended those many hours of committee hearings will reflect on the wishes of those people, not just the New Democratic Party, because they, I remind you, are the people we are here to represent, not our own selfish political interests but the people of Manitoba.

This compromise that has been proposed by my colleague from Thompson is a reasonable compromise, is a workable compromise, is a compromise that I believe is in the best interests of the people of Manitoba. Thank you, Mr. Chair.

Mr. Chairman: Are there any further comments on this amendment to Clause 1? Does the committee wish to proceed to a vote? Mr. Ashton.

Mr. Ashton: Mr. Chairperson, I am looking to Members of this committee because this is a very important decision that this committee will be taking momentarily. I look to Members of this committee—

An Honourable Member: Do not rush into it.

Mr. Ashton: Well, Mr. Chairperson, the Member for Churchill (Mr. Cowan), who certainly did not rush into his speech in the Legislature, I am not going to rush into this, and I would hope that the Members of this committee would not rush into a major decision such as this without at least putting some thoughts on the record.

This morning, when I introduced this amendment, I looked to Members of this committee, to the Liberal Members, to the Conservative Members, and you know I would be the first to admit, perhaps I am an idealist, perhaps I am an optimist to expect—I even threw it out to the Minister of Labour (Mrs. Hammond) that perhaps the Conservatives might listen to what people said in the committee and support this amendment, because I believe that is what they were looking for, the people who came before this committee, the 90 percent of people who said, give it a chance.

* (2130)

I said, well, perhaps if the Conservatives, given their traditions, given their ideology, cannot do that, I look to the Liberals. I look to the Liberals again, the Member for St. Vital (Mr. Rose), the Member for Inkster (Mr. Lamoureux), the Member for Selkirk (Mrs. Charles), the Member for Radisson (Mr. Patterson), the Member for St. James (Mr. Edwards) and other Liberal Members, the Member for Fort Garry (Mr. Laurie Evans), the Member for Kildonan (Mr. Cheema), each of whom sat in this committee, and the Member for Osborne (Mr. Alcock), each of whom sat in this committee.

I believe throughout the lengths of the time of the hearings of the committee that most of the Liberal Members sat in this committee. I asked them not to listen to the appeals that had been made by our caucus tonight or earlier today, not necessarily to listen to the speeches we gave on second reading. I asked them not to listen to all the arguments we put forward to demolish each and every reason that was put forward as to why final offer selection should be dismantled.

We have said time and time again that those arguments are without any substance whatsoever, but let us not treat this as a debate. I asked the Members of this committee not to treat this as strictly a debate, not to listen to our arguments given in this committee hearing, and as we have given in the Chamber, but to

ask each and every one of the Members of this committee who sat through the past two weeks, excess of two weeks, to listen to the people who came before this committee. I asked them to do that because when they vote on this, I will want them to be able to look the people in the eye who came to this committee, many of whom had never made a presentation to a legislative committee in their life.

I would suspect that many of the people who came before this committee have never really spoken in public before. They were nervous; they came without presentations; they spoke from the heart. They talked about their personal experiences, and who could not have been moved? Who could not have been moved by what they said?

You know, they did not come here talking about amendments perhaps even as complicated as this. They did not come here talking as the Member for St. James (Mr. Edwards) has of his amendments. Let us put aside the amendments for a moment. Let us ask ourselves, what were they saying? I think the message was clear. People came before this committee and outlined their experiences before FOS, when FOS was being introduced and when FOS was in place.

We heard people who had been through lengthy strikes in 1987, Westfair. Who can forget what they told the Members of this committee what they went through on both sides of the strike? In fact, we heard the stories of the impact that strike had on those who were on strike, those who crossed the picket lines, the customers, even the management, in terms of what happened in that strike situation. We heard people say they felt there was no other way they had to fight for what they believed in, fight for their jobs, fight for a decent income for their family than to go on strike at that point in time, and indeed there was not, because the choice they were faced with was accept what they considered to be an unacceptable contract offer or go on strike. There was no other alternative.

