



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

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**DEBATES  
and  
PROCEEDINGS  
(HANSARD)**

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39 Elizabeth II

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**MANITOBA LEGISLATIVE ASSEMBLY  
Thirty-Fifth Legislature**

**Members, Constituencies and Political Affiliation**

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, December 5, 1990

The House met at 1:30 p.m.

### PRAYERS

#### ROUTINE PROCEEDINGS

#### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

**Mrs. Louise Dacquay (Chairman of Committees):** Mr. Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again.

I move, seconded by the Honourable Member for Niakwa (Mr. Reimer), that the report of the committee be received.

**Motion agreed to.**

#### INTRODUCTION OF GUESTS

**Mr. Speaker:** Prior to Oral Questions, may I direct the attention of Honourable Members to the gallery where we have from the Major Pratt School thirty-five Grade 11 students. They are under the direction of Mrs. Anne MacIsaac. This school is located in the constituency of the Honourable Minister of Education and Training (Mr. Derkach).

Also with us from the St. George School we have twenty-six Grade 9 students. They are under the direction of Ainslie Kuryliw. This school is located in the constituency of the Honourable Member for St. Vital (Mrs. Render).

On behalf of all Honourable Members, I welcome you here this afternoon.

#### ORAL QUESTION PERIOD

##### CBC Cutbacks Government Action

**Ms. Jean Friesen (Wolseley):** Mr. Speaker, we are watching today the disintegration of our country. I want to remind Honourable Members that when the Cree Chief Poundmaker faced the same situation, faced with the loss of his land, he held up a piece of dried meat, and he said to the Government, my country is not a piece of pemmican. It is not a piece

of pemmican to be cut up and handed back to me in small pieces.

It is with growing despair, Mr. Speaker, that on this side of the House we see this happening to our country today in medicare, in Unemployment Insurance, in support of aboriginal peoples. We are losing the sense of fairness and equality which shaped this country.

Today, the CBC announced \$108 million worth of cutbacks. -(interjection)-

**Mr. Speaker:** Order, please. The Honourable Member kindly put her question, please.

**Ms. Friesen:** Thank you. Cutbacks which are reducing CBC Manitoba—

**Mr. Speaker:** Question, please.

**Ms. Friesen:** —to news gathering and information services.

My question for the Premier is: What action has he taken to inform the federal Government and the national Tory Party, of which he is part, of the mounting anger of Manitobans at this restructuring of our country?

**Mr. Speaker:** Order, please. The Honourable Member's question deals with a matter which is not within the responsibility of the Government. The Honourable Member kindly rephrase her question, please.

**Ms. Friesen:** Mr. Speaker, may I readdress the question to the Minister responsible for Federal/Provincial Relations?

My question to the Minister responsible for Federal/Provincial Relations is: What action has he taken to inform the federal Government and his Tory Party of the mounting anger of Manitobans at the restructuring of the country through the cutbacks to the CBC?

**Hon. Gary Filmon (Premier):** Given, Mr. Speaker, that the Member's Party, as well as the Liberal Party and our Party, just had people at a news conference at 12:30, and I have not yet received a transcript of that news conference at which these announcements presumably were made, obviously, I have not taken any action.

**Ms. Friesen:** I think they were announced on the National last night as well. I think what we are seeing from this Tory Party—

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

\* (1335)

### Cultural Grants Cutbacks

**Ms. Jean Friesen (Wolseley):** To the Minister of Culture, Heritage and Recreation my question is that two weeks ago I asked about the impact of federal cuts of \$3.1 million to cultural agencies in Manitoba. Has the Minister yet inquired of the federal Government what the impact of those cuts is going to be on the CBC, the Archives, the Winnipeg Art Gallery, the museum?

**Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Recreation):** Mr. Speaker, I believe that the Premier answered a similar question just a couple of days after that question was asked, but I do want to indicate that we are dealing with the federal officials. At first glance, it appears that there is going to be very little impact on Manitoba.

**Ms. Friesen:** I would interested in seeing the reports of that tabled, Mr. Speaker.

### Cultural Industry Development Office Agreement Renewal

**Ms. Jean Friesen (Wolseley):** My question for the Minister of Culture, Heritage and Recreation is that the CIDO agreement expires in March. Has the Minister received any indication of federal renewal of this cultural program? Could she give us an indication of what emergency plans she has to ensure that Manitoba continues to produce the filmmakers, the artists and the authors who have benefitted from this program?

**Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Recreation):** Mr. Speaker, I am pleased that we, as the Province of Manitoba, have realized the importance and the significance of our cultural industries and our film production in the Province of Manitoba. We have made a commitment of \$1.8 million for this year. We have committed to the long term for cultural industries and for the economic spinoff that it provides for our province.

### Persian Gulf Crisis Canada's Role

**Mr. Doug Martindale (Burrows):** Mr. Speaker, my questions are for the Premier.

Every day we are closer to a potential war in the Middle East involving the Canadian Armed Forces and potentially 100 Manitobans. At least one television station has been briefed on conflict jargon, and Manitoba's Department of Health has been asked to identify beds available for casualties.

People want Canada to work for peace, not for war. Has the Premier conveyed his concern to the Prime Minister about Canada changing our historic role from peacemaking to sabre rattling, and when will his Government convey to the Prime Minister that we should be working toward peace and a peaceful resolution?

**Hon. Gary Filmon (Premier):** Mr. Speaker, that position is one that is shared by people of all political stripes and by people of all backgrounds, of all faiths in this country.

I have read and heard the Prime Minister say over and over again that peace is the goal and the objective of all of our dealings with respect to the Middle East and the conflict in Iraq.

The fact of the matter is that I do not believe that there is any sane and sensible person in this country who does not want to work toward peace. Certainly that is what we believe. That is what I know the Prime Minister believes. He has said so and, Mr. Speaker, I know that advice has been repeated on many occasions.

### Manitoba Concerns

**Mr. Doug Martindale (Burrows):** When will the Premier convey to the Prime Minister the concern of many of us and of many Manitobans about the effect on Manitoba of the \$350 million worth of federal Government cutbacks to finance preparations for war in the Gulf?

**Hon. Gary Filmon (Premier):** Mr. Speaker, the fact of the matter is that we on this side of the House have always indicated that we are concerned about federal cutbacks. We have talked for instance over the past two weeks in the presence of the Member for Burrows about the effect of federal cutbacks on health care in particular and the threat that it is to medicare.

That is a matter that we have made very strongly

known, the Minister of Finance (Mr. Manness) and myself, that federal cutbacks are threatening medicare and threatening our ability to meet the standards, the highest quality health care available that we must have in this province. We certainly indicated our concerns about federal cutbacks.

\* (1340)

**Mr. Martindale:** My final supplementary to the Premier is: As a person who provides leadership for Manitoba, will the Premier convey to the Prime Minister the view of many Manitobans that all diplomatic possibilities and sanctions be pursued first before pursuing a course of action which may lead to war?

**Mr. Filmon:** Mr. Speaker, that is the course of action upon which the federal Government is embarked, and that is to pursue all possible areas and all possible opportunities for diplomacy, for sanctions, for any ways of ensuring that we avoid conflict in the Middle East.

Certainly I believe that the Prime Minister is well aware of public opinion on this issue, is well aware of his responsibilities in the office that he holds.

### Bill 24 Provincial Responsibility

**Mr. Paul Edwards (St. James):** Mr. Speaker, my question is for the Minister of Environment. Now that we have the recommendations of the provincial Environment Ministers to their federal counterpart with respect to amendments they are seeking to the federal Act, we have the full picture of what the Environment Ministers in this nation are seeking to do.

The goal is to prohibit review of the back-room deals that they seek to make, Mr. Speaker. The goal is to make sure that deals like the series of deals struck over Rafferty-Alameda go unopposed and unreviewed. The people of this province, Mr. Speaker, are not willing to give that carte blanche to this Minister.

My question to the Minister is: Why did this Minister add a provision to Bill 24 which would allow him to abandon completely the provincial responsibility to do an environmental assessment when in his discussion paper of October of this year there was not one word about such authority being given to the Cabinet?

**Hon. Glen Cummings (Minister of Environment):**

Mr. Speaker, the Member chooses to put a lot of misleading rhetoric on the record referring to the responsibility of environmental assessment and decision making as it is envisaged in this province and across the country.

That very simply means that we will respect the federal authority and their decision-making responsibility, provincial responsibilities and their decision making of priorities and responsibilities. That is all there is to it, to make the system simple enough so that the people can have access to it and so that decisions can be made.

**Mr. Edwards:** On the contrary, it is no surprise this comes immediately after Rafferty-Alameda. He knows what they are seeking to do.

**Mr. Speaker:** Order, please; order, please. This is not a time for debate.

### Environmental Assessments Federal Authority

**Mr. Speaker:** The Honourable Member kindly put his question, please.

**Mr. Paul Edwards (St. James):** My supplementary question is to the Minister of the Environment. Why is the Minister seeking, through his recommendation to the federal Minister, to allow the federal Government to abandon its obligation to do environmental assessments based on criteria which he himself will have an input into? Why is he fearful of the federal Government having a good hard look at every project they have jurisdiction over in this province?

**Hon. Glen Cummings (Minister of Environment):** Mr. Speaker, there is no attempt to usurp federal authority. What we are attempting to do across the country is to allow for the assessment process which is an information gathering process, to not have a duplicity every time we turn around.

The people of this country are getting tired of Governments consistently redoing and redoing each other's jobs. We simply want to have a clear path so the opponents can come forward and express any concerns that they have so that decisions can be made with respect to environmental impacts, make sure they are mitigated or eliminated and make sure that there is a clear path for those who are opposed or those who are proponents to face each other and clearly have

the questions placed in front of a decision-making body.

**Mr. Edwards:** The Minister talks about duplicity. Complicity is what this is about, Mr. Speaker. Environmental groups across this province are opposing this legislation.

### Bill 24 Consultations

**Mr. Paul Edwards (St. James):** My final question to the Minister of the Environment is: Why has this Minister not consulted widely on what he is seeking to do in Bill 24? Will he admit that his promises of "trust me" are not good enough when we have seen politicians do nothing but abuse their discretion on environmental issues in the last number of years? Will he withdraw this Bill—

**Mr. Speaker:** Order, please. The question has been put.

**Hon. Glen Cummings (Minister of Environment):** Mr. Speaker, there were a series of meetings across the Province of Manitoba to discuss regulations that would be involved in any changes to the amendment of The Environment Act. We had a series of—I believe it was six meetings across this province. They were attended in greater or lesser degree across the province. There were some fairly large meetings here in the City of Winnipeg.

We clearly stated what their objectives would be and said that we would take those regulations back out to the public for discussions. We deliberately did not precede those discussions with the introduction of the Bill here until we had had a chance to have the federal and the provincial authorities out facing the public, telling them what it was they had contemplated in joint environmental assessment. Now he says we have not consulted. He wants to consult until hell freezes over.

\* (1345)

### Fishing Industry Rough Fish Market

**Ms. Rosann Wowchuk (Swan River):** Mr. Speaker, my question is to the Minister of Rural Development. Fishermen throughout the province are suffering because of low prices and in many cases suffering because of low fish stocks. However, they are catching large amounts of rough fish, and in many cases up to 80 percent of their

catch is carp and mullet for which there is no market. The problem is very serious and fishermen are considering shutting down.

Can the Minister tell this House what initiatives his department is taking to develop markets for these rough fish products?

**Hon. Jack Penner (Minister of Rural Development):** The Member for Swan River raises a question that has been before this Legislature before. When I was the Minister of Natural Resources, of course, we dealt with the issue of rough fish and tried to develop markets either through the Freshwater Fish Marketing Board or outside of, for products that could be manufactured of rough fish.

I understand that there is an initiative in the Interlake area by a group of people who might in fact utilize some of these rough fish species and are in fact doing some initial marketing and test marketing of those products. Hopefully we can look forward to an expansion in that area and maybe the building of a new industry that will in fact over the long term utilize those rough fish species.

**Ms. Wowchuk:** To the same Minister, the previous Government was working on a number of specific initiatives to use these species through the Canadian Food Processing and Development Centre. Can the Minister report what the current status of this research is?

**Mr. Penner:** Mr. Speaker, I find it very interesting that the NDP, the Opposition, has continually been before this House and told us what initiatives they had been working on and had been thinking of working on. This is another example of the thought process that apparently went on there that never materialized into real action.

What I am saying to the Honourable Member for Swan River is watch us. We are in fact initiating some programs and establishing some new industries that in fact can utilize the rough fish species that we are so plentiful of.

**Ms. Wowchuk:** A final supplementary, since the federal Government is spending thousands of dollars to help the Japanese develop ways of utilizing their rough fish, is this Minister prepared to go to the federal Government for funds to help Manitoba fishermen, that will bring economic development and a secure income for Manitoba fishermen?

**Mr. Penner:** I want to indicate to the Honourable Member for Swan River that I did meet over this past weekend, on Saturday, with the Honourable Member from Manitoba, the lead federal Minister for Manitoba, Mr. Epp. I want to indicate to her as well that we had a meeting the previous week on exactly those same matters. We are continuing discussions on how the federal Government can in fact become involved in some of these initiatives over the past while. Yes, those discussions are ongoing.

### Health Care System Government Position

**Ms. Judy Wasylycia-Lels (St. Johns):** The talks beginning today at the Finance Ministers' meeting are crucial for this country, crucial for the future of medicare, and we still do not know Manitoba's position.

Mr. Speaker, I have checked Hansard for the last 10 days and found not a single response from this Government to our concern and Manitobans' concerns about federal withdrawal from medicare. In fact on Monday outside the House the Premier (Mr. Filmon) appeared not to understand the meaning of disentanglement, although he took credit for other parts of—

**Mr. Speaker:** Order, please. Is there a question here? The Honourable Member for St. Johns kindly put her question, please.

**Ms. Wasylycia-Lels:** Would the Premier enlighten us in this House, tell us his Government's understanding of disentanglement and provide us with an analysis of the implications of a policy of disentanglement for the Province of Manitoba?

**Hon. Gary Filmon (Premier):** Mr. Speaker, the Member for St. Johns wants to indulge in all sorts of speculative stories and assumptions and dreams and nightmares and whatever have you.

I will tell her, as I have said before in this House, that this Government will do everything possible to insist that the federal Government not offload its responsibilities and not cut back on its commitments to fund medicare in this country, so that we may maintain and enhance the highest standards of health care that are necessary for our population. Nothing we will do will contribute toward the deterioration of medicare, the break-up of medicare or the lessening of the federal responsibility to fund medicare to adequate levels.

\* (1350)

**Ms. Wasylycia-Lels:** Mr. Speaker, the Premier is still skirting the issue and refusing to answer a very direct question.

My question to the Premier is: He says he is going to continue to lobby for federal support for medicare, but he will not speak out—

**Mr. Speaker:** Order, please; order, please. The Honourable Member for St. Johns kindly put your question now, please.

**Ms. Wasylycia-Lels:** Does that mean that this Government is seriously looking at the option of a further transfer of tax points in lieu of the current transfer cash payment system which would end the basis for the Canada health care Act?

**Mr. Filmon:** No, Mr. Speaker.

**Mr. Speaker:** The Honourable Member for St. Johns, with her final supplementary question. Order, please. The Honourable Member for St. Johns has the floor.

**Ms. Wasylycia-Lels:** Would the Premier heed his own words that he delivered to the former Premier of Manitoba on March 5, 1982, when he accused the then Premier of not putting forward a strong enough case to Ottawa and accused that Premier of operating from the basis of weakness?

Will the Premier demonstrate to this House and to the people of Manitoba how he is putting forward any position of strength and putting forward a clear-cut case against the withdrawal of the federal Government from the control and funding of medicare?

**Mr. Filmon:** Mr. Speaker, to put it in very simple terms, the last answer was one word—two letters. I will put this in just as simple terms so the Member cannot in any way misinterpret what I am saying.

We insist on the federal Government maintaining their support, that they are obligated to support financially health care in this country, so that the medicare system will be able to maintain the highest possible standards, so we can maintain and enhance the standards of health care that we offer to the people of Manitoba. That will be our position first, foremost and always.

### Anesthetist Shortage Grace Hospital

**Mr. Gulzar Cheema (The Maples):** Mr. Speaker,

my question is for the Minister of Health  
-(interjection)-

**Mr. Speaker:** Order, please. The Honourable Member for The Maples has the floor.

**Mr. Cheema:** My question is for the Minister of Health.

Yesterday we raised in this House the issue of a critical shortage of specialists in the field of anesthesia. Now we have learned that due to a number of pending retirements in the Department of Anesthesia at the Grace Hospital, they are seriously considering ending on-site, standby anesthesia services over the weekend and in the evenings. The Minister knows full well the impact of this very serious matter.

Can he tell us today what emergency measures he will put in place to ensure that surgical procedures are given priority in all the hospitals?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I can provide no further information today than that which I provided to my honourable friend yesterday, because the numbers of anesthetists in the Province of Manitoba has increased.

We are facing some retirements which are going to potentially be difficult to replace, but recruitment efforts are in full speed where institutions are in need of replacement or additional anesthesiology in terms of recruitment. Some of those recruitment efforts are successful.

Mr. Speaker, that is the direction that we can provide today. I will get into what the Government wanted to do, and I will make a suggestion to my honourable friend that I know he will join me in pending his second question, anticipating it is on the same topic.

**Mr. Cheema:** Mr. Speaker, the same answer was given on December 12. This Minister said, and I will quote—

**An Honourable Member:** A year ago.

**Mr. Cheema:** A year ago. The Minister said—yes, he is being very consistent because he said he is going to be pro-active. Pro-action means that we are losing more anesthetists. That is a pro-active—

**Mr. Speaker:** Order, please; order, please. I would remind the Honourable Member to put his question through the Chair.

\* (1355)

### Surgery Waiting List

**Mr. Gulzar Cheema (The Maples):** Mr. Speaker, as of January 1, as the Minister knows full well, the Victoria General Hospital will be having 20 surgeries less. The Concordia Hospital will have at least 14 major surgeries less.