Many people came forward and outlined specifically their personal experiences. I do not want to embarrass anyone by name, but I know one of the presenters is here tonight. I thought one of the most moving parts of this entire committee was when she outlined to this committee how the first time in nearly three years that many people in her workplace—she is employed by Westfair—were brought together was by the fact of final offer selection. People who had been on strike, people who had been strikebreakers, all were saying the same thing. Let us keep final offer selection. Let us give it a chance. Well, that was one strike, in 1987.

I realize that Members of this committee have not been through a strike situation. Some Members may have had some experience. You know it was not really until this committee that I realized perhaps one of the reasons, and I have so fundamentally believed in final offer selection and the alternative that we put forward in 1987, is that I have been through it. I can tell you, after hearing the presentations in this committee, I have been through far less than any of the presenters, many of the presenters who came before us, the Westfair workers, a 125-day strike, the Unicity Taxi workers, their situation.

I went through a strike in 1976, in 1981. In fact, when I was elected, I was on strike, a rather unique situation. I had not really considered it to have been perhaps that significant. It is one of the things that one goes through in a community like Thompson when one works at a company such as Inco. There have been strikes in the past. There will be strikes in the future, but I started realizing that what that convinced me of, that experience in 1976, in 1981, was two things—first of all, the importance of the right to strike. That is important. That is important, because I believe it is fundamental to our freedoms in this society. It rises out of many decades, hundreds of years of struggles by working people to ensure that they had that right, but I was convinced of something else too, and that is that without in any way, shape or form taking away the right to strike, there should be alternatives. There should be an alternative to what happened in 1987. There should be a better way.

Is it, Mr. Chairperson, fair in modern day society, 1990, that we could see the same thing happen again at Westfair? We could see people going on strike because there was no alternative. We could see strikebreakers hired. In 1987, as was indicated at this committee, they were hired before the strike. We could see people daily seeing people crossing picket lines taking their jobs. We could see the turmoil between the employees and the customers, the turmoil in the community. It could happen again. Do we want to see that in 1990?

Having been through it myself—and as I said, when I was elected as a Member of the Legislature, I was 25 years old. I was the youngest Member of this Legislature. I in no way, shape, or form at any time ever attempted to say that my life experience was extensive to the point of being able to talk to anyone or lecture them in terms of my life experience, and I am not doing that today. All I am saying is that if you have been through it, you know what the bottom line in this issue is, that is 1987, prior to when this came in.

Let us look at what has happened since that time. Seventy-two applications, only five have gone to the selector stage. The vast majority of cases where final offer selection has been used have resulted in negotiated settlement. What have people been saying who have been using final offer selection? What have people been saying who came before this committee?

* (2140)

I saw some of the most dramatic testimony, once again in terms of this, from an individual whom I know well and respect well, who, I know, has been involved in the labour movement for many years, who said that in 1987 he opposed final offer selection. He has since had a chance to work with it. He told this committee that final offer selection—in his estimation, the contracts he has dealt with have saved 400 jobs. In one particular case it prevented a strike from going virtually indefinitely, a strike that was settled through final offer selection after the 60 day period. In fact, there was a longer period because of a legal dispute. That was from someone who opposed final offer selection.

We have heard from witness after witness at this committee that they have not been asked for their views on final offer selection. The Minister has not asked, and I believe the Liberal Labour Critic has not asked as well. It took this committee before those type of direct first-hand experiences came out.

So I put it to you, it is before final offer selection and with final offer selection. We are at a crossroads tonight on this committee. The decision we make tonight will determine fundamentally whether there will be final offer selection in the future or not.

If the Liberals put forward an amendment, as they have said they will, if they vote against this amendment, proceed to their amendment, which would kill final offer selection, and then review it, let there be no illusions about what will happen. There will be no final offer selection. That is where the substantive difference of what we are talking about in this amendment comes in.

I really appeal to the Members of this committee and particularly the Liberal Members. They say they listened to the public that came before this committee. They say that is why they are proposing their amendment at a later point in time. I believe while that may have been, in their minds, a major step, substantively the only difference right now between their amendment and the Conservative amendment is that they are putting in a stay of execution of 10 months, then they are killing final offer selection.

Our amendment is part of what has been an uphill battle to save final offer selection. Our amendment says, very reasonably, let us look at final offer selection, look at the situation prior to 1987, look at the experience. I would like to have final offer selection go the full five years. I said it publicly, and I said it privately to Members of this Legislature, that if it was necessary to give final offer selection a chance we should go to four years, review it, see if it was working, at least give it the four-year period.

Mr. Chairperson, I am before this committee today to say if we have to go to three years, let us do it. I do not like to have to do that, but if it means a way of saving final offer selection, giving it a chance, so be it.

I will accept the consequences of any review. Our caucus will accept the consequences of any review. We believe that the evidence is clear. We believe that final offer selection is working, but if this review says it is not, we will abide by that. As we said when we introduced the Bill in 1987 that brought in final offer selection in the first place, it was put in on a sunset clause because we said it is new, it is innovative, analyze it, see if it works. If it works keep it, if not, it will not continue. That is built into this.

Mr. Chairperson, I will speak on this as long as it takes for the Minister of Education (Mr. Derkach), for the Member for Portage (Mr. Connery), for the Member for Brandon West (Mr. McCrae), for whatever Members of this committee will listen. I hope they will give me the courtesy of that, because we are at a crossroads as to where we proceed from here on this Bill.

As part of this amendment, this builds in a process that is fair, that is fundamentally fair and reasonable. It is common sense. You do not kill something without reviewing it, and you do not kill something and review it afterwards. If you are serious about giving final offer selection a chance, review it first, and then decide whether it continues or not. That is fair and reasonable, but you do not need the amendment I have before you to realize that, the four pages of amendment.

All you have to do is listen to the people who came before this committee. All they were saying to the Members of this committee was we know what it was like before final offer selection. We know what it has been like with final offer selection, and we want to give it a chance. I heard people come before this committee and lecture Members of this committee. I heard people come before and give speeches. I heard as many people come to this committee and virtually plead to Members of this committee to listen.

Mr. Chairperson, I have given speeches, perhaps I have given some lectures. As we approach the vote on this amendment, the fundamental turning point in terms of this particular legislation, I will do what the other members of the public did when they came before this committee, yes, I will plead. I have no shame in pleading to Members of this committee because I have bent over backwards, our caucus has bent over backwards, to try and come up with some way that reflects what the people who came to this committee said. I said at the beginning of this that we wanted to give it a chance. We have come from five years, we have gone to four years, we will go to the three years, but review it first. Do not kill it first. Please.

I asked the Members of this committee how can they, after sitting through the presentations—some of the most moving presentations I have seen in the eight years that I have been here, I am not talking about the speeches and lectures, I am talking about the people who came and spoke from the heart.

How can they, in good conscience, when we have the vote on this amendment, turn to them, and I know there are people here right now who were part of the presentations, but there are many other people who cannot be here tonight. How can they in good conscience say they listened and then vote against this amendment? How can they, in good conscience and in a sense of fairness, how can they do that?

As I said, Mr. Chairperson, this has been an uphill battle. Although my career in this Legislature is not as long as, for example, the eminent career of the Member for the Interlake (Mr. Uruski), the Member for Churchill (Mr. Cowan) in our caucus, who have been through many more battles than I have, I have found that there are invariably—not necessarily in every Session, but at certain points in time—watershed debates. I have been through some, whether it be the French language issue, the human rights Act, the type of debate that really brings out what issues are all about, what we are in this Legislature to do.

I have won some battles and I have lost some battles, as has the Member for the Interlake (Mr. Uruski), the Member for Flin Flon (Mr. Storie), the Member for Logan

(Ms. Hemphill), the Member for Churchill (Mr. Cowan). There are some things you always do. You always fight the good fight—you always fight the good fight. On final offer selection, this has been the good fight. As we now go to a vote on this within the next few minutes, I will hold my head up high, win, lose or draw. Our caucus will hold its head high.

* (2150)

I believe, Mr. Chairperson, that people that came before this committee will hold their heads high as well. They will accept defeat, but they will remember it if the Liberals join with the Conservatives to vote down. I will admit this is a last-ditch effort to try and save final offer selection.