Can the Minister of Health tell us how he is going to justify the long waiting list, which is already getting longer, and if this is a way of approaching by pro-action to get the surgical procedures, even late? They have failed for the last two years. This is not a new issue.

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, on December 11 or 12, when last my honourable friend brought this matter to the House, there were 72 anesthesiologists registered with the College of Physicians and Surgeons in the Province of Manitoba. Today there are 83. That is not a decrease. That is an increase.

Now Mr. Speaker, despite that, I recognize that there are retirements and other recruitment challenges that face the various institutions in the Province of Manitoba. That was why we proposed to the MMA exactly one year ago and five days a schedule of a three-year agreement which would have allowed Government which is now taking the blame for recruitment of anesthesiology to the Province of Manitoba some control through the guaranteed services fund to assure adequate recruitment potential to the Province of Manitoba. That was rejected by the MMA for more money. In fact, they took less and the problem still exists.

**Mr. Cheema:** Mr. Speaker, the same answers are coming for the last two years. His mandate is to provide quality health care in Manitoba.

### Point of Order

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, you have admonished Members of the Opposition on several occasions not to editorialize with respect to the answer given by a Member of this Government.

Mr. Speaker, I am asking you to give stronger direction to Members of the Opposition, to call them into order, because indeed nothing can come out of this editorializing aspect of Members opposite on the answer given.

**Mr. Kevin Lamoureux (Second Opposition House Leader):** The Member for The Maples is



following the lead set by the Minister of Health (Mr. Orchard). Lengthy answers do in many cases provide for questions or debate that the Minister is trying to enter into and do merit some debate from the Member for The Maples. I would suggest that the Minister should abbreviate his answers, and then we will likely get abbreviated questions.

**Mr. Steve Ashton (Opposition House Leader):** On the same point of order, Mr. Speaker, it is indeed part of our rules that Members cannot indicate whether there was a response to their question or not, but I would suggest that the response of the Opposition Members is really nothing out of the ordinary.

It is in fact in keeping with the type of answers we are increasingly receiving from the Government. If they are not editorializing, I do not know what editorializing is.

**Mr. Speaker:** Order, please. On the point of order raised, I would remind all Honourable Members that answers and questions should be as brief as possible. The Honourable Member for The Maples, kindly put his question now, please.

### Medical Manpower Committee Recommendations - Anesthetists

**Mr. Gulzar Cheema (The Maples):** Mr. Speaker, my final supplementary is: Will the Minister finally now call a meeting of the administrator of this hospital and the Standing Committee on Medical Manpower? He should personally get involved to solve this issue.

**Hon. Donald Orchard (Minister of Health):** I have already commenced that process with discussions with the urban hospitals. We used those discussions last June to avert a similar situation at one of the community hospitals in Winnipeg. I simply invite my honourable friend, as a member of the MMA, will he encourage the MMA to focus the recent increase to provide some recruitment incentives to anesthesiology in—

**Mr. Speaker:** Order, please.

### Point of Order

**Mr. Cheema:** Mr. Speaker, on a point of order, in this House for the last two years there is not even one incident where I have participated in any action on behalf of the MMA. I am talking about a very

important issue which is affecting people of Manitoba and the Minister should—

**Mr. Speaker:** Order, please; order, please. The Honourable Member does not have a point of order.

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

**Mr. Speaker:** Order, please; order, please. The Honourable Member does not have a point of order. It is a dispute over the facts. Order, please.

\* (1400)

### Age and Opportunity Centre Funding

**Mr. Conrad Santos (Broadway):** Mr. Speaker, it is now becoming crystal clear that the Honourable Minister for Seniors is either not able or not willing to act at all to save the program of services for senior citizens. The continual and habitual stalling by the Government in giving the necessary budgetary allocations to the social services has now placed in jeopardy many of the social services including this very popular and good program for senior citizens, this retirement program.

My question, Mr. Speaker, is to the Honourable Minister responsible for senior citizens. Will he now take real concern and real responsibility and speak with the Minister of Health (Mr. Orchard) and intervene on behalf of senior citizens so that the Age and Opportunity Centre will get its program budget for this year?

**Hon. James Downey (Minister responsible for Seniors):** Mr. Speaker, I am quite prepared to meet with my colleague, the Minister of Health, on behalf of seniors in many areas of concern or on their needs.

Specifically dealing with the program he is referring to, I would suggest he either go to the Estimates of the Department of Health and ask his questions or ask the Minister of Health here directly today about the program that he is referring to.

**Mr. Santos:** Mr. Speaker, I will do exactly what the Honourable Minister has said. I had not realized I am barking up the wrong tree.

### Age and Opportunity Centre Funding

**Mr. Conrad Santos (Broadway):** To the Honourable Minister of Health, since the funding comes through the Department of Health, will the

Honourable Minister of Health assure the senior citizens of this province that this program budget be given immediately and that he guarantee at least a budgetary allocation equal to the cost of living in Manitoba?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I thank my honourable friend for his continuing interest. The ministry of Health provides approximately 45 percent of the funding for the Age and Opportunity Centre.

Mr. Speaker, that is provided by way and means of direct grant from the department to the Age and Opportunity Centre. For three successive years in a row, two because of election calls and the second year, the middle year of those three years, the whole process in this Legislature has been substantially delayed so that the approval of budget items, hence the grants to those organizations relying on them, has been significantly delayed.

That is why, Mr. Speaker, we have urged Members of the Opposition Parties, when my honourable friend has not been here incidentally, to hurry the process of approving Estimates so we can get on with—

**Mr. Speaker:** Order, please.

**Mr. Santos:** Mr. Speaker, since this stalling by the Government has caused some real problems for people who have to plan and budget their program, will the Honourable Minister of Health assure the Age and Opportunity Centre of their funding estimate before the year is over and now tell them exactly, as early as possible, their '90-91 budget year so they can have long-range planning for their agency, the Age and Opportunity Centre?

**Mr. Orchard:** Mr. Speaker, my honourable friend has identified very correctly why we would like to start the next fiscal year for '91-92 early to present Estimates, to have decisions of spending made in a timely fashion as has normally happened, not in the significantly delayed fashion as it will be this year, was last year, where I believe we closed this House and passed the final spending authority of the Province of Manitoba some 10 days prior to the end of the fiscal year.

We did not insist the House sit for all of that period of time spinning its wheels. We would like to get on with the business of Manitoba to give people the agenda items they would like to have.

## Workers Compensation Funding

**Mr. Steve Ashton (Thompson):** Mr. Speaker, for the last two years we have been expressing our concerns about actions of this Government that have been squeezing Workers Compensation, affecting injured workers and their families. We are seeing recent evidence of that.

Rates are only going up 1.3 percent at a time when there has been a major increase in fatalities and a significant increase in the number of accidents. In fact we in the Opposition are daily receiving calls from Workers Compensation recipients who are concerned about the policies of this Government.

My question to the Premier is: Why is this Government squeezing the Workers Compensation system? Why will they not ensure adequate funding to ensure that all the legitimate claims of injured workers and their families are met in the Province of Manitoba?

**Hon. Gary Filmon (Premier):** Mr. Speaker, the funding for the Workers Compensation system does not come from Government. I do not know how a Member who has been in this House for nine years could ask the Government about funding the Workers Compensation system. The fees are paid for by the employers. There is not a nickel that comes from the Government. That is a fallacious, misleading question.

**Mr. Speaker:** The Honourable Member for Thompson, with his supplementary question.

**Mr. Ashton:** Mr. Speaker, for the education of the Premier, this Government approves the rates and it sets the legislative framework—

**Mr. Speaker:** Order, please; order, please. I remind the Honourable Member it is not a time for debate.

## Firefighter Claims

**Mr. Speaker:** The Honourable Member kindly put his question.

**Mr. Steve Ashton (Thompson):** Mr. Speaker, my question is: Why is this Government stalling on changes affecting, for example, the Workers Compensation protection of firefighters, when we are receiving calls in the Opposition from a widow of a 42-year-old fireman with children who is unable to get Workers Compensation because the changes are being stalled by this Minister. Why are they

doing this and at the same time providing what in effect is a break to business in the form of—

**Mr. Speaker:** Order, please. The question has been put.

**Hon. Gary Filmon (Premier):** Mr. Speaker, during the time of office of the New Democratic Party, Workers Compensation rates increased 20 percent a year for five straight years, driving many, many small businesses out of business, destroying jobs by the thousands in this province.

In addition to that, accidents on the job and injuries on the job increased during their period of time in office. In addition to that, for several straight years the Provincial Auditor indicated that they were in violation of their own Act by running up a \$200 million unfunded liability, a deficit in the Workers Compensation. Those were the horror stories of Workers Compensation under the NDP that nobody wants us to return to.

**Mr. Ashton:** Our concern is the injured worker, something the Premier (Mr. Filmon) has not once mentioned in his answers, Mr. Speaker.

### Review

**Mr. Steve Ashton (Thompson):** My final question is: Given the major increase in fatalities that has taken place in comparison to last year—27 fatalities in comparison to 19—will the Government review its current policies in terms of Workplace Safety and Health and its current policies in Workers Compensation to ensure that there are not some ways of preventing further increases of this magnitude in the future?

**Hon. Gary Filmon (Premier):** Mr. Speaker, in fact, the Member for Thompson (Mr. Ashton) did not listen to my answer, because I said as my second point that despite all of their increases in rates, accidents and injuries on the job did increase under the NDP, did increase dramatically. Nothing they did worked toward making a safer workplace in this province. We will not adopt those policies. We will work for policies that do make workplaces safer in this province.

### Weekly Wages Manitoba Statistics

**Mr. Leonard Evans (Brandon East):** Mr. Speaker, I have a question for the Minister of Finance.

According to the latest information now available

from Statistics Canada, increases in the average weekly wage in Manitoba are lagging seriously behind the national average. Except for Newfoundland, Manitoba's increase in average wages is the lowest in Canada so far in 1990. In fact, we ranked nine out of 10 provinces, Mr. Speaker. This is indeed another sign of the growing weakness of our provincial economy.

Can the Minister of Finance explain why wage increases are slipping so badly in Manitoba compared with the rest of the country?

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, I do not know the source of the Member's statistics. He tends at times to pull them out of thin air.

Mr. Speaker, I am aware that families in this province tend to have around the fourth or the fifth highest rank within the country with respect to the average weekly earnings, despite our below the national average cost of living. I think that is an enviable position that we find ourselves in. In concert with our commitment to reducing taxes, there is no doubt it will pay tremendous benefits in the area of investment and therefore job creation in the years to come.

\* (1410)

**Mr. Leonard Evans:** Mr. Speaker, the Minister asked about the source. Well, the source is Statistics Canada. It is a regular report put out on average weekly wages in the country.

Mr. Speaker, is this Minister suggesting that he is not prepared to take a serious look at our weakening economy and introduce some positive measures to provide some economic stimulus, given the fact that in 1990 our relative position is the worst we have experienced in the past 10 years, the worst in the past decade?

**Mr. Manness:** Mr. Speaker, what I will not be doing is making an announcement like Mr. Laughren did yesterday, the Ontario Treasurer, which indicated that the deficit in Ontario would be probably much greater than the \$2.5 billion one that has come into being in Ontario. I cannot find the comment here, but what Mr. Laughren did say was that the one solution or the salvation was not the Government rushing in and going much further into debt in trying to buy its way out of the recession.

Mr. Speaker, that is what indeed one, I believe, solid-thinking person of NDP persuasion brings to

this difficulty that we find ourselves in. I wonder why it is so out of tune with the Member for Brandon East.

### **Economic Recession Manitoba Situation**

**Mr. Leonard Evans (Brandon East):** The fact is that our economy is very weak, and in fact if we look at the latest month, the last two or three months, the situation is deteriorating compared with the year as a whole. Mr. Speaker, given the fact—

**Mr. Speaker:** Question, please.

**Mr. Leonard Evans:** My question to the Minister is: Is he telling us really that he does not recognize that there is a recession that has hit Manitoba, or is he being like Michael Wilson a few months ago who just refuses to use or recognize the dreaded "r" word?

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, if I had the time I would refer specifically to the budget. One of the first statements that I made when I read the budget was that the nation is in recession. The Member does not have to accuse me of saying that it is not, because indeed I have said it is. As we are part of the nation, obviously our economy is undergoing some difficulties also, but in relative terms the economy of this province is doing exceedingly well.

I wish that were directly reflected in revenues to the Government, but at least the economy of this province in relative terms, whether one wants to look at retail trade, whether one wants to look at sales tax returns, whether one wants to look at capital investment intentions, and particularly if one wants to look at employment numbers, Mr. Speaker, this province is doing exceedingly well in spite of the fact that the Member for Brandon East would wish that it would be doing a lot worse.

### **Goods and Services Tax Manitoba Hydro Exemption**

**Mr. George Hickes (Point Douglas):** My question is for the Minister of Energy and Mines.

Since MPIC, the Manitoba Bee Commission, the Alcoholism Foundation of Manitoba, community colleges, along with hospitals and nursing homes run by the province are all GST exempt, will this Minister admit that Manitoba Hydro is a Government operation and should not be charging GST?

**Hon. Harold Neufeld (Minister responsible for The Manitoba Hydro Act):** It is not the Government

of Manitoba that imposes a tax, it is the federal Government that imposes a tax.

### **Goods and Services Tax Manitoba Hydro Exemption**

**Mr. George Hickes (Point Douglas):** My supplementary question is to the same Minister.

Why will this Minister not exempt Hydro customers? Does he feel that over 100,000 Manitobans who heat their homes electrically, especially those in northern Manitoba who face heating bills of several hundred dollars a month already, should also have to pay this unfair tax? Will he give these people a break roughly of a hundred dollars or more each?

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, as somebody that applies taxes, let me say to the Member opposite that we have only one input with respect to the billing of Manitoba Hydro and that is the provincial sales tax. We have no say as to how the federal Government imposes their proposed GST on the energy requirements and needs of Manitobans. Again the answer is the same as given by the Minister of Energy and Mines.

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

## **ORDERS OF THE DAY**

### **House Business**

**Mr. Speaker:** The Honourable Government House Leader, what are your intentions, sir?

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, I would ask that you call the Bills in this order, second reading of Bill 22, and then moving to debate on second readings of Bills 20, 12, 24, 25 and 18 in that order.

## **SECOND READINGS**

### **BILL 22—THE STATUTE LAW AMENDMENT ACT, 1990-91**

**Hon. James McCrae (Minister of Justice and Attorney General):** Mr. Speaker, I move, seconded by the Honourable Minister of Finance (Mr. Manness), that Bill 22, The Statute Law Amendment Act, 1990-91; Loi de 1990-1991 modifiant diverses dispositions législatives, be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. McCrae:** Mr. Speaker, I have very few remarks to make in moving second reading of Bill 22, The Statute Law Amendment Act, 1990-91.

As all Honourable Members will know, this is our annual Bill to correct technical errors discovered in the Statutes in the course of the year. Most of the changes contained in Bill 22 correct editing and drafting errors and are non-substantive.

We have also, from time to time, included in this correction Bill changes that are required to reflect decisions already lawfully taken, or to reflect changes in Government practice or administration. In this connection, I would like to draw to the attention of the House Sections 3, 12, 16—that is, 3, 12 and 16 of Bill 22.

Section 3 deals with The Communities Economic Development Fund Act and has the effect of validating loans made in the past by that fund that the court has now found to be beyond the mandate of the fund.

Section 12 amends The Law Fees Act to give effect to an organizational decision whereby transcripts of court proceedings are now provided by Government staff and not by court reporters in their personal capacity, and whereby fees can be required of any person requesting such a transcript.

Section 16 permits the Land Titles Office to use ordinary mail rather than registered mail in sending out notices of registrations or filings on a title.

The Bill is straightforward. I will be pleased to deal with any questions Honourable Members may have at the committee stage of the Bill. I do commend this Bill to the thoughtful attention and support of all Honourable Members.

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

**Mr. Jerry Storle (Flin Flon):** Mr. Speaker, I move, seconded by the Member for Elmwood (Mr. Maloway), that debate be adjourned.

**Motion agreed to.**

## DEBATE ON SECOND READINGS

### BILL 20—THE STATUTE LAW AMENDMENT (TAXATION) ACT, 1990

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Finance (Mr. Manness), Bill 20, The Statute Law Amendment (Taxation) Act, 1990; Loi de 1990 modifiant diverses dispositions législatives en matière de fiscalité, standing in the

name of the Honourable Member for Brandon East (Mr. Leonard Evans).

**An Honourable Member:** Stand.

**Mr. Speaker:** Is there leave that this matter remain standing?

**An Honourable Member:** Leave.

**Mr. Speaker:** Agreed.

### BILL 12—THE LABOUR RELATIONS AMENDMENT ACT

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Labour (Mr. Praznik), Bill 12, The Labour Relations Amendment Act; Loi modifiant la Loi sur les relations du travail, standing in the name of the Honourable Member for Transcona (Mr. Reid), who has 30 minutes remaining, and also in the name of the Honourable Member for Point Douglas (Mr. Hickes).

Is there leave that this matter remain standing in the name of the Honourable Member for Point Douglas?

**An Honourable Member:** Leave.

**Mr. Speaker:** Agreed.

The Honourable Member for Transcona, who has 30 minutes remaining.

**Mr. Daryl Reid (Transcona):** It is a pleasure for me to carry on with my remarks with respect to this Bill and debate on the repeal of final offer selection.

I would like to start, Mr. Speaker, with a definition from the Webster's Dictionary which defines the word "negotiable," or to negotiate, as to confer with another so as to arrive at a settlement of some matter or to arrange for or bring about through conference, discussion or compromise. That is, Mr. Speaker, to bring about a settlement by mutual agreement between parties.

\* (1420)

This defines what should take place during the give and take of the collective bargaining process between management and its employee representatives. This would constitute good-faith bargaining. Fortunately, the majority of contract negotiations are resolved in a peaceful, workable relationship between the negotiating parties. Unfortunately, there is a small percentage of negotiations that break down before successful

resolution, which in turn can lead to protracted strikes or lockouts or even business closures.

The failure to resolve matters in dispute creates a lose-lose situation for both parties locked in standoff positions. The company stands to lose production, sales, profits, customers, and in extreme cases, there is also the possibility of plant closure.

For the employees, there is the loss of income and benefits, the loss of purchasing power, family and individual stresses, and potential loss of employment. If the strike or lockout is long and acrimonious, the morale and loyalty of the employees toward their employer will fall very quickly and is not easily regained. It takes years of harmony to rebuild a good relationship. Employee morale and loyalty are two essential ingredients if a business is to be a successful, thriving venture.

These two parties are not the only losers during a strike or lockout, Mr. Speaker. The community, the city, the province and the country are also losers. The spin-off effect of an unresolved dispute on one company and the effect it can have on the other support industries or businesses and their employees should not be underestimated. This causes a ripple effect throughout the entire economic spectrum.

It has been my experience that companies sometimes engage in foot dragging during negotiations. This foot dragging leads to frustration and the eventual breakdown of negotiations.

I am familiar with at least two reasons for foot dragging or what I call bad-faith negotiations. The first reason is purely economic. The longer that a company is able to stall a settlement, particularly in the case of large companies, the greater the opportunity for that business to invest its funds and reap greater returns. Even when a settlement is achieved at a later date and back payment of salaries and benefits is required, the company has still earned interest or profit on the delayed payments.

The second reason for the foot dragging is to apply psychological pressure on the union or association and its employees. If sustained for a long enough period, it will lead to violence on the picket line and possibly the dissolution of the collective bargaining unit.

Violence on picket lines leads to the intervention in one form or another by Government. The net result is strikebreaking. Where violence on a struck

company occurs, it is often the result of the company's insistence on using substitute or scab employees. When an employee or striker perceives his or her job as being stolen by another person, the employee becomes very incensed at the threat to their economic future.

This leads to confrontation with sometimes violent results. When negotiations break down, we need a more civilized alternative to achieve fair settlements without unnecessary confrontation.

While mediation and conciliation are available to both parties, Mr. Speaker, those that are involved in the negotiations, they are non-binding and only facilitate the bringing out of relevant facts. Arbitration, on the other hand, can provide the same effects as mediation and conciliation but can also be used to impose a settlement on the parties involved. Arbitration creates winners and losers as both parties submit the proposals that are often well above expectations. They rely on the arbitrator to choose a middle-of-the-road course, a situation which does not always materialize.

Mr. Speaker, I support final offer selection over conventional arbitration, because it creates pressures on both parties to negotiate in good faith. Unlike conventional arbitration which creates incentives for the negotiating parties to drive their demands further apart, FOS creates an incentive to cause them to come closer together. As such, it complements the collective bargaining process.

Final offer selection became a viable alternative to arbitration in January, 1988. Like many other pieces of legislation in this province, FOS was created to address a specific need. That need was the creation of a win-win process to resolve negotiations which had reached an impasse. While not a panacea, it is not a disaster, Mr. Speaker.

FOS legislation was designed to facilitate good faith negotiations. This would be achieved by causing both parties to operate under the umbrella of FOS, thereby demanding reasonable positions. There are those who argue in favour of repeal of this law and state that FOS destroys the collective bargaining process. This statement is pure nonsense and is not born out by the facts on FOS, which are very clear.

(Mr. Eric Stefanson, Acting Speaker, in the Chair)

Of the 99 applications received to date for the use of final offer selection, 74 of those 99 negotiations reached a settlement prior to the selector rendering

a decision. This represents an amazing 75 percent success rate for negotiations involving FOS. Of the remaining 25 applications, 12 are awaiting a selector decision while continuing negotiations between the involved parties. Six of the remaining 25 applications chose not to use final offer selection and chose to continue negotiations independent of FOS.

Of the seven selector decisions filed since 1988, four were in favour of the union proposal and three favoured the employer's proposal. These last figures show very clearly that FOS does not represent any major favouring of one side's proposal or the other, but represents a balance. There are those who argue that after the vote in favour of using FOS and the appointment or agreement on a selector, that one party in the negotiations could slip into their final proposal, an item previously not discussed.

With the system in place under FOS, this evidence of underhanded negotiations would become very clear during step seven and nine, and with the impartiality of the selector this practice would not be viewed favourably by the selector and could do harm to the case of the submitting party trying deceitful tactics.

Mr. Acting Speaker, it has been stated to me by Members opposite that there should be equal opportunities for either party to use the FOS process and that the current legislation favours the union over the company. I disagree with that statement, since it is very clear that either the company or the union can request a vote to determine if the FOS is to be used. To suggest that the format be varied to give the company greater powers to invoke FOS would indicate to me that the individual making such a statement is in favour of union busting and should be willing to go on record to state such an intent.

**An Honourable Member:** Who is in favour of union busting?

**Mr. Reid:** Those making such a statement.

There have been arguments put forward that suggest FOS lengthens strikes or lockouts. It has been my experience over 20-plus years that employees would choose to avoid strikes at almost every opportunity since they are extremely disruptive and damaging to the peace and security of the employee's family. Lockouts are employer initiated, Mr. Acting Speaker, and can cause the same problem as strikes as well as increased ill will

between employees and their employer. I doubt very much that FOS lengthens strikes and lockouts, and even if there was a slight chance it may, it would not be from the employees being in favour of such action.

The actions of the Conservative Government to repeal final offer selection leave some doubt as to the reasons why this law is being eliminated. If it is to appease the business community, I have yet to hear constant and continued business opposition to FOS. In fact, the opposite appears to be happening by the willingness of the businesses to work within the boundaries of FOS. Companies recognize the benefit of having a peaceful labour relations climate. The bottom line is, FOS is good for business.

\* (1430)

I can think of only one reason why this Government is repealing FOS. It is not based on sound logic or reasoning, but is based on ideological values where the employer should hold the sole discretionary power to decide what is good and right for the employees of the company. This is sheer lunacy on the part of the companies or those suggesting that.

Mr. Acting Speaker, I predict that the future labour climate in Manitoba without FOS will be one filled with worsening labour relations and that the confrontational style of negotiations will return and that the incidence of work disruptions will increase. This will not be good for Manitoba's economic future.

Final offer selection is a fair mechanism or tool which can be used to deal with irreconcilable differences that can arise during the collective bargaining negotiation process. That is why I suggest and propose that this Government reconsider this Bill to repeal and now recognize the value of FOS to all Manitobans.

We must be concerned about the labour peace and harmony in this province. FOS provides that labour peace and harmony. It creates peace and harmony for the businesses that want to continue their operations in this province in an uninterrupted fashion and also provides harmony and peace for the families and the workers who want to continue in their employment without any interruption of income. That is why I believe strongly in the FOS, because it provides co-operative negotiations, Mr. Acting Speaker. FOS provides the necessary

stability in the labour market. Under the FOS umbrella, Manitoba has been the ultimate winner.

Thank you, Mr. Acting Speaker. I am pleased to have had the opportunity to state my support for final offer selection.

**Mr. Ben Sveinson (La Verendrye):** Mr. Acting Speaker, it gives me great pleasure to rise today and add my comments to the debate on Bill 12, The Labour Relations Amendment Act.

Before I get into my remarks, I would just like to comment on some of the things that I have heard here from the Opposition, that being, final offer selection is good. You do not hear anything backing it up. They kind of just keep on repeating it in a few words of—I do not know, just filling in between them seems to be their thing.

Before I get into my specific remarks, I believe it is important to provide some personal background. I have belonged to unions for some 23 years out of my working life. During this time I helped to negotiate many different contracts. I served as a union steward for nine years as well as a vice-president of UFCW Union Local 111 for approximately five years. I have been in business for 14 of those 23 years. I also negotiated contracts there, Mr. Acting Speaker. I also worked for the federal Government as a federal meat inspector and was a member of the PSAC. I bring this personal experience to this House and this debate, and I believe I am in a good position to comment on Bill 12.

I was in fact a member of a union when FOS was brought in. The feeling amongst our union membership was that this legislation was not needed. We had been negotiating very good contracts through the collective bargaining process, and we could not see the purpose of final offer selection. In fact, we as union members felt FOS was degrading in that the suggestion was we did not have the ability to negotiate the contracts to a final conclusion. This of course is only one point felt and heard at that time.

As a past member in union, past owner of business, past member of management and with the knowledge of the actual process of negotiations of contracts, I am happy to be part of a Government whose position is that FOS should be repealed. We believe this mechanism is inappropriate and can undermine the collective bargaining process. I do hope that the Opposition Members realize that I am trying to make this clear, without any kind of rhetoric

thrown in between. We want balance restored to collective bargaining so as to maintain a healthy labour relations climate.

I would like to talk for a few minutes on the collective bargaining process versus FOS. Collective bargaining incorporates the positions of both labour and management and allows for a solution that both sides can live with. Final offer selection disturbs this balance. It removes the need for negotiation and compromise between parties. It is unfair in that it can only be approved as a method by employees and not employers. This win-lose situation, with only one party clearly winning over the other, will only serve to damage labour relations in this province.

FOS, Mr. Acting Speaker, produces contracts where one side is happy and the other side is saying -(interjection)- I believe the Opposition had their opportunity to speak. I really did not interject, not too much.

Mr. Acting Speaker, FOS produces contracts where one side is happy and the other side is saying things like, I will fix you the first chance I get. That is what FOS produces.

As well, a well-known Manitoban, Ed Schreyer, when addressing the Manitoba Federation of Labour in October of 1972, spoke about the collective bargaining process and dispute settlement procedures. Schreyer said, and I quote, -(interjection)- I am really quite surprised that the Opposition does not want to listen to this. This is coming from one of their past Leaders. I would think that they would be on the edge of their seats listening.

I quote: We believe that this approach will produce more acceptable results than with rigid legislative procedures that would inhibit the parties from exercising their own ingenuity in finding, developing and refining ways of resolving difficulties. This backs up what I have been saying just as clear as clear can be. This is one of their Leaders, past Leaders, Mr. Schreyer.

Another argument against final offer selection is that it is not needed in Manitoba. We do not have a high level of work stoppages. We have not encountered serious difficulties in our labour relations environment with regard to dispute resolution. Disputes will occur, Mr. Acting Speaker, in the collective process from time to time, but drastic action like FOS is not the solution.



\* (1440)

Work stoppages in Manitoba are low compared to the rest of Canada. To illustrate this point, it is interesting to note that Manitoba was in the top three jurisdictions with the lowest number of person days lost to strike per 1,000 workers in seven out of the 10 years from 1980 to 1989. Why then, since we in Manitoba do not have a critical problem with excessive strikes, do we have to disturb the balance in labour relations with a one-sided final offer selection?

The other important point to make is that there are no significant changes in work stoppage activity since the introduction of final offer selection January 1, 1988. Examples worth noting are: 11 work stoppages in 1989; seven in 1989; in 1983 and '84 there were eight work stoppages; and in 1982 and '87 there were 10. If then there are no significant changes since the introduction of FOS, one must ask, is it really needed? The answer is clear, Mr. Acting Speaker. No, it is not.

Each year 400 to 500 collective agreements expire. Just keep that number in mind—400 to 500. A majority of these are settled by the parties involved. If these parties do find they require assistance, the Conciliation and Mediation Branch of the Department of Labour is there to help. This is the normal collective process at its best. Hence, it is obvious that since FOS has been used very little, and we even heard numbers from that side of the House showing it has, parties prefer to settle disputes on their own.

One has to be very careful when a third party is brought into the collective process, as there is a need for balance, consideration and fairness. This third party cannot be narrowly focused. In the words of Russ Paulley, again another leader of the NDP, a former Minister of Labour under the NDP, and I quote, I sympathize with a union which finds it lacks the strength to compel an employer to agree to its preferred terms of settlement, but there are great dangers in expecting legislation and Government to deliver the goods. He goes on to say, it would detract from the strength of the labour movement, the last thing I imagine the labour movement would want.

Final offer selection is compulsory, one sided, not in the best interests of the collective bargaining process nor the people of Manitoba. There is very little available to suggest FOS adds anything

positive to our existing collective bargaining process.

However, there are many negative aspects. These include undermining the basic principles of free collective bargaining; possibly prolonging strikes; and taking dignity away from union members and negotiators. Good negotiators do not need legislation to force companies into a one-sided contract.

At this time, Mr. Acting Speaker, I wish to thank the Minister of Labour (Mr. Praznik). I wish to thank the Minister of Labour for giving union members and negotiators back the dignity and the respect that they deserve and have earned, might I add, over the years of negotiating many thousands of contracts.

Mr. Acting Speaker, I thank you for the chance to speak to this Bill.

**Ms. Becky Barrett (Wellington):** Mr. Acting Speaker, I am pleased today to stand up and speak on this very important piece of legislation. I also want to put into context the debate that we are currently having over final offer selection and put it into the context of the world we live in.

I was struck today when we heard about the massive cutbacks at CBC and the impact, I think he is starting to think about the impact, that is going to have, not only on the workers and the residents of Manitoba, but what that cutback is going to do to the fabric of our country.

I was struck by the fact that the first week in December has a lot of very important and mostly very negative things connected with it. I am not sure if it is the time of year or what, but one year ago tomorrow the 14 women at the polytechnique, in Montreal, were massacred. Forty-nine years ago on Friday is, for those of us who were born in the United States, a day which will live in infamy, Pearl Harbor.

We have been talking, and now we are debating the potential end of something that I believe, and Members on my side of the House believe, is an excellent piece of legislation for all people in Manitoba. At this time of the year or at this time of a House sitting, when we are into Estimates, when we are well into Question Period, putting together for me the—sort of the—context that this debate on final offer selection is part of, I believe it is an important debate in and of itself. It is also an important indicator of some of the major issues that we as Manitobans and Canadians, and indeed residents of the world, are having to deal with in this

last decade of what was to be the century of Canada.

I think that is quite an ironic statement when you think about what is happening to Canada these days. The complete disentanglement, disembowelment, potential disintegration of what is, to my way of thinking, potentially one of the world's best places to live.

Final offer selection, the debate over this Bill, the comments of the Government and the comments many times of the Third Party make me very sad and very concerned about the future, not only of this Bill and the impact that the potential losing of this legislation will have on the quality of life for all of us. As I say, it is in the context of a much larger provincial, federal and global situation that I rise to talk about this today.

This threat to final offer selection is a piece, to my way of thinking, of many of the things that have been happening in this House since we first sat on October 11. We are talking in Estimates and we are talking in Question Period about a major reorganization, a major rethinking, a major restructuring of all of those things that I, and I believe all Manitobans, hold dear, the things that make Manitoba and Canada unique, that make it a potentially wonderful place to live for all of us.

We are talking particularly in the area that I am interested in, in Family Services. We have been talking, bringing up and sharing concerns around the issues of domestic violence, the issues of support for children, the issues of support for families in distress, the issues of support for seniors, cutbacks in health care, cutbacks in every area of service to Manitobans who are the most vulnerable portions of our society.

I believe the debate over final offer selection follows right along in that category. I think the ideology that permeates the budget, that has permeated the throne speech, that has led to Ministers on the Government side refusing to answer question after question after question, not only in Question period, but in the Estimates process, just follows along with that in that context.

\* (1450)

We are also today talking in terms of, and having it brought home perhaps more firmly than we have in a long time, the potential that this country is in for actively going to war.

One of the nicest things about Canada for me, as

an immigrant, is the fact that the last veterans were veterans of the Korean War. With a very few exceptions, the people who went to fight in Vietnam, Canada has been a peaceful country since the end of the Korean conflict.

That has been the case for a period of time, but ever since 1984, when the Progressive Conservative Government was first elected in the federal House of Commons and became our federal Government, that has changed.

(Mr. Marcel Laurendeau, Acting Speaker, in the Chair)

That has changed, Mr. Acting Speaker, in all areas of our Canadian society. In every single area of our Canadian society, we are no longer thinking in Canadian terms. We are no longer thinking east-west; we are thinking north-south. That gives me a great deal of grief.

**An Honourable Member:** The great Canadian roots of yours go deep.

**Ms. Barrett:** My great Canadian roots do not go deep, and perhaps it gives me a little different perspective than the Deputy Premier (Mr. Downey). I certainly hope that the Deputy Premier is not casting into doubt the dedication or my personal beliefs and my concern about what is happening in this country, of which the final offer selection is only one part, albeit a very important part.

In every area that we have talked about in this House, that we have talked about for years, since 1984, we are becoming a branch-plant economy. We are becoming the fly on the elephant. That, for the entire Canadian history, has been a possibility, has been something that the Canadian context has had to deal with. For the first time in the whole history of Canada, which has been led a fair bit by Conservative Governments, we are seeing the real possibility, if not the probability, of the break-up of our country. It is economic, social and ideological elements that are leading to this break-up.

There is no sense on the part of the federal Government, and there does not appear to be any sense on the part of this provincial Government to fight for the continuation of Canada and Manitoba within a strong, unified Canada.

There is no 1990 comparative standing up for Canada the way there was 1867, in the 1870s when the railroad went through. There was no sense of Canada as a something to be preserved with all of

its diversity the way there was in Diefenbaker's time, when he helped expand services that led to the medicare that we are fighting for these days. There is no sense of Canada as a unity, of Canada as something to be cherished and protected, the way there has been throughout the entire history of this country.

Today, what do we see? We see the Prime Minister of this country, instead of talking about Oka, instead of talking about the fact that the first people of this country were in a major crisis, the fabric of our nation was under attack, where was the Prime Minister this summer? He was in Kennebunkport where George Bush was.

To my way of thinking, everything fits together. There is no such thing as being able to tidily take one element out of the whole cloth. You start unravelling one thing, you start unravelling the entire fabric of this country, and that is what I say is happening today to us in Canada. -(interjection)- Yes, we are talking about final offer selection and how it is part and parcel of what is happening to our country and our province and why it is being allowed to happen, why it is, I feel very strongly, why this legislation is being threatened the way it is.

However, I would like to talk about final offer selection, its role and impacts of the—

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

**Ms. Barrett:** Members on this side of the House have always known where Members on that side of the House are.

I would like to put on the record, I am not sure that Hansard will reflect the Honourable Opposition Members' comments, but I would like to put on the record that under no circumstances have I ever, ever stated anything that was un-Canadian or was I impugning motives that were un-Canadian. What I have shared with the Members opposite is my concern about the situation that I see happening today, and I would have no difficulty in making some suggestions as to why I think these things are happening, but I will restrain myself at this point. I think there are a lot of legitimate situations that have led to this concern.

Mr. Acting Speaker, the discussion that has taken place in this House over the last at least three years, since the first introduction of the final offer selection Bill, has followed very clear guidelines and reflects very clearly differences in ideology and philosophy and response to very different segments of our

society. The final offer selection debate underlies the fundamental differences in the way we view the world, how we interact together as individuals and as groups, how we view industrial relations and the way in which business and labour interact, or can interact, or should be allowed to interact in our society. These fundamental discrepancies and differences are reflected in final offer selection debate. They have also been reflected in, as I have stated earlier, the debate that we have had in this House for the last two months, and with Members opposite for years prior to that.

As I am sure the Members opposite are well aware, the New Democratic Party is unalterably and categorically opposed to what this Bill is trying to accomplish. We have been on record, unlike the Members of the Third Party, on the side of final offer selection from the day it was first inaugurated. We are not going to change our tune, to say one thing one day, and one thing the next. We have been consistent with not only our concern for the concept of final offer selection, but final offer selection is consistent with everything that we, as New Democrats, believe in, and everything that we hold dear about the role of individuals and how individuals and groups should relate with each other in our society.

Members opposite have, over the past three years, made much of the fact that when final offer selection was originally introduced there was some opposition to it. There is no denying there was opposition to this Bill. There was opposition to this Bill not only from the business community, from the Chamber of Commerce, from the Progressive Conservative Party, but there was some opposition to this Bill by some labour unions. There is no denying that fact, none whatsoever.

That happens all the time, I believe, when there is any new innovative idea that comes before the Legislature or into society. People are concerned. They do not know exactly what is going to happen. I think if Members opposite are being honest and would listen to and read what has been spoken and read about this Bill and the impact it has had on the labour relations climate and on the economy of this province over the past three years, they would have to agree with Members on this side of the House that the groups and individuals within the labour movement who are initially opposed to the legislation now believe it has had a major positive impact on the industrial relations in this province and

that it does work in the best interests of working people in the province of Manitoba. They have been on record as saying we were concerned at the beginning. We now feel that final offer selection has a great role to play in industrial relations in this province, and we would hate to see it taken away from us.

\* (1500)

Final offer selection has done much to promote industrial peace in Manitoba. All we have to do is look at the statistics which I am about to share with Members right now. These statistics I am reading into the record come from the Manitoba Labour Relations Bulletin, 2nd Quarter, 1990 Edition. Labour Canada, for the second quarter of 1990, reports that major collective bargaining wage settlements covering 500 more employees in Manitoba in the first quarter of this year, provided wage increases averaging 4.5 percent, as compared to a 4.6 percent average wage increase in all of 1989. The wage increases of final offer selection is not leading to enormous fat-cat wage settlements that were predicted by Members opposite.

To compare not only Manitoba this year with Manitoba last year, but nationally, wage increases in the public sector throughout the country averaged 6.3 percent for this same period, and in the private sector, 5.7 percent. Final offer selection has not led, as many on the opposite benches were predicting, to major out-of-line wage increases. As a matter of fact, those wage increases are below the cost of living and the inflation rate. As other Members have stated, work stoppages also have shown a large decrease under the time of final offer selection.

In the first six months of 1990 in Manitoba there were two work stoppages involving 156 workers, for a total of 1,205 lost person days. Across the country, Manitoba ranks second lowest in terms of days lost per 1,000 paid workers, at 1.3 days lost per 1,000 workers—1.3 days lost. The Canadian average for that same six month period was 60.1 days lost. I would suggest that means that final offer selection is not leading to increased labour unrest or increased labour management disputes, but is on the other hand, having a marked positive impact on the labour relations climate in our province.

As the Member for Brandon East (Mr. Leonard Evans) stated in Question Period today, our average weekly earnings are declining. I would

suggest that is also drawn out by these statistics. In April of 1990, there was a 4.2 percent increase in the average weekly earnings compared to a Canadian average weekly earning increase year over year of 5.2 percent, one percentage point lower than the Canadian average. Again this does not appear to me to be a case of final offer selection leading to massive costs for the employers of this province.

Finally, we were the, as I stated earlier, second lowest person days by province in the first six months of this year lost to labour disputes, second only to Prince Edward Island. Every other province in this country had a higher percentage of days lost to labour disputes than Manitoba did, with the exception of Prince Edward Island.

I must ask that since final offer selection on these criteria works so well, why would this Government be trying to do away with it? The only answer that I can come up with, which is an answer I have shared with this House on several occasions in the past, is that this Government is following the dictates of the business community, the business community being the group in this province that I think everyone recognizes is the natural constituency for many of the Members opposite. Between 70 and 80 percent of the financial support to the Progressive Conservative Party comes from the corporate sector. They are responding to their natural constituency.

They are doing so—they are to my way of thinking, acting in a knee-jerk reactionary manner to the dictates of the corporate community without any regard for, not only the results that are plain to see, but without any regard for the long-term overall impact of their actions.

Now, we have stated, and the union movement in the province has stated, that final offer selection works well for the working people of Manitoba. There is no doubt about that in any of our minds. I would aver that there is ample evidence to prove that it works for the interests for business as well. The statistics that I read into the record about the low number of days lost to work stoppages, the low number of work stoppages, the fact that the wages are not out of line with those of other provinces because of final offer selection, would seem to me to be a very clear indication that final offer selection has had benefits for all people in this province, not just the workers.

We all know, we all agree on both sides of the House that strikes are costly, that it is in everyone's best interest to avoid them wherever possible. Final offer selection has worked in Manitoba since its inception. It is continuing to work in Manitoba, and we are hoping that we will be able to convince the Government not to vote to repeal this legislation but to allow it to continue to work for the best interests of all Manitobans in the future.

One of the lovely things about final offer selection is that it often does not even have to take place. Just the mere fact of its being there has made a major change in how negotiations take place. Negotiations in many cases now are truly negotiations; they are people working together to try and come up with a package that will allow both sides to be satisfied. Often in the past, strikes and lockouts were the result of the adversarial nature of the negotiating process. Negotiations, in other words, is really a misnomer. It is an adversarial, combative we-they situation that has been allowed to develop over time.

Final offer selection, just by its mere presence on the statute books, has meant that many labour disputes do not even come to the point of accessing final offer selection. They are dealt with earlier on. My favourite concept—prevention is allowed to take place rather than getting to the point of needing to go to the final process, end result.

Final offer selection, as I have stated before, offers a win-win situation. It helps the negotiators for both sides, for the employer and the employee, to focus on what are the true issues in dispute. How can we think about the bottom line, a concept that is near and dear to the hearts of Members opposite? How can we focus on realistic bargaining positions instead of being adversarial and saying, this is our final statement, instead of drawing the lines in the sand, instead of coming out with boxing gloves on and being in very combative stances?

Final offer selection allows people to sit around the table to talk to each other and to negotiate. I do not think there is anyone in this House that would suggest for a moment that that is not a better way to handle interpersonal and business kinds of issues. No one would choose a fight over a dialogue, I hope.

Both sides have something to gain by using final offer selection. As I have stated before, in the the majority of cases where final offer selection has even been filed for and in many cases final offer

selection was not even filed for, but in the cases where it was filed, in the majority of those cases, because both sides knew that they were faced with the possibility of having to deal with final offer selection, they were able to come up with a negotiated settlement that did not require a continuation of the final offer process.

\* (1510)

What could be better than to have as a deterrent, if you will, this kind of a process which has been shown to work, because of final offer selection being there in the background of everybody's mind, positions taken during negotiations become refined. They do not become hardened into, as I have stated, an adversarial position. Parties are forced to focus on the real issues, to talk about what it is that we can work together on to make it that we do not have to deal with final offer selection. Both sides understand that they are in a position of potential serious loss if the final offer selection process is allowed to take its full course.

If the parties lose sight of the real purpose of collective bargaining, which is collective bargaining, and they are not able to sign a collective agreement, they run the risk of a costly and lengthy strike. They also, with final offer selection, run the greater risk almost, of losing everything that they were bargaining for.

Sometimes in the negotiating processes, I am sure all Members are aware happens in any situation like this, you lose sight of the end result and you get bogged down in the minutiae of the daily details. Final offer selection highlights the fact that when the parties put their final offer on the table, they know that a selector will be choosing one or the other of those positions, that there is no chance of arbitration between those positions. It is a final offer selection.

As I have stated earlier, there is a potential for very serious losses to occur. Unions can stand to lose considerably. They can lose credibility with their membership if they go into the final offer selection process with a stand that is clearly not going to be chosen by the selector. It is incumbent upon unions to be realistic and reasonable in their negotiating.

They also stand to lose considerable benefits in terms of benefit packages, in terms of salary and wage increases, in terms of job security, all the things that the unions are bargaining on behalf of

their members for. They stand to lose those gains if they do not come up with a reasonable package to the process.

On the other hand, the employer stands to lose in very many ways as well, which I think is very clearly understood by the employers of Manitoba who have participated in this process, and I think that Members opposite, if they chose to come out from behind their ideology would be forced to recognize.

The employer understands that there is a bottom line as well as the union. They understand as well that they can lose seriously if they do not bargain in good faith, and final offer selection is merely a process to enable both sides to bargain in good faith. Even after the final offers are put on the table, there are still incentives to negotiate to see if a better mutual deal is possible. There is no gain for either side in having their party feel as though they have lost in either face or in dollars during negotiations.

Negotiations tend to continue when final offer selection is in place because no one wants to be the loser. So with the understanding that someone will be the loser if final offer selection takes place, they continue to negotiate. The bottom line is, it encourages good-faith bargaining, and I think that anybody with an understanding of labour-management processes would understand that is a very positive thing to have happen. Good-faith bargaining is something we all should be in favour of.

As I stated earlier, final offer selection is not like traditional arbitration methods, which tend to help harden positions and not allow for negotiations. You put your best foot forward in an arbitration process. If you put everything on the table and say, this is our bottom line position, then you hope that the arbitrator will choose some of your position. So it tends not to lead to as much good-faith bargaining or as reasonable kinds of negotiated settlements as final offer selection does.

Employers, even under final offer selection, have a great deal of power, and I think that is something that Members opposite have not been completely open with in their discussions on this Bill. The employer still holds control over the hours and conditions of work and ultimately whether the operation remains viable.

Legislation like final offer selection does not in any way, shape or form impinge on those bottom, basic employer rights. The only obligation that final offer

selection places on the employer is the obligation to be reasonable, to negotiate in good faith.

I think that it is clear that while the Chamber of Commerce is quoted as saying that a dark cloud would settle over Manitoba if final offer selection were allowed to pass, no such dark prophecy has come true and I have stated some statistics that would indicate that. I think that, as I stated earlier, final offer selection allows everyone to win. It has been proven by the three years that it has been in place.

What I mean by that is, not only do the individuals who are in the negotiating process, the employers and the employees who go through this process or do not go through the final offer selection process, as I stated, by the mere fact that this FOS legislation is in place, it has had a major positive impact upon the entire labour-management climate in this province. It has led to a major decrease in the number of days lost to work stoppages and, I would venture to say, has led to a far better climate in the province for both management and workers.

Specifically, the workers in individual negotiations win because they have a much better chance of not having to have lengthy and costly lockouts or strikes. Management wins for the same reason. They have a sense that both sides are working in good faith and that they are going to come up with reasonable negotiated settlements without having to go through a lengthy strike, which costs goodwill, costs sales and does nobody any good.

As well, the economy of Manitoba has benefited greatly by the implementation of final offer selection, due again to the fact that we have a very positive labour-management environment. It means that people are not out on strike, they are not using up strike pay. Strike pay does not come anywhere near covering the costs that these individuals who are out on strike are incurring. That is not only a problem for the strikers themselves, of which we are very well aware, but it also has very negative implications for the economy of Manitoba.

Every time you have a day lost to work stoppage, you not only lose the productivity of those days, you not only lose the productivity of the workers who are not working, which means that you lose the product or the service that would have been provided during those days, but you also lose the buying power of the people who are no longer able to purchase what they could, because they are out on strike.

So all people in the province benefit from final offer selection, just as all people in the province lose when there are strikes that occur. Final offer selection is a fair and an equitable way of dealing with the labour environment.

I would like to ask the Government in the few minutes that I have left if they have actually done any research on the implications of final offer selection? It is really, Mr. Acting Speaker, a rhetorical question on my part, because in my short two months in the House I have listened to and have asked questions of Members opposite in both the Question Period and Estimates and have been, frankly, disappointed with the quality and the calibre of the responses on the part of the Government House Members showing the fact that they review and they monitor, but they hardly ever have any hard data or any well-thought-out research to back up their claims.

I would suggest to the Honourable Members opposite that is also the situation in the case of the final offer selection. Their negative response to final offer selection is based on no reality. It is not based on economic reality. It is not based on social reality. It is not based on any kind of legitimate concern. It is based on ideology. It is based on -(interjection)- The Honourable Member states that it is based on principles. I would suggest that the Honourable Member may have a point there, that principles and ideology are very closely aligned in my books. I would suggest that -(interjection)- No, in response to the Honourable Member for Assiniboia (Mrs. McIntosh), as I stated in my first speech in this House, every single Member of this House has an ideology. Every single Member of this House has principles that they live by, that they attempt to live by.

\* (1520)

What I am suggesting is that the Government's reaction to final offer selection is based very clearly on the principles that have informed and underlined everything that this Government has done in the past and is continuing to do, which is to dismantle the social service network of this province, which is to dismantle the services that help workers, which is to respond solely to the bottom line, which is to respond solely to the corporate will of the friends who have supported them over the years. They have not done research, they have not come up with any logical, legitimate, specific concerns about this legislation. I would suggest that Members on this

side of the House are responding based on our philosophy and our ideology and our principles. We will do everything in our power—

### Point of Order

**The Acting Speaker (Mr. Laurendeau):** Order, please; order, please. The Honourable Member for La Verendrye, on a point of order.

**Mr. Sveinsson:** Mr. Acting Speaker, I was wondering if the Member for Wellington would be open to a question?

**The Acting Speaker (Mr. Laurendeau):** The Honourable Member for Wellington, please. That is not a point of order.

\* \* \*

**Ms. Barrett:** Yes, I would be more than happy to be open to a question at the end of my allotted 40 minutes.

Mr. Acting Speaker, could you let me know how many minutes I have left of my 40? -(interjection)- Two minutes. Thank you.

As I have stated, Mr. Acting Speaker, New Democrats are unalterably opposed to the repeal of final offer selection on the basis of principles, ideology and good business management practices. We are committed to listening to the many parties who have used final offer selection and will continue to fight until the very end to hold back the dead hand of Adam Smith for as long as we can, and Locke and Hobbes, and to continue to work for all people in Manitoba of all interest groups. Workers, employers, farmers, fishermen, trappers, every single person in Manitoba has benefitted either directly or indirectly from final offer selection. This Government will be held accountable for its actions if it repeals this legislation.

**Mr. Sveinsson:** Do I have leave for this question to the Honourable Member for Wellington?

**The Acting Speaker (Mr. Laurendeau):** Is there unanimous consent to give the Honourable Member for Wellington—Order, please; order, please. Is there time for the Honourable Member for Wellington to give an answer to the question. Is leave granted? Then there is leave.

**Mr. Sveinsson:** Mr. Acting Speaker, perhaps the Honourable Member for Wellington would give us her opinion on the quotes that I put forward by Mr. Schreyer and by Mr. Pawley. What is her opinion?

**Ms. Barrett:** I would be willing to give my opinion, but I did not hear the quotes that were referenced by the Honourable Member.

**Mr. Svelnson:** Mr. Acting Speaker, the quote goes as such—

**The Acting Speaker (Mr. Laurendeau):** Order, please. There was leave granted for one question and one question only.

**Mr. Doug Martindale (Burrows):** Mr. Acting Speaker, I am pleased this afternoon to put my views on The Labour Relations Amendment Act on the record.

When the Minister of Labour (Mr. Praznik) introduced his amendment with his speech, he paid me a compliment. He told me that I was the only one who was listening to his speech. In turn, I paid him a compliment. I am a little reluctant to place my compliment on the record. I am quite tempted, but of course I should not yield to temptation.

**An Honourable Member:** What is it?

**Mr. Martindale:** Well, as long as the Honourable Member will promise not to use this in his campaign literature the next time around in the election, to use this comment unfairly and out of context, I will put it on the record. I have the assurance of the Honourable Member that he will play fair.

After his speech I was talking to the Minister of Labour (Mr. Praznik) as he left the House, and I said to him that his speech sounded like that of a labour leader defending collective bargaining. Now, on the surface of it, Mr. Acting Speaker, it sounds like a reasonable thing to say. However, the operative words are, "he sounded like a labour leader." I am going to address my views on his comments. He is in fact not a labour leader. He is not a spokesperson for labour, and he has not adopted progressive stances on labour relations. Why is this true? Why am I claiming this?

I would like to quote further from the Minister's speech in Hansard, page 997, of November 9, 1990, he said: "It has been and remains our opinion that final offer selection undermines free collective bargaining." On page 998, he said: ". . . the fundamental strength of the collective bargaining process is an agreement which incorporates the different positions of labour and management while allowing for a win-win solution which both sides can accept and live with."

Well, what is the problem with these quotes?

What is my problem with these quotes? Why do I disagree with them? I would have to say that they are good as far as they go, but there are nonetheless a number of problems.

First of all, the Minister does not acknowledge that final offer selection is a viable alternative, and I will come back to that later. Second, the Minister does not acknowledge the problems inherent in the free collective bargaining process which, when it comes to what happens when collective bargaining breaks down, first of all and foremost is the matter of strikes but also not just strikes, but the problems of union busting, violence on the picket line, police involvement and support of management and owners in strikes and lockouts.

I would like to briefly go over some of my association with unions and some of the strikes that I have participated in on the picket line. It first began for me in 1967 or 1968 when I was working for Canada Post. During that summer of '67 or '68 they were talking strike. -(interjection)- You remember the one. -(interjection)- He was just middle-aged at the time, and I was just a young whippersnapper.

\* (1530)

I remember arguing with the postal workers. My brother and I took a devil's advocate view, and we argued against them going on strike to get what they wanted. All summer we hammered away at the postal union workers inside the post office saying, no, they should not go on strike, and telling them why they should not go on strike. However, inside we did sympathize with them, and when they did walk, we went to the picket line, we brought them coffee and donuts and they appreciated it very much.

More recently, I joined the picket line of the employees who worked for the casino, went down to the Fort Garry Hotel and joined the picket line there. -(interjection)- Well, Mr. Acting Speaker, I am not in favour of gambling. My church is officially opposed to gambling. However, I felt it was important to show the workers that I agreed with their cause regardless of where they worked, and so I joined them on the picket line. These were workers that were very, very concerned about that particular strike. They feared that the Government would force them to walk all winter. They feared that the Government was using them as an example.

The Honourable Member for Assiniboia (Mrs. McIntosh) says, did the Government? No, the



answer is they did not. They settled with the casino workers. Why did they settle with the casino workers? I would suggest they settled with the casino workers for one reason and one reason only and that is that the Government was losing somewhere between a million to \$2 million during the course of the strike. These workers were particularly fortuitous in that the Government was losing huge amounts of revenue, revenue to the health care system, of course of concern to the Minister of Health (Mr. Orchard), and that is why they settled that particular strike.

Last Saturday I went to CKY Television and joined the picket line in front of CKY Television. It was a very cold day. It was a bitterly cold day to be on the picket line in front of CKY Television, but I can tell you that the strikers there greeted me very warmly. They introduced me. They cheered my presence and I joined them on that very cold day on the picket line.

**An Honourable Member:** Did you get interviewed?

**Mr. Martindale:** I refuse to be interviewed by scabs working for CKY. In fact, the workers were quite surprised and even appreciative of the fact that the Government Caucus will not be interviewed by scabs from CKY as well. They cannot imagine why, but they are quite supportive and appreciative anyway. -(interjection)-

Well, Mr. Acting Speaker, I would suggest that the Minister for Assiniboia (Mrs. McIntosh) put her words on record on FOS legislation and tell why the Government is boycotting the scabs at CKY. I would be interested in hearing why. I do not know why the Government made that decision. Nobody told me.

What are the problems with the free collective bargaining process, especially problems that arise when it breaks down? First of all, the company, or any company, can use strikes to bust unions, and this is something that has frequently happened in the past. Companies can use a strike to lock out workers and hire new workers.

I received a call from a constituent recently who belongs to a union, works in a warehouse. He said that all the members of his union were called in on a Friday afternoon. At 3:30 on a Friday afternoon, all the warehouse worker union members were called in -(interjection)-

**The Acting Speaker (Mr. Laurendeau).** Order, please; order, please. The Honourable Member for

Burrows has some comments. Order, please. Order.

**Mr. Martindale:** Mr. Acting Speaker, I appreciate your intervention.

The reason the company called in the workers in the warehouse was to say, if the store workers, if the cashiers and the other store workers go on strike, we are going to lock the doors to the warehouse, and you are going to be out of work as well as the inside workers. This worker wanted to know if that was that an unfair labour practice.

My constituency assistant phoned Employment Standards and found out, yes, under the Labour Act of Manitoba it was an unfair labour practice to intimidate and threaten employees that they would be locked out if employees in another part of the same company's operation went on strike.

We are very fortunate that we have a labour law in Manitoba that prohibits this kind of threatening and harassing behaviour against union members. However, not all provinces may have similar legislation. I am quite sure, in fact, that in other provinces they do not, and this works to the detriment of union workers when there is a strike in one part of a company and another part of the company chooses to lock them out.

Next, Mr. Acting Speaker, I would like to rebut the defence of the Minister of Labour (Mr. Praznik) of the free collective bargaining process by pointing out the attitudes—well, his apparent defence of free collective bargaining, his attempted defence of free collective bargaining—and talk about the attitudes of the public, the attitudes of editorialists and even the attitudes of strikers when free collective bargaining breaks down and, indeed, there is a strike.

Let me begin with the headline in the Winnipeg Sun today, Strikes now a life and death battle. More labour turmoil predicted as workers fight to save jobs. We do not have to look very far to see the kind of strife that exists when unions feel forced to go on strike.

Also, I have a number of articles from The Globe and Mail referring to labour strife and strikes. In fact, I wish I had about three decades of articles to quote from editorials and news stories on the same topic, but these will suffice as examples. For example, in December 1989, the headline says, Ottawa moves to end federal strikes. Obviously, if Ottawa is moving to end them, then there must have been a reason or

a rationale for trying to do so which suggests that they viewed strikes as being, for some reason, troublesome.

Here is an article from February, 1989, from The Globe and Mail. Unions face new bargaining challenges in 1989. Some of the story is quite interesting. It says, and I quote: Hard-line bargaining and confrontation are likely for public sector labour negotiations in 1989, while private sector talks will become increasingly pragmatic. The dichotomy between the two groups in labour relations is becoming more pronounced. Public sector unions are worried about privatization, contracting out, and legislation designating many workers as essential which limits their right to strike. Here is some of the down side of the right to strike.

Here is a story from November, 1989. Court limits picketing at federal job sites—another imposition or infringement of labour's free collective bargaining rights. Here is an article from September, 1989. New walkouts fuel Quebec's labour unrest. The headline writers, if not the public, view worker strikes and work stoppages to be problematic. Similarly the inside story from September 13, 1989, Labour peace collapses as health care workers walk.

Probably that is the best example that I have of these articles, because as you and I all know the most troublesome kinds of strikes involve workers in the health care fields. Nursing homes would be just one example of many where the public are divided by these kinds of strikes, where unions are divided by these kinds of strikes and it puts people in terrible ethical dilemmas.

\* (1540)

Are they going to continue going to work and looking after, for example, elderly people in a nursing home, or are they going to exercise the right to strike and walk out and put great hardships and burdens on the owners of nursing homes, on the workers who cross the picket lines, on management who stay to staff these institutions, on the families and on union supporters and people who do not want to cross the picket line or people who do not even want to cross an information picket line? This is another example of the difficulty inherent in the free collective bargaining process when it breaks down.

I could give other examples that affect Manitoba, in fact, an example that affects probably the majority of constituents of the rural Members on the

Government side. I am referring to strikes in the grain handling industry or strikes in the railway industry, where, when there is a need for the grain to be moving to port and to be loaded on ships and you have -(interjection)- pardon?

Mr. Acting Speaker, I was not finished. I am saying the workers have a right to strike, but when they do, farmers and people like those on the front benches on the Government side get extremely incensed and say, let us legislate those people back to work, let us make them work to keep the grain flowing. They do not stand up for the rights of workers to strike. They scream and holler and say, get them back to work and get the grain moving. That is what those people say. We know that.

(Mr. Speaker in the Chair)

If the Minister of Labour (Mr. Praznik) feels that he is such a passionate defender of the rights of free collective bargaining, then the next time we expect to see him on the picket line supporting the right to strike of the grain handlers and the railroad workers. We will see if he does. -(interjection)- too late for caveats.

Yes, Mr. Speaker, I think that is an excellent example that the Member for Thompson (Mr. Ashton) has used and that is the nurses. I have been talking to quite a few nurses. In fact, during the election campaign I was knocking on doors in the medical apartments, and I met numerous staff from the hospital who belong to the union, belong to the nurses' union.

Six months before their contract expired they were saying, we are afraid that we are not going to get a settlement from this Government. In fact, I said that is a good reason to vote for my Party. They had no assurance that they were going to get the kind of sweetheart deal that this Government gave to doctors. In fact, they were quite sure that they were going to get a very different deal than the Government gave the doctors. They were prepared to walk months ago, knowing what kind of offer they were probably going to get from this Government.

To follow up on the suggestion from the Member for Thompson (Mr. Ashton), will the Minister of Labour (Mr. Praznik) be on the picket line with the nurses and saying to the nurses, I support your right to strike; I support free collective bargaining; you can count on me; I am going to be there; I will be there on the picket line with the nurses?

Mr. Speaker, we will be watching to see if the

Minister's actions speak as loudly as his words and see if he puts into action his comments about the right of free collective bargaining. Collective bargaining works as a means of resolving labour/management disputes only when both parties negotiate in good faith. In some instances, it takes the threat of a strike to force the employer to bargain seriously, but in the vast majority of cases the parties eventually get down to good-faith bargaining and a settlement is reached.

There are all too many examples, however, of employers who are determined from the outset to hold the line at all costs, turn back the clock or even break the union. There is no shortage of strikes that have been lost, bargaining units that have been destroyed and working people who have lost their jobs, all because the employer waged a war of attrition to drive the union out of the workplace. Present labour legislation allows them to do that.

It is not unknown for employers to take advantage of the situation and return collective bargaining to the law of the jungle. In fact, this is probably the key phrase. The Minister of Labour (Mr. Praznik) is defending a process which allows, in some instances, for the law of the jungle to prevail. Maybe that is the part of free collective bargaining that the Minister defends.

On the other hand, Mr. Speaker, final offer selection is an alternative which may be used by either of the negotiating parties. There are many individual workers who could benefit from the protection of union representation, but who are afraid of the prospect of being forced out on a strike. Probably a good example is the negotiations that are going on now. The union decided to have a strike vote, and 52 percent of the union voted to strike. The reason for that is the intimidation, harassment, threats of the company and what happened the last time when they were on the picket line. In fact, I was on the picket line with them on—I believe it was Grant Avenue. There were paddy wagons there. There were loads of police there. There were security guards there. There were video cameras, and there was confrontation. That is why only 52 percent of the union voted to go on strike.

Mr. Speaker, the Minister of Labour (Mr. Praznik) says that is what strikes are. Well, he is proving my point. He is helping me write my speech. I am very grateful to him.

When there is confrontation and when there is

violence that is the proof there needs to be a non-violent alternative. There needs to be a better alternative. There needs to be another way. There need to be better ways of resolving labour/management disputes. That is what final offer selection is.

Workers would welcome the news that in the final analysis a strike is not the only option and that there are methods of settling disputes without resort to extreme measures.

**Mr. Speaker:** Order, please; order, please. The Honourable Minister of Labour (Mr. Praznik) will have ample opportunity, when he is closing debate, to put his remarks on the record.

At the present, the Honourable Member for Burrows (Mr. Martindale) has the floor.

**Mr. Martindale:** It is okay, Mr. Speaker, I am finding him quite inspiring. He is really helping me with his comments, but I did get interrupted. I will have to read this sentence again.

Workers would welcome the news that in the final analysis a strike is not the only option and that there are methods of settling disputes without resorting to extreme measures. In this regard, final offer selection is also consistent with the present Labour Relations Act, which encourages collective bargaining and the unionization of employees as a basic human right.

Mr. Speaker, I would like to go back to the speech from the Minister of Labour (Mr. Praznik), since I find it gives me ideas and since I would like to rebut some of the comments that he put on the record.

On page 999, he said: "We are completely opposed to the legislation of this mechanism, its compulsory nature and the inherent unfairness in that it can only be approved as a method by employees. This opportunity is not afforded to employers."

Mr. Speaker, it gives I believe an advantage to employers that the Minister neglected to mention. It seems to me that if employers have an alternative or if they have a choice between choosing a strike and choosing final offer selection, that it is to the advantage of employers to follow the path of final offer selection. Since it avoids the violence, the confrontation and all the problems inherent in a strike. -(interjection)-

Well, the Minister from his seat says, they do not have a choice. That is true. It is the union's right to

choose final offer selection. I am saying that it is still an advantage for the employer that the employees choose final offer selection.

However, the Minister of Labour (Mr. Praznik) and I will have to agree to disagree on that.

Continuing on page 999: ". . . that at the heart of the free collective bargaining system is the free collective agreement, and that the parties themselves must retain the responsibility for reaching and maintaining agreements. While Governments must occasionally take action to protect and preserve public safety, and there may be exceptional circumstances where intervention is warranted, these circumstances must be exceptional."

I would like to speak and give an example to the Minister of one of the exceptional circumstances. You will recall, I hope, that in 1981 and 1982 when the Charter of Rights and Freedoms was being debated that there was a request to put a notwithstanding clause in the Charter. This clause that is now so famous in Canadian history and which in fact this Chamber had quite a role in commenting on.

At the time, it was argued and it was also assumed that the notwithstanding clause would not be used and it was partly on that basis that the Prime Minister of the Day agreed to putting the notwithstanding clause in the Constitution.

However, it has been used. I believe it has been used by Saskatchewan and by Quebec, and it was thought that this provision would not be used, but in fact within a very short period of time, it was used.

The reason I mentioned Saskatchewan is that I believe it was used by the Conservative Government in Saskatchewan to legislate nurses back to work, and this exception I believe is an important one because the danger is that it is going to be used by more and more Governments to get out of their obligations or even to skirt and get around the right of free collective bargaining, which the Minister of Labour (Mr. Praznik) would pretend he is such a great defender of.

\* (1550)

I would like to quote again on page 1000 from the speech of the Minister of Labour. He says: "One argument which is continuously offered as a reason for final offer selection is the need to reduce the number of work stoppages in our province."

The Minister argues that this is not the case because we do not have enough work stoppages to have good statistics on, et cetera, and you cannot compare us with other provinces because there are so few work stoppages et cetera. I believe that is the gist of what the Minister of Labour (Mr. Praznik) said.

If that is the case, Mr. Speaker, we will accept that is the case. Then why is the Government repealing the legislation? Why does the Government not let it run its course to the end? Why does the Government not extend the life of the legislation so that you do have statistics, so that you can track final offer selection over a longer period of time and then compare Manitoba, and compare work stoppages in Manitoba, or the lack of work stoppages in Manitoba, with other provinces.

We already have the example that is on record of Manitoba having fewer work stoppages than any other province in Canada except Prince Edward Island, right? Let us extend it over a longer period of time and see what the record is. I think the record would prove that final offer selection is a viable alternative and results in fewer work stoppages, fewer days lost to work stoppages, and fewer strikes in the Province of Manitoba.

Near the end of the Minister's speech the Minister talked about the Government's commitment to working people, to working families. I think the Minister, in these remarks, left out a few facts. For example, working people in this province do not vote for his Party, by and large. They do not vote for the Conservative Party.

Let me use Burrows as an example. In places like Burrows and others, people vote for the Party which defends the rights of workers, and they know that we are the Party that is going to stand up for the rights of workers. In fact, to the Minister of Labour (Mr. Praznik), you had a candidate running against me who was a union person, who was a shop steward for his union. What happened to him? He finished third, because the people in Burrows, and the people in the north end, and the people in East Kildonan, the people in Transcona, the people in Wellington, the majority of whom are working people - (interjection) - I stand corrected, Elmwood. The people in those constituencies know that the New Democratic Party is the Party that is going to stand up for the rights of workers, that we would bring in final offer selection - (interjection) -

**Mr. Speaker:** Order.

**Mr. Martindale:**—and that we would stay on course and see the experiment to the end rather than repealing it. It is the Members in the constituencies opposite, the Members on the Government benches whose friends, whose business friends, wanted final offer selection withdrawn. That is why they got elected. That is why they are doing this, to carry out the agenda of their business anti-labour, anti-union friends.

The other fact that the Minister left out, which I think is quite significant, is the history of the 1919 strike. It was a very significant omission because in the general strike of 1919 we saw the north end, the poor, the working class, the working people, the union people pitted against the south end of Winnipeg, the property classes, and the elite of Winnipeg. What did they do, what did the elite do? What did the people do who were trying to bust the union? What did the people do who were trying to break the strike? They appointed themselves as special constables. They took the law into their own hands. They conned the federal Government into oppressing workers and ending the strike with the use of force.

I know a couple of people who are old enough to remember the 1919 strike, and they tell very interesting stories. For example, my neighbour who was—let me see now—17 years old at the time of the strike. Her father worked for the CPR. He was on strike because he was a union member. I remember visiting her in the hospital one day, and there was an elderly person in the bed next to her. This lady's husband would come in and visit. He was a retired dentist, and he was in his late 80s. So, I said to him, sir, you are old enough to have been around and have been old enough to remember the 1919 strike. Now, here we have my neighbour whose father was on strike. They lived in the north end, lived on St. Johns Avenue, the same street I live on. You, you, where did you come from, where did you live? He said, well, we lived in Tuxedo. So, I said, what was your role in the strike, whose side were you on? He said, well, we went to our cottage on the Red River so that we would not have to get involved in the strike, which is a total cop-out in my view.

In recent weeks I had occasion to attend a reception on Wellington Crescent. It was a very interesting reception. The people who were the generation of the parents of the groom were mostly Conservatives and mostly business people and

mostly wealthy. The friends of the bride and groom were mostly New Democrats and mostly social workers and professors and teachers. So the conversations were very interesting. I met a lady who is the widow of Fred Tipping, who was a labour leader in the 1919 strike. I was quite surprised that this elderly lady was a part of the same family, so I said, well, things must get pretty interesting here. Here you have the wife of a labour leader from the 1919 strike on the one hand; on the other hand you have this inherited wealth of Wellington Crescent. That must lead to interesting conversations, and she says, oh, yes, it does; my sister-in-law says that during the strike there was a problem, we could not get milk during the strike. I said, well, she does not have her history right. The strike committee allowed the delivery of milk to children and babies.

So next time you get involved in a discussion about the 1919 strike, remind your family of this fact. They are distorting history, in fact.

The history of labour strife in this province goes back a long time. The divisions of the 1919 strike in many ways are still there. In fact, if you look at the electoral map, and you see the split between north and south in Winnipeg, you can see that the divisions, the socioeconomic divisions, and the labour management divisions in the City of Winnipeg, are still present. They have not changed very much. In fact, the Honourable Minister of Housing (Mr. Ducharme), if he would like to look at the control of City Council, can see, in the history of City Council, history going back to the 1919 strike.

**Mr. Speaker,** could you inform me as to how many minutes left I have?

**Mr. Speaker:** You have eight and a half minutes.

**Mr. Martindale:** I think the process of final offer selection is a very interesting one, and involves quite a few steps. I would like to read into the record the steps of the final offer selection process.

The first step is that any time between 60 and 30 days before the expiry of a collective agreement, either party may apply to the board for a vote. I am learning something here, Mr. Speaker, because the Minister of Labour (Mr. Praznik) suggested that only employees had any power in final offer selection, whereas 1(b) says that where a strike or lockout has lasted between 60 and 70 days, either party may apply to the board for a vote.

The second step is that members vote on the question: Do you wish to resolve this labour dispute

by the final offer selection process? If the answer is yes, the selection process begins. If the strike or lockout is in progress, it shall be terminated forthwith. If no strike or lockout is in progress, one shall not be entered into or caused. If the answer is no, the bargaining continues in the regular manner with both parties maintaining the right to implement step 1 (b) at the eligible time.

The fourth step, and this follows if the vote is yes, then a selector is appointed by the board. Where the parties agree on a selector, that person will be appointed. Where the parties do not agree on a selector, the board shall appoint one from a list maintained by the board for that purpose.

The next step is that the selector fixes the dates for filing of documents and for preliminary hearing.

The sixth step is that the selector holds a hearing to determine which terms and conditions are in dispute and to fix a date for selection hearings.

The seventh step is that documents are filed, final offer on all terms and conditions, supporting material, a list of terms and conditions agreed upon.

The eighth step is that the selector shall facilitate an exchange of file documents between the parties.

The ninth step is that the selector holds a hearing to allow each party to submit evidence and arguments in support of the final offers submitted to them. The hearing may be waived by agreement of both parties.

I think it is rather interesting to follow these steps, Mr. Speaker, because even in this process there are possibilities for compromise, dialogue and voluntary agreement by both parties.

\* (1600)

Step 10(a) is that within 48 hours of the hearing in No. 9, the parties may agree to remove any items from the selector, and shall so notify the selector. Step 10(b) is that at any time before the selector delivers this selection, the parties may agree to all of the items in dispute, and so notify the selector.

Step 11 is that within seven and 14 days of the hearing referred to in No. 9, the selector shall select the whole of the final offer, have the bargaining agent or the employer on the items still in dispute and so notify the parties in writing. The final is step 10 and a collective agreement.

Upon receiving the selector's decision the parties shall file with the board the terms and conditions

which have been agreed to between the parties, and the whole of the final offer selected by the selector.

Now I think this is a very interesting and worthwhile process, especially if you compare it to some of the problems inherent in free collective bargaining. The Members opposite will be familiar with situations where a union has said, we are going on strike because we want a 20 percent increase, or we want a 30 percent increase over the next three years. Many people would say, well, that is an unreasonable demand. On the other hand, management or the owner might be saying, well, we are going to give you a zero percent increase in the next year, or a 1 percent increase over the next three years.

So what happens is you have people who are starting at extreme opposite poles, people who are both starting from unrealistic positions, and they do not expect that their positions are going to be agreed to by the other party? In fact, I would suggest when they start the process they know they are not going to get a raise of 30 percent, and management knows that workers are not going to settle for a zero percent increase or no increase.

So you have an adversarial system right from the start which is doomed to failure. What happens as the two sides get closer and closer to a strike vote, as they get closer and closer to a strike date, as the union eventually walks out, both sides come closer together and eventually, after a great deal of negotiating and strife, they eventually arrive at an agreement. That does not mean that the process has been the fairest or the most just or that the process has been the best.

In fact, I would suggest that final offer selection offers a different process. It offers an alternative. It offers another process, in fact a better process to resolve the problems without going on strike.

What is the nature of that process, Mr. Speaker? Well, the nature of the process is that the union puts in a reasonable request. Not a request that they know is going to be thrown out as unreasonable by the arbitrator, right? The management is going to put in a request. They are going to put in a final offer that is a reasonable final offer, because the management does not want their offer rejected by the arbitrator, right, Mr. Minister of Labour? So both sides put in a reasonable offer, probably with less than 1 or 2 percent disagreement in wage settlements, because they know that they have to

be reasonable. Both sides know that they must be close to what an arbitrator is going to choose.

**Mr. Svelnson:** Mr. Speaker, I was wondering if the Honourable Member for Burrows (Mr. Martindale) would be open to a question?

**An Honourable Member:** Oh, of course, he would. Reverend Black always takes questions.

**Mr. Speaker:** Order, please. The Honourable Member—

**Mr. Svelnson:** Mr. Speaker, I would like the Honourable Member for Burrows (Mr. Martindale) to comment on a quotation that I put forward by Mr. Ed Schreyer, in addressing the Manitoba Federation of Labour, and it goes as such: We believe that this approach will produce more acceptable results than would rigid legislative procedures that would inhibit the parties from exercising their own ingenuity in finding, developing and refining ways of resolving difficulties. Would you comment on that?

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

**Mr. Speaker:** Order, please.

**Mr. Martindale:** Mr. Speaker, I would not try to speak for the Honourable Mr. Schreyer without consulting him first. I presume that these remarks are at least 15 years old, if not 20 years old, and that the Honourable Mr. Schreyer might have changed his views in this time and his views might have altered. I do not know, but it is quite possible that as a new idea came along, the Honourable Mr. Schreyer, being a progressive person, might have latched on to a new and progressive idea, but I have no idea what his views are on final offer selection.

However, I can assure the Honourable Member that the next time I see Mr. Schreyer, I will ask him. In fact I will give him the quote and say, now Members in the House were asking me what were your views on this quote, and explain to him that it was in the context of final offer selection and ask the Honourable Mr. Schreyer what his views are in final offer selection and then I will report back to the House. I would be happy to report back to the Honourable Minister and tell him what the views are of the Honourable Mr. Schreyer today, not some quote from 10, 15 or 20 years ago.

There seem to be no more questions. Mr. Speaker, my time is quickly running out and so I will conclude by saying that we on this side support final offer selection as being a reasonable alternative to union people and to management, one that we can

and do support, and we are opposed to this amendment from the Minister of Labour (Mr. Praznik), that it be withdrawn.

Thank you.

**An Honourable Member:** Mr. Speaker, I asked for his opinion on a quotation—

**Mr. Speaker:** Order, please; order, please. The Honourable Member has already spoken on the Bill.

**Mr. Gerry McAlpine (Sturgeon Creek):** Mr. Speaker, I am pleased to rise on the issue of final offer selection, to debate this very important legislation and to put my concerns on the record on behalf of my constituents in Sturgeon Creek. Unlike what the Member from across the way suggests, that the people in various constituencies do not work, it might be interesting to note that the people in Sturgeon Creek do in fact work and work very hard too.

To provide some background, Mr. Speaker, final offer selection was instituted in Manitoba as a statutory method of resolving labour disputes, as an amendment to The Labour Relations Act proclaimed in 1988. The legislation allows either the union or the employer to apply to the Labour Board for final offer selection between 30 and 60 days prior to the expiration of a collective agreement, or in the alternative between 59 and 71 days after the commencement of a strike or lockout.

Where either party applied for final offer selection, a vote among union members occurs, conducted by the union. If the majority of these employees vote in favour of final offer selection, then it is instituted. The position of the employer may not be sought nor taken into consideration by this process. In fact, the union and the employees have veto rights over the employer's application for final offer selection. These rights are not extended to the employer where the employees vote to have final offer selection. I would consider this a serious injustice, as it goes against the basic rule of equal rights for both sides in a labour relations framework.

There lies the unfortunate piece of legislation to the highest degree. An employer who risks everything he has ever worked for in creating a business, providing employment for many and contributing to the economy and welfare of this province, is placed on a tightrope, in many instances by the mere making of a one decision by both an employer or an employee. We consider that approximately 80 percent of the business in this

province, I believe, represents small businesses. Then what are we doing as legislators to contribute to the economy of this province with final offer selection?

Here again, Mr. Speaker, if the parties cannot agree on a selector, the Labour Board appoints one. This person must select either the final offer of the employee, or the final offer of the employer. This selector cannot take the best of both offers and/or alter either party's final offer. The selector must select one or the other. This might work in a situation where only one issue is in dispute, but how often and realistic is that the case that creates a strike.

\* (1610)

Therefore, what is the point of having it when the open collective bargaining process is available to both parties and is much more effective? Final offer selection creates an imbalance in labour relations, and when it is invoked by the union the employer cannot oppose it. Therefore, the employer is a reluctant participant. From what I hear, from the Members across the way, they do not really care what happens to an employer, nor do they realize that often what is bad for the employer is often bad for the employee also. Why are they so short-sighted and fail to see this?

Final offer selection is an all or nothing means of collective bargaining. One party is the victor while the other one loses. This would, in all probability, result in greater labour relations problems and increase the inability to settle disputes in subsequent years. The union, by using final offer selection, can be used as a threat to the employer that could force the employer into granting more concessions than he can afford and thus putting him out of business. This could be accomplished by the union structuring its final position in such a way that it may be very reasonable except for one issue. This issue may be one issue the employer or the employee would never concede to, but when the selector sees it, along with other issues that are reasonable, he chooses what he considers the best.

This strategy could also be used by the employer to the detriment of the union and to the employee. This one issue can make the difference whether an employer has a business, or the employee has a job. Either way, Mr. Speaker, the economic position of the employer or the employee are in jeopardy without all issues being addressed.

We on this side of the House are looking for a

win-win situation, not the opposite. We once again take action on this side of the House to restore balance to the maintenance of a strong and healthy labour relations climate, which ultimately leads to more jobs for the people of our province.

The final offer selection was part of the package this Party took to the electorate in the past election. The fact that Manitobans gave this Government the majority suggests they agree with our governing and the position we take on final offer selection.

The people of Sturgeon Creek recognize too well that the need to build a strong economy will be achieved by putting our labour shortfalls on the right track to attract businesses to Manitoba. Mr. Speaker, in speaking to this issue which I believe is based on sound and consistent principles, principles which I will strive to have my Party and my Leader continue to maintain, it is my belief that employers and employees themselves must retain the responsibility for reaching and maintaining agreements. While Government must take action to preserve and protect public safety, there is the rare occasion that Government shall intervene. However, these occasions must be the exception, and I stress, must be the exception.

Mr. Speaker, when we consider the use of final offer selection as a means of resolution, it has not been a popular choice of resolving disputes in the past two years. It would seem that given their preference, the parties to labour disputes have not been particularly enthusiastic about it. Then why does Manitoba need final offer selection?

We in Manitoba have not had a high level of work stoppage. We do not appear to have had serious difficulties in our labour relations, and lastly, final offer selection has not added any profound benefit to labour relations in Manitoba. There is really little evidence to suggest that final offer selection adds anything positive to our existing collective bargaining framework. In fact, there is evidence that it may have a negative effect on prolonging strikes.

I want to say that I respect the right of the Members opposite to differ with us on the need for final offer selection. However, I will not accept their position if their only reason for opposing it is political. Mr. Speaker, I stress the importance of Members across the way not making this important issue one that lends them the benefits of a political benefit only, and only that.

In conclusion, the only way final offer selection



can work in a fair and equitable way for the good of all parties, is to give equal rights to both employer and employees with respect to veto power of the final offer selection. I repeat for the benefit of the Opposition Members, equal rights for employees and equal rights for employers.

Mr. Speaker, I am a strong supporter of the free enterprise system and giving equal opportunities for everyone in this fair province. The free enterprise system built this country, and this legislation takes away this system and the freedoms. When our economy is in a struggling mode across this land, we need to dot all our i's and cross all our t's in order to rebuild a strong future for Manitoba. Accordingly, I would urge all Members, both sides of the House, to speak in support of a repeal of this amendment for the good of all Manitobans.

**Ms. Marianne Cerlill (Radisson):** I am pleased to stand today to speak and debate this important legislation. This is the kind of legislation that sets our Party apart from the other two Parties. We have one Party that is obviously opposed to labour legislation—it seems no matter what it is in progressing with labour legislation—and we have another Party that can never seem to decide where they stand on labour legislation. Their Party seems to change its mind. I can imagine that they are having a lot of problems deciding what they are going to do with this legislation at this time.

It is important legislation, in a negative sense though, because it shows very clearly there are other Parties that are going to have a hard time having a clear position. This legislation will highlight the fundamental differences between the Parties. It shows the way the different Parties view the world. We are a Party that believes people should have rights, and employees and workers should have rights. That is the basis of this kind of final offer selection legislation.

The right of workers to organize is fundamental to the New Democratic Party, and it is often seen as the basis of our Party. We also believe that any part of the community has the right to organize, as does the labour movement and workers. This will ensure that workers can bargain fairly and that their bargaining agents will have—final offer selection will ensure that bargaining agents can bargain fairly on behalf of employees. In the society that we live in, employers have an awful lot of power over workers. We always have to try to develop labour legislation to ensure that employees and workers are going to

continue to be protected. That is what FOS will do. I think we have to show that both can be protected, and this legislation, final offer selection, will ensure that both are protected.

\* (1620)

We have a culture where people really are identified and determined by the kind of work that they do. That only emphasizes the kind of power that employers have over their workers. We have to continue developing legislation that is going to try to balance this out. Final offer selection has shown that damaging strikes can be alleviated. It has proven itself to benefit not only workers and employees, but also employers and business.

Mr. Speaker, that is why the New Democratic Party is categorically opposed to the Bill that would repeal final offer selection. We are up-front about this. We are clear on this, unlike the Liberal Party which I have also said will probably change its mind quite a bit or has changed its mind quite a bit. We are very, very clear about this. We are clear when it comes to this kind of legislation.

Let me say a few things about the history of final offer selection. Even though it has only been in effect in the province for a short time, it has proven itself. In that short time, there have been, I think, seven cases where it has been utilized.

In those seven cases, three saw a decision on the side of the employer and four on the side of labour. Now this seems quite fair to me and should show that it is not biased legislation, that it is fair legislation. It is not pro-business, or it is not pro-labour, but it seems that there are going to be decisions that could be made on both sides, both of a dispute. It shows that it is successful legislation.

Initially, there was some concern, both in business and in labour, that this would not be the case, that there might be a problem with final offer selection, but even though it has only been in use for such a short time, we have seen that it has been fair, and it has been effective.

If we look at the number of days lost to strike since final offer selection has been used, we can see that Manitoba can be proud of its record on loss of work days to strikes. Since January 1990 till April, there were only 570 person days lost in strikes. This is the second lowest in Canada. This is another example of how final offer selection has been successful. It has been promoting industrial peace in Manitoba.

If we compare Manitoba's record to Ontario,

where there have been 151,180 days, person days, lost in that same period or to Quebec, where there have been 350,070 lost, those are the provinces that are the largest in the country. They may have more industry, but it shows that they would be wise to follow Manitoba. I would think that, particularly Ontario, they would be looking to do that and to introduce final offer selection rather than, as this provincial Government, this Conservative provincial Government, is considering doing with repealing it.

Mr. Speaker, final offer selection has done so much to promote industrial peace in Manitoba. I have cited some examples of evidence to show that this is true, but I find myself asking the question, since it has been so successful and obviously works so well, why would this Government be considering repealing it? The only answer I can come up with is that this Government will do whatever the business community tells it to do without any regard for the consequences.

This Government has accused us of being one-sided and not open to listening to the community. It seems like they have not considered both sides either, because obviously they are only listening to their big business friends who have been telling them to repeal final offer selection without any regard to looking at the evidence which shows that it has been successful.

It has benefitted working people in Manitoba by preventing strikes. I think there has been ample evidence. I cannot understand why they would not go and have this legislation remain in place for the full amount of time that it was intended, to give it a longer trial period to see if this success would continue before they out and out repeal it as one of the first things that they have done.

We on this side of the House believe this is happening simply because it was one of the promises they have to make to the business community when they go into an election, to ensure that they are going to have the kind of funding that they rely on, which is funds from the business community, from large business and large corporations. I would not think they would get much support with their campaigns from average working people. So I would think that is why they are in a hurry to fill their promises that they make in elections and repeal this legislation so quickly.

Strikes are costly, and it is in everyone's best interest to avoid them. That is another reason I

cannot understand why they would not support final offer selection. I know some Conservatives, I have met some Conservatives, who cannot even bring themselves to say the word strike. I would wonder why, then, are they against this legislation which has shown itself to avoid strikes? What this legislation does is it forces the two bargaining groups to commit themselves to bargaining fairly, rather than to bully each other and eventually come up with a strike.

This legislation in a sense then is taking away the option for a strike. It is not taking away the option for employers to lock out. We have already heard some examples of how final offer selection has shown that it is good for Manitoba, how it has worked in Manitoba in the past, and how I think it would continue to work for Manitoba in the future.

In many cases items in dispute can be resolved before an impasse is ever reached. Final offer selection is simply another tool for negotiators to use in trying to avert an impasse, in trying to reach the best settlement for all the parties. It is there to ensure two parties will meet and will keep in mind that they are trying to negotiate a fair contract, and that they will deal with the issues and the concerns of both parties in a fair way. It is there so that the two parties involved in negotiations will try and understand the other person's tastes and interests and try and ensure that they present a fair package so that a strike can be averted.

Mr. Speaker, final offer selection fosters a win-win situation. Win-win situations occur when one side will really look at what the other side's interests are and vice versa. This kind of legislation, final offer selection, will try and generate more of that kind of consideration in labour negotiations for contracts. This is more in keeping with the process of mediation, which is where that win-win situation is always strived for.

Final offer selection then simply helps the negotiators on the employer and the employee sides to focus on the issues in a dispute. It is a way of getting people to think about the bottom line. That is a phrase, the bottom line, which is used and thought of often by the Conservative Governments that we have in this province and across this country. They think of the bottom line when they are talking about child care, when they are talking about the environment, and when they are talking about services to young people to create jobs.

\* (1630)

This Conservative Government will continually think about the bottom line, so I think that they would be used to, and welcome, legislation like final offer selection, which will ensure that two sides in labour negotiations would consider the bottom line. It eliminates some of the negative posturing that is so common in collective bargaining situations.

Let us not forget that both sides of the table have something to gain from using final offer selection.

Let us not forget that in the majority of cases where final offer selection has been filed for, in other words where an impasse was reached in negotiations, both parties, both the employer side and the employee side, the bargaining agent, supported that application. The results have been that even after the application has been made, many parties were able to settle their differences and sign a collective agreement that would—and why would that happen?

We have already heard that there have only been seven cases where final offer selection has actually been used, and as I mentioned earlier, of those, three were on the side of the employer and four were on the side of labour.

That is extremely positive that the results have been that even after an application has been made, many parties are able to settle their differences and sign a collective agreement.

As I have said, positions taken during negotiations become refined. The parties are forced to focus on the real issues in the debate. There is a potential for serious losses, Mr. Speaker, if the parties lose sight of the real purpose of collective bargaining. Final offer selection merely helps the two parties ensure that they focus on what the real issues are and to focus on what kind of an agreement is going to create a settlement as quickly as possible without having a strike and to sign a collective agreement.

In spite of the fact that in the negotiation process, proposals get refined, negotiators sometimes lose sight of the very important end objective. Final offer selection simply highlights the fact that when parties put their final offer on the table for consideration they know that a selector is to choose one or the other. It is this potential for loss that will ensure that both sides will try to create a package that is going to be most likely reasonable so that the selector will select their package.

The union could stand to lose considerably, not

only in terms of their credibility with their membership, but also in terms of lost concessions or lost dollars if their final offer is not the one selected. It is obvious that they would try to create a package for the negotiations and present that before the selector, that would be reasonable.

On the other hand though, the employer can also stand to lose a very great deal. There is a bottom line. The negotiator knows well beforehand what the losses will be if the offer is made and the bases of that bottom line are not selected. Even after final offers are put on the table there is still an incentive to negotiate and see if a mutual deal is possible.

As I have said, out of the number of cases, over 40 I believe, where the option for final offer selection has been selected, only seven times has final offer selection been used. Even after the final offer is put on the table there is still an incentive to negotiate to see if there is a mutual deal possible, and in fact this is what, far and away, usually happens. There is no gain for either side in having the party feel as though they have lost in face or in dollars during negotiations.

The fact that negotiations continue because no one wants to be the loser in collective bargaining context, neither party really wants the other to lose by promoting continued negotiations and by promoting a win-win attitude toward negotiations. Final offer selection encourages good faith bargaining, and that is why it has worked in Manitoba.

Mr. Speaker, collective bargaining does not take place in a one time only context. There is a continuous relationship which exists between a company and its negotiators, and labour and its negotiators. It is impossible to have bad negotiations time after time and still have a productive working relationship between employer and the employee.

Final offer selection works well in Manitoba because it has within it a clear recognition of the fact that negotiations proceed on a continual basis, but that occasionally assists in requiring to get past a stumbling block. It does not work like the traditional arbitration methods which freeze and alienate the bargaining process. Under traditional arbitration the incentive is to offer extreme final positions in the hopes that the arbitrator will choose a settlement somewhere in the middle. This practice does not encourage either side in the negotiations to really try

to look at and understand what is going to be agreeable to the other party.

FOS on the other hand encourages a more reasonable final offer because neither side wants to be faced with a totally one-sided final decision. It is not to their advantage to put forth an extreme offer, which would likely be rejected by the selector. It is to their advantage rather to put a reasonable offer or to continue negotiating for a settlement. The whole idea is that each party will move toward a decision that they feel the selector is likely to make.

As I said, it will try to incorporate some of the practices in mediation which move to a win-win situation by forcing the opposing side to try and understand and consider what the other side is going to accept.

When it comes right down to it, right down to the crunch, Mr. Speaker, we all know that it is the employer who can call the shots. The employer still holds control over the hours and conditions of work and ultimately whether the operation remains viable. Legislation like final offer selection does not impinge upon these rights. The only obligation that is placed upon employers by final offer selection is an obligation to be reasonable, to try and generate a package for the negotiations that would be reasonable and acceptable to the opposite side. That obligation for reasonableness is part of all negotiation positions taken by the parties in collective bargaining. It is part of the final offer that is put forth for selection if that is what it comes down to. The obligation is placed upon the parties to be reasonable in their attempts to continue negotiating in good faith.

\* (1640)

In spite of some of the very harpish rhetoric which has come up time and time again on debate of final offer selection, in spite of the Chamber of Commerce saying that a dark cloud would settle over Manitoba, no such dark cloud has come true. We have seen by the wonderful record that Manitoba has in hours lost to strikes that final offer selection is successful.

So, Mr. Speaker, if it isn't broke, why should we fix it? Why should we repeal final offer selection when it has proved to be such a worthwhile and effective legislation? The fact is that many of those who were initially opposed to final offer selection now realize that it can work to their benefit. It can work to promote harmony between labour and

management in Manitoba labour relations. It can be a useful way of resolving disputes before they turn into strikes, as we have seen in the figures that many of the people on this side of the House have stated.

I would think that if the Members opposite really wanted to, they would take a look at those figures and also realize that final offer selection is working, and there is no reason for it to be appealed. The fact is that labour legislation in Manitoba is not one-sided, as Draconian, to quote a phrase used by the Liberal Leader (Mrs. Carstairs), as the Government in the second Opposition would have everyone believe. Our laws are well-balanced and work for all parties.

To destroy this legislation framework is nothing short of irresponsible. Yes, Mr. Speaker, it would be irresponsible. Although the other side has accused this side of the House of being bound by ideologies, it shows that they, too, are bound by ideologies, but ideologies that do not, especially in this case, prove to be anywhere near workable. When we have perfectly fine legislation like final offer selection which is working in Manitoba, they, out and out, without looking at any of the research which shows that it is successful, want to repeal it.

Mr. Speaker, having said that, I will now say that the New Democratic Party will use every mechanism in our disposal to stop this pro-business Government from rolling back our legislation. Most Manitobans expect the Conservative Government to do this. Most Manitobans are familiar with their approach to labour legislation. They have made their promises to their business ties. They will be held to those promises. I do not even want to think by how, by what methods, but they have promised to repeal this, and that is what they are trying to do.

Most Manitobans expect the Government to do this, and as debate proceeds on this and other labour legislation in this House, I think their agenda can become quite obvious. This brings me back to the same point. Why is this Government so anxious to destroy this current fair system of labour relations in this province? This province has seen that final offer selection is working. What kind of pressure has been placed on them by the Chamber of Commerce, and why will they not stand apart from their ideological right-wing platform long enough to realize this is good legislation and that it should not be revoked.

We have seen that it has worked in Manitoba. We

have seen that it does not need amendment. We have seen that it has been fair legislation. The Liberal position is coming clear. They are asking for amendments, another one of their willy-nilly waivering kinds of straddle-the-fence positions. We have seen that it is working. Why would we not want it to go through its entire period that it was intended to go through when it was introduced? Why would they want to repeal it at this time, which it seems like is going to be supported by the Liberals?

Along with these fundamental ideologies behind which the Conservatives, and it seems like the Liberals because they have their bills paid by the same business people and maybe a few other lawyers thrown in—in fact, as we saw during the elections, the Liberal corporation donations in the last campaign were even higher than the Conservatives. The percentage of funds for their campaign was higher than that of the Liberals. It will be most interesting to see if the Liberals can actually get together and decide on a position this time around. Now that there are few of them, it should be easier for them to make a decision and to take a position on this Bill, and to stick to it.

The fundamental issue though, Mr. Speaker, is who do the Liberals represent? They have a history as a Party of trying to stand on all sides of all issues. I would not think it has worked all that well for a Party as old as theirs not to have the ability in Manitoba to retain the seats they had prior to this election. Their record in Manitoba does not—

**Mr. Speaker:** Order, please; order, please.

The Honourable Member has been recognized to speak on Bill 12, The Labour Relations Amendment Act, and I would ask her to keep her remarks relevant to said question, please.

**Ms. Cerilli:** I would just hope that the Liberals are careful when they develop their strategy so that they will do what is best for the people and the economy of Manitoba on this important legislation.

The New Democrats will do everything in our power to stop the repeal of this Bill, or of final offer selection. That is because we are committed to working people of Manitoba. We are committed to providing leadership in the area of labour relations, which has happened in the past, and which was shown when we introduced this legislation which has shown—in Manitoba—to work so well. We are committed to listening to the many Parties who have used final offer selection and who say that it is

working, and we are committed to ensuring that Manitoba's economy and the labour relations climate remains strong in Manitoba.

If the legislation has worked up to now, why the fear on the part of the Conservative Government that it should be immediately repealed? Has this been on their agenda for some time, in spite of the fact that FOS does work and that the record of final offer selection is not seeming to suddenly change? The position taken by this Government does not make sense, it is not rational. It does not show, as they try to say, that they are going to consult. I wonder if they have consulted with labour. It is important that they consult on all issues when they are going to stand up and say that they are a Government that listens to the people. I am wondering if they have consulted with labour in their decision, which would withdraw this legislation. I wonder if they have considered that since labour is directly affected by this legislation, that they should be consulted.

How can they at one time take the credit for standing up in the House and saying what a good record Manitoba has in terms of days lost to strikes, and then on the other hand say that they want to repeal the very legislation that is encouraging that good record? It just does not make sense, it is not logical. It is a mostly irresponsible action that this Government would take if final offer selection was repealed. I think we would see, especially with the number of contracts that are coming up, that there would be very stressful negotiations. Many people in the province would feel threatened, and many families would suffer. It would be a decision based on ignorance, it would indeed be an unfortunate decision.

Too often in collective bargaining energies are wasted in fighting each other rather than in seeking a common ground on which parties will eventually settle. However, we must point out that final offer selection, while valuable in its own right, is by no means a solution to the inequities in the collective bargaining system. There is still the need for further development of practices and legislation that would encourage fair bargaining and would encourage parties to come to the bargaining table with the intent on settling on a fair settlement that would take into account the needs of both sides.

\* (1650)

The tremendous powers and legal rights of

management must be counterbalanced by equivalent strength on the part of unions and the labour movement if meaningful negotiations are to ever take place. If negotiations are to produce fair contracts, we have to have systems in place, legislation, and we have to have systems that are going to ensure that there can be fair and equitable chance for both parties to reach a collective agreement that is going to be fair and satisfy both sides.

In the final analysis, the only source of bargaining power available to the union is the ability to withdraw their labour and bring the operation to a halt. That is what this legislation is trying to avoid. It takes away that threat. If it is opted for 30 days prior to the end of a contract, both parties will be guaranteed that there will not be a strike. If management enjoys the right to give away the jobs of striking voters to scabs—and that is something that is an abhorrent situation—then we need the kind of legislation that final offer selection is. That needs to be balanced in bargaining power.

When working people witness the theft of their jobs by scabs they are inclined to protect those jobs vigorously. Often, unfortunately, violence can result. Hence, we want to try and develop legislation that is not going to bring those violent, damaging and upsetting kinds of situations. That is the kind of thing that final offer selection has done, and the kind of situation which it guarantees will not occur. We continue to take the position that anti-scab legislation is not dispensable. Final offer selection is but a valuable alternative and a useful option in the collective bargaining arena.

The reason I support final offer selection over conventional arbitration is precisely because it creates pressure on both parties to negotiate in good faith, unlike conventional arbitration which creates incentives for parties to drive their demands further apart. That is what has happened with conventional negotiations. Each party would come to the table with the most extreme positions and hope that there would be some settlement somewhere in the middle. Final offer selection is a much more reasonable, adult way to go about these kind of negotiations. It creates an incentive to come closer together and to try and create an understanding or to generate an understanding for what is going to be agreeable to the opposite side. At such, it complements the collective bargaining process and can contribute to productive

negotiations which make it unnecessary to invoke final offer selection procedures.

As we have seen in the majority of cases where final offer selection has been opted for, there have only been seven cases where it actually has been used. In fact, the success of final offer selection may be measured by the infrequency of this use.

Mr. Speaker, can you please inform me how much time I have left?

**Mr. Speaker:** Two and a half minutes.

**Ms. Cerilli:** In conclusion, we believe that the NDP Government of Manitoba made a wise choice with the introduction of final offer selection. It improves the balance of forces at the bargaining table, while at the same time expanding, not restricting, the options available in the negotiation process.

When negotiations break down, we need more civilized alternatives to achieve fair settlements without unnecessary confrontation. FOS provides this. FOS provides the kind of incentive where both parties are going to come to the table with the intention of creating a fair settlement, with the intention of trying to understand what is necessary for the other side to accept their position.

We are going to get away from the kind of bargaining where the two sides bring out the most extreme position. It is a step forward in labour legislation. It has proven itself to be effective, Mr. Speaker. It has shown that it is going to decrease the number of strikes. It has shown that it is going to decrease the amount of time or amount of work lost in strikes, and that is why I, and that is why our Party, support final offer selection, and opposes any legislation that is going to try and repeal it.

With that, Mr. Speaker, I would like to conclude my remarks. Thank you very much.

**Ms. Rosann Wowchuk (Swan River):** Mr. Speaker, this Bill is a very important piece of legislation, and I am pleased to stand to speak on it. It is important because if passed, it will undo something that is working. This Bill shows the difference in philosophy between the pro-business Conservative Government and the New Democratic Party.

**An Honourable Member:** Who are they for?

**An Honourable Member:** Workers. Union workers.

**Ms. Wowchuk:** For workers, for workers.

It outlines the fundamental difference in how we

view the way in which business and labour interact. The New Democratic Party is opposed to the Bill because of what it is trying to accomplish. The present legislation is working. There are facts to prove it. There is a saying, if it is broke, don't fix it—

**An Honourable Member:** If it isn't broke.

**Ms. Wowchuk:** If it isn't broke, don't fix it—Thank you—and that is what we have here. We have to wonder who the Government is thinking about and who will benefit from this legislation?

Our Party is up-front with their opposition to this Bill, and we are not going to flip-flop as Members of the Liberal Opposition have in the past.

It is true, Mr. Speaker, that on both the business and labour side there have been those who were opposed to the legislation. When the Bill was introduced, there were those who opposed the legislation. However, when the MFL held their convention in 1987, when the legislation was introduced, it was passed overwhelmingly by the delegates at the convention. The MFL represents a large majority of the working unions in Manitoba, a large number. Thousands and thousands of workers are represented by the MFL.

There were members of the Canadian Federation of Labour and the federal Federation of Labour opposed to final offer selection initially, but those who opposed earlier now believe that the legislation is working in the best interests of working people of Manitoba, and that is what it was set out to do.

Mr. Speaker, there are those on the Government side, and among the Liberals, who say, yes, it is working, but it is working only for the workers and not for business people. We are not surprised that the Liberals and Conservatives are concerned about their corporate friends. We should not be looking at who will win and who will lose, because with the present legislation both sides win. Both sides will win with this legislation. Look at the results of negotiations with final offer selection—

\* (1700)

**Mr. Speaker:** Order, please; order, please.

The hour being 5 p.m., time for private Members' hour. When this matter is again before the House, the Honourable Member for Swan River will have 37 minutes remaining.

## PRIVATE MEMBERS' BUSINESS PROPOSED RESOLUTIONS

### RES. 7—SENATE ELECTION

**Mr. James Carr (Crescentwood):** Mr. Speaker, I move, seconded by the Member for Inkster (Mr. Lamoureux),

WHEREAS the Liberal Party of Manitoba recognizes the importance of reforming the Canadian Senate; and

WHEREAS Manitobans have consistently called for a Senate based on the principles of equality, effectiveness, and democratic election; and

WHEREAS the Prime Minister has been rapidly filling vacant Senate seats;

THEREFORE BE IT RESOLVED that the Government immediately introduce legislation that would permit Senate elections for the Province of Manitoba; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba request that the Prime Minister not fill Senate vacancies in Manitoba until the province has conducted a Senate election.

#### **Motion presented.**

**Mr. Carr:** Mr. Speaker, I am delighted to rise yet once again in this Chamber to talk about the issue of Senate reform. The last time that we raised this issue in the Senate, Members on the Government side saw fit to speak in favour of it. They proposed an amendment at the same time, because they did not like some of the wording, but certainly they appreciated the concept and gave it some support.

We do not expect support from Members of the New Democratic Party on this issue, because the New Democratic Party believes that the Senate ought to be abolished, Mr. Speaker. So what I intend to do is to spend a few minutes on the issue of why we need a Senate in Canada, why that Senate ought to be elected, and what the best route will be for us, to take us from where we are now down the road to an elected Senate.

It was a well-respected Conservative, as a matter of fact a former Premier of this province, Duff Roblin, the hero of the current Premier (Mr. Filmon), who said that the first principle of democracy is representation by population, and the first principle of a federation is equality of the provinces.

By virtue of the Senate and its formation in 1867,

we gave the provinces and the regions of the country some opportunity to balance the wheel of confederation, which is very often out of balance because of the majorities in the House of Commons. We have seen how the provinces of the country, and in our own case, Manitoba, is left out in the cold by virtue of passing majorities controlled by central Canada, controlled by the provinces of Ontario and Quebec. That is not in the interests of regions such as the Atlantic region or of the West, and we seek to change that by making the Senate an effective and democratically elected institution.

Why an elected Senate? We all know, Mr. Speaker, that the Senate has all of the constitutional authority it needs right now. It has the same constitutional powers as the House of Commons with two exceptions. It is not a confidence body, which means that it cannot defeat the Government, and it cannot introduce Supply motions. It cannot spend the taxpayers' money, because it is not an elected body. It does not have any electoral legitimacy because it does not have electoral authority. The people have not vested within the Senate a transfer of power to it in order to exercise the constitutional powers given to it.

That is why we see right now a constitutional crisis in this country by virtue of the Prime Minister's stacking of the Senate, swamping of the Senate, in order to create an instant majority so that he can pass legislation which is controversial in the country right now.

May I say in passing, Mr. Speaker, that we are in this country now in the midst of a constitutional crisis and we cannot find leadership anywhere. We certainly do not find leadership from the Prime Minister and from the Government of Canada.

As a result of that we see all kinds of commissions which are being constructed. We now have the Spicer commission, which has a mandate to consider all things Canadian. We have the commission that was arranged by the Government of Quebec, which is going to come up with some kind of alternative to the constitutional status quo. Will it be sovereignty-association; will it be separation? We will be creating here in Manitoba our own constitutional task force which will look at among other things, the nature of an elected Senate.

The one place where we are not finding any kind of focus or attention to the national malaise is from

the Prime Minister himself. Just the other day we heard him criticizing the Leader of the Liberal Party, Jean Chretien, for, and I am quoting now the Prime Minister, hiding under his pool table during the debate over Meech Lake. The Prime Minister is looking wherever he can to pin blame. He is pinning blame on the current Leader of the Liberal Party. He is pinning blame on Premier Clyde Wells of Newfoundland. I expect in his private moments he probably even blames the Premier of Manitoba, and the other Leaders of provincial Parties in this province for the death of Meech Lake. There is only one individual that the Prime Minister does not blame, Mr. Speaker, and that is himself. Where the focus of decision making and leadership rests is the one place where the Prime Minister does not look for assessing blame for the constitutional impasse and crisis that this country is currently in.

The major question that we have to deal with is how do we -(interjection)- well, the Leader of the Opposition (Mr. Doer) is using the word "hypocrisy." I do not know what he is referring to, but he is encouraging the Senate to defeat the GST. At the same time he calls for its abolition. If that is not hypocrisy, Mr. Speaker, I do not know what is. We do not have to take any lessons from the Leader of the Opposition on the question of Senate reform or on the appropriateness of this current issue.

The question that we have to deal with within this resolution is how to achieve the objective of an elected Senate, and I want to share with my colleagues in the House a little bit of history. The history that I want to talk about is how the American Senate ultimately became an elected body. When the founders of the American Constitution delivered finally this magnificent document to the people of the United States, the Senate was not elected. Senators, as a matter of fact, were appointed by the State Legislatures. This is something that was not changed until the constitutional amendment in 1913, and if you count back from the days of the constitutional conferences until 1913, you find that it took 124 years for the Americans to move from an appointed Senate to an elected Senate. If you count 124 years from 1867, Mr. Speaker, you will have July of 1991. We on this side of the House, we in the Liberal Party, hope that by July 1991 we will have an elected Senate. It is interesting to watch the process, to observe the process with hindsight that brought the Americans from an appointed Senate to



an elected one. It was in the State of Oregon in the year 1905, I believe—1908.

**Mr. Downey:** I recall it. I remember it.

**Mr. Carr:** The Deputy Premier says he remembers, and I would not quibble with his recollections. In 1908, Mr. Speaker, the Oregon State Legislature passed a Bill which required the State Legislature to endorse the candidate chosen by the people of the State of Oregon in a statewide election. In the wake of that historic and path-breaking decision by the legislators of Oregon, 21 other states followed their example before the 17th Amendment was passed in 1913 making mandatory elections for the U.S. Senate.

Just for the historical record, Mr. Speaker, George E. Chamberlain, was the first popularly elected U.S. senator, and he was the first democratic senator from Oregon since the 1870s. This is a very interesting and illustrative example of the historical processes in the United States. The people of Oregon decided in their wisdom that senators ought to be elected, not appointed.

\* (1710)

We can talk about the Alberta situation where the people of Alberta decided that a senator ought to be elected rather than appointed, and then within five years of that historic decision there was a constitutional amendment from the United States allowing for the democratic election of all senators of all States.

What we are saying in our resolution, Mr. Speaker, is that we ought to consider and to encourage the Government of Manitoba to consider passing legislation which allows the Government of Manitoba to sponsor a democratically elected Senate. In that way, we will show leadership, leadership which we cannot find from the Prime Minister.

Let me be quick to add that this is not the way a Constitution ought to be amended. It is not the best way for us to move toward an elected Senate. The best way would be for the Prime Minister of this country to make it a matter of federal policy and then for him to convene a constitutional conference, not of politicians only but of people who have an interest in the evolution of our country, in order to achieve consensus of the kind of shape this new reformed Senate would take. We cannot wait for the leadership of the Prime Minister. We do not think some of us will live that long, Mr. Speaker, so it is

left to us to provide leadership the same way as the visionaries of Oregon in 1908 provided the kind of leadership that propelled the United States into almost a revolutionary reform of their Constitution. This is not just the dry theory of constitution we are making here, Mr. Speaker, as the Leader of the Opposition (Mr. Doer) would have us believe, but this is important for the everyday lives of the citizens of Manitoba.

Far too often we are left out of decisions taken by federal Governments in this country, because we do not have the kinds of levers we need to make sure that the pressures are brought to bear by the regions at the centre. Now there are those in the Conservative Party and maybe even those among New Democrats, who believe that the answer is to take power from Ottawa and give it to the provincial Governments, that the provinces ought to have more power, that the Premiers ought to be exercising more authority than they have now.

We say, no. We say the way to keep a country, such as Canada, together is through a strong central Government where the regions have power within the national Government itself and an elected -(interjection)- Well, the Member for Burrows (Mr. Martindale) said the NDP has always said that. I hope he will stand in his place today and give support to this resolution for an elected Senate which is the best way of assuring that the regions have influence and can bring the regional influence to bear, not through the practice of power by provincial Premiers, but through the actions of a national Government.

Mr. Speaker, the time for Senate reform has come. We should say that in citing the American example that there was ferment during those early days in the 20th Century, that there was a movement of agrarian Populism that talked about the principles of the referendum, the initiative and the recall. That is where the people themselves had some direct influence on the affairs of Government, the concept that if a politician was not performing well enough for the people, the people have the power of recalling those politicians through a vote. The people, through a referendum, could promote policy or prove policy.

That kind of ferment that we saw developing in the western United States also occurred in Canada through the Progressive Party. The Member for Wolseley (Ms. Friesen) will remember well the Populist movements of the West. It had the same

kind of principles—(interjection)—No? I am not suggesting for a moment that the Member for Wolseley was there to experience the Populist movement directly, Mr. Speaker, but I know certainly she has read about it. That same kind of Populist ferment exists today. We see it in the rise of the Reform Party in the West. We see it in the nationalism of Québec, and we see it in dissolutionment with national institutions, with the central Government itself. This kind of dissolutionment is taking root again here in the 1990s in Manitoba and west of us, just as it took root with the people of Oregon in 1908, just as it took root in the Populism and the agrarianism of the early days of the century.

The lesson that we can take is that when we do not find leadership from our federal leaders, then it is up to us to show them the way. What the people of Manitoba can do through their legislators, who have the power to pass a statute enabling them to speak to the issue of electing a senator, is to say the time is now, the responsibility is ours for a stronger Manitoba within a stronger Canada. Thank you, Mr. Speaker.

**Mr. Jerry Storle (Filn Flon):** Mr. Speaker, once in every long while a truly stupid idea comes along, and this is that idea. This is that idea. (interjection)—No, it is not directed at the Member for Crescentwood (Mr. Carr).

The idea of reforming the Senate has been around for many years. I cannot tell this Chamber who the original author of that particular stroke of genius was, but this particular Member is here purporting to defend the idea that the Senate can be reformed.

Mr. Speaker, the idea of reforming the Senate is similar to the idea of reforming the Mafia. You do not reform the Mafia. You abolish it. The fact is that the Senate as a body, in terms of our history as a country, has done absolutely nothing to contribute to our welfare, to protection—absolutely nothing.

If anyone in this Chamber, if any Liberal or Conservative was serious about Senate reform, if they truly believed it as the First Minister (Mr. Filmon) and now the Member for Crescentwood (Mr. Carr) has suggested in a Triple-E Senate, if they had an ounce of integrity amongst the lot of them, the senators would resign en masse, the Liberal and Tory senators, and we would commence discussing

how we are going to elect senators and what they are going to do.

The problem with this debate is that no one has taken the next step and said, what is that Senate going to do? The remarks of the Member for Crescentwood (Mr. Carr) were instructive, because I want to remind you what he said. He said: The Senate has the same constitutional powers as the House of Commons except for two respects. Number one, he said, it is not a confidence body. In other words, a Government cannot be defeated by a vote in the Senate, and No. 2, he said, it cannot spend.

Do you understand what the Member for Crescentwood (Mr. Carr) and the Liberal Party have left out of that equation? Not only can the Senate not spend, it cannot tax. Anyone who has read the Standing—(interjection)—Mr. Speaker, I have said many times that I am a fiscal conservative.

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

**Mr. Storle:** I believe that the example in this country for fiscally-conservative social democratic Government was the Tommy Douglas Government, the Allan Blakeney Government, who never ran a deficit. Conservative and Liberal Governments across this country did. In fact, the last Government in Manitoba to run a surplus was Ed Schreyer's Government. Ed Schreyer ran a surplus, yes, Mr. Speaker.

**An Honourable Member:** What year?

**Mr. Storle:** 1973.

**An Honourable Member:** Gary Filmon.

**Mr. Storle:** No, he ran a deficit. The NDP left him a surplus, but he turned it into a deficit.

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

**Mr. Storle:** I digress. The point I am trying to make is that no one who is talking about a Triple-E Senate has discussed what power the Senate is actually going to have. Is the Senate, as the Alberta Standing Committee on Senate Reform suggested, going to have, as the Member for Crescentwood (Mr. Carr) suggests, only the power to spend?

Can you imagine a more ludicrous situation than having an elected group of people—political people, not independent people, political people—with the power to spend but not the responsibility of tax, not the responsibility to tell people where that money is going to come from? Thank goodness that the

current Senate has no power to spend and no power to tax. Thank goodness it has no power.

Even if it was elected and had only the power to spend, can you think of anything less responsible than that kind of body? What senator in his right mind would not be supporting virtually any project of value to his region? There is no responsibility in that kind of system. It does not make sense.

That is the No. 1 reason why the Manitoba New Democrats and the federal New Democrats say we want a triple-A Senate—abolish, abolish, abolish.

\* (1720)

**An Honourable Member:** Irresponsible.

**Mr. Storle:** Completely not irresponsible, because we believe in the primacy of the House of Commons, the primacy of Parliament, and the primacy of one body to determine the direction that this country is going to take. The Senate has fulfilled no useful function in setting those directions historically.

Yes, the Senate has intervened in debates across this country, has proposed amendments to legislation, has been a fly in the ointment. For the Liberal Party of Manitoba, or the Liberal Party of Canada, for that matter, to stand up and say the Prime Minister of this country is creating a constitutional crisis by doing what the Constitution allows, is ridiculous. The only thing that they are objecting to is the fact that the Senate is no longer the sole purview of a group of old Liberals.

The fact is that we now have a majority of Conservatives. The fact of the matter is that is the real rub with Liberal Members across this country, that they no longer dominate the Senate which was their playground, where people got paid a \$60,000 salary for doing nothing if they so choose. A less accountable body you cannot find in this country.

First of all, there is no way of reforming the Senate to make them responsible. The No. 2 problem, and this is interesting, because here we have a Member of the Liberal Party in Manitoba purporting to propose for Canada the Americanization of our democratic system. Yes, I am familiar with how the Senate came about in the United States. If you talk to any representative, senator or congressman, in the United States today, they will tell you that it takes 10 years to implement a good idea in the United States—10 years. A bicameral system in an increasingly complex world is a recipe for inaction, inertia and do-nothing Government. In fact, if the

Member for Crescentwood (Mr. Carr) was interested in something like the environment, the clean air bill in the United States took 12 years from the beginning of the drafting to passage, and it was a watered-down, almost irrelevant piece of legislation when it was passed.

That is what we would have in Canada, if we actually had a bicameral system, a system where one level of Government could overrule, could second-guess another level of Government. In Canada, every four or five years, we get to decide whether the Government is making the right choices for us. That is democracy. The Member for Crescentwood talks about referendums on the effectiveness of a politician. There is a referendum. Every four or five years or less, there is a referendum on the effectiveness and the direction a Member or a caucus or a Government is taking. That is the way it should be.

This is a totally irresponsible suggestion from the Member for Crescentwood (Mr. Carr), a Triple-E Senate. If any Member on that side, the Conservative Government, wants to get up and defend the Triple-E Senate, then let them do it, because it is a recipe for disaster for our political institution, the most important, the primary political institution, and that is our Parliament, in Manitoba our Legislature.

It is interesting that the Liberals and many others who support the idea of a Triple-E Senate, do not support—or at least we have not heard them support—the same kind of concept for the Legislature. We have regions in our province. There is under-representation from the North, from rural Manitoba, from areas of rural Manitoba; but do we need a Senate in Manitoba to balance out that equation? No. We require, we expect from a Government—

**An Honourable Member:** We should resurrect it and get some representation.

**Mr. Storle:** Mr. Speaker, we do not need one in Manitoba, and I am certainly not proposing one. The fact of the matter is that we do not need one in Canada. The history of the bicameral system is not a particularly glorious one. For the Member or anybody else who believes that somehow the existence of a senate in the United States has led to any kind of equalization, they are also in a dream world. If electing a Senate was all that was required to correct all of the inequities across this country or

the United States, then Billings, Montana, would not be a backwater and Minot, North Dakota, would not be a backwater.

The Senate has not improved those circumstances. The Member for Crescentwood (Mr. Carr) wants to tell us that, look at regional industrial development across the United States if we do not think the Senate has worked. The only thing the Senate has done, it has worked as a pork barrelling institution for the military complex in the United States, and yes, there are some benefits. Minot has a military base. Yes, there is some production of military goods and services in different parts of the United States, but that is not economic development and that is no panacea for the development of a country.

Mr. Speaker, I want to be very clear on this. There is no one who has discussed Triple-E Senate, who has stated in black and white what powers the Senate would have, what powers the House of Commons would have, and when there was a conflict, when there was an impasse, who would win and how the regions of this country would win.

The only substantive report that I have seen on this is the one that came out of Alberta in 1987, I believe, that document was produced. I read that document and frankly it frightened me more than the simple discussions we have had in this Chamber in the past on the Senate or any machinations of any other group on the Senate. It purported to propose a solution to reforming the Senate, which in my mind was the absolute completely irresponsible suggestion that somehow the Senate should spend, but not tax, and should not be accountable.

There is very little to commend this resolution. -(interjection)- Well, the Member for Riel (Mr. Ducharme) is chirping from his seat. I would like to hear the Member for Riel's thoughts on the Senate, his seminal thoughts on the Triple-E Senate. It is going to be interesting to see if the Member for Riel can add anything to this debate or whether he continues to parrot the words that someone else has spoken for him.

**Hon. Gerald Ducharme (Minister of Urban Affairs):** You do not parrot?

**Mr. Storle:** No, I certainly do not. The Member for Riel, if he wants to take the opportunity to read my remarks, will find that I am putting in a very clear position. We will see if the Member for Riel can do the same.

Mr. Speaker, this resolution misses on not only the suggestion that somehow the elected Senate would be good for Manitoba; this reference also misses because the Liberal Party is now suggesting that we have elections in Manitoba. Before we have the Liberals vacating their positions or the Conservatives vacating their positions, we really want to see whether there is any real integrity in this motion. Has the Member for Crescentwood (Mr. Carr), has the Liberal Party conducted any kind of survey of its current Liberal senators? Are they going to resign? Are they going to free up vacancies or are they going to stay on this gravy train until they are 75 years of age or until their death?

The fact of the matter is that this continues to be rhetoric. It is a recipe that the Liberal Party now seems to have stuck upon to rescue it from its malaise, its political malaise. Well, Mr. Speaker, Canadians are not buying it. Frankly, the debate over the GST in the Senate has not done the Senate any good. The perception of the Senate as an institution has been degraded by that debate.

Mr. Speaker, I would far rather be saddled with the GST today and have an NDP Government elected in two years to get rid of it, than to fool around with a farce of a Senate, because the Senate is not going to stop it. For all the political posturing that the Liberal senators have taken for the last six months, it has been theatre. The Liberal senators were not saying anything two and a half years ago when we started talking about value added tax and goods and services tax. The Liberal senators have been posturing for six months. They are going to let it pass. They are an incompetent body, and they have no legitimate place in parliamentary democracy in Canada.

Mr. Speaker, the New Democratic Party has said that for 29 years now. I hope the New Democratic Party continues to express its confidence in the people of this country, in our primary institution, in our Legislatures, in our Parliament, and in the good sense of the people who are elected by our citizens to manage our affairs.

We do not need, we do not need, Mr. Speaker, an appointed body of Liberal and Tory senators or appointed body of any other body. We do not need an elected body to second-guess, usurp, confuse and cost the taxpayers of Manitoba and Canada untold millions of dollars to delay concrete and important resolutions to the problems that we face. We need Governments that are elected and

determined to correct the problems. We give them the authority to do that. We have to rely on our own good judgment in choosing candidates, in choosing members, to ensure that body fulfills our wishes.

\* (1730)

Mr. Speaker, it is a simple system. For 130 years now, 120 some years whatever it is, 127 years now, we have survived quite nicely with a Parliament that has a primary role and has served the people of Canada generally well. We need that, not an elected Senate.

**Hon. James McCrae (Minister of Justice and Attorney General):** Mr. Speaker, indeed the Honourable Member for Flin Flon (Mr. Storie) may not have his arithmetic quite right. I think it is 123 years old that we have as a country. -(interjection)- I did not hear the Honourable Minister of Northern Affairs (Mr. Downey). I am sure he would have said 123 years, but the Honourable Member for Flin Flon had the 127 in his mind. I guess that is what stuck.

The point is, we attend day in and day out in this House and in other Houses across the country, to pick away at Governments and talk about how terrible our country is and what a terrible state we are in. After those 123 years, seems to me Canada, in spite of all of our difficulties, has developed into one of the finest countries in this world. -(interjection