Mr. Chairperson, would it not say something for this committee, would it not say something for their presentations, those presentations that were made straight from the heart, would it not say something if this committee, the Members who sat through those presentations said, we listened, we got the message? We will review final offer selection. We will give it a chance.

Mr. Chairperson, not only then would the people who came before this committee and each and every one of us be able to hold our head high, we would have made a tremendous statement, I think, for this process. We are the only Legislature in Canada that has public presentations on each and every Bill. When you have 85 percent of the presenters come before you, virtually 90 percent saying, keep final offer selection, give it a chance, when you have such pleas from people, speaking as people speaking heart to heart, speaking in ways they have never spoken before, would it not be an achievement for this Legislature, each and every Party that listened to those people, would it not be an achievement?

I look to the Liberals. I know they have taken a step.

An Honourable Member: A big step.

Mr. Ashton: Well, Mr. Chairperson, the Member for Osborne (Mr. Alcock) says it is a big step. Two weeks ago, they said final offer selection was a bad Bill. A few days ago they said perhaps it was not that bad after all. They said, kill it first and review it afterwards. They have taken a big step psychologically. They have admitted that they were wrong, and that is probably the toughest thing that anyone can ever do. If you have done it once, it is a lot easier the second time.

I look to the Liberal Members, your Labour critic who said it was a bad Bill. You have said now, it is worth keeping for 10 months. All we are saying is review it, give it a chance. If the review shows it does not work, fine, there will be no more final offer selection, but if the review shows that it is working, keep it.

I said a few minutes ago I would debate it. Each and every Member of our caucus has debated. I have said that we would lecture, and each and every one of our caucus has lectured. We are now pleading with the Members of this committee to listen, not to us but to the people of Manitoba. That is why I believe that

Members of this committee in good conscience can and should support this amendment.

Mr. Chairman: Thank you, Mr. Ashton. Are there any more comments on the amendment? Is the committee ready to consider the amendment? Is it the will of the committee to adopt the motion as presented by Mr. Ashton?

Some Honourable Members: Nay.

Mr. Chairman: In my opinion, I am not going to give an opinion. Yeas and Nays—cannot do that. Let us do a voice vote. All those in favour of the motion, say yea.

Some Honourable Members: Yea.

Mr. Chairman: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairman: In my humble opinion, the nays have it. Mr. Ashton.

Mr. Ashton: Mr. Chairperson, I would request a counted vote.

Mr. Chairman: I will have to remind everyone that only committee Members will be able to vote, after the little fiasco we had the other night.

An Honourable Member: Who are they?

Mr. Chairman: I will read off—Mr. Ashton, Mr. Burrell, Mrs. Charles, the Honourable Mr. Connery, Mr. Cowan, the Honourable Mr. Downey, the Honourable Mr. Derkach, Mr. Edwards, the Honourable Mrs. Hammond, Mr. Harapiak—he is replaced by Ms. Hemphill, by leave—and Mr. Patterson. So all those in favour, raise your hands.

Madam Clerk: Three for.

Mr. Chairman: Four?

Madam Clerk: Three for, three yeas.

Mr. Chairman: Three yeas. All those opposed, raise your hands.

Madam Clerk: Seven nays.

Mr. Chairman: Three yeas, seven nays. The amendment is defeated.

What is the will of the committee? Is it the will of the committee to rise?

Mr. Paul Edwards (St. James): On a point of order, Mr. Chairperson. This is a five-clause Bill. It has been before this committee for weeks. I suggest that getting into the clause by clause we finish it. It is five clauses. Surely to heavens it is in the interest of the public of this province and all of our interests to try to deal with this Bill in a timely fashion.

We have spent weeks and weeks, and it is my submission, Mr. Chairperson, that we go one short half hour to finish this Bill. Let me stress that I think all Members—we have sat until midnight on this committee on occasion. We are asking for one further half hour tonight, and I think we can finish this Bill. I would ask for the Government Members to, in my view, come to their senses and spend another half hour to finish this off. I would ask that all committee Members put forward their positions on this particular issue, because I think it is important that we continue.

Mr. Chairman: The Honourable Member does not have a point of order, but he does have a point. What is really the will of the committee?

Committee rise.

COMMITTEE ROSE AT: 10 p.m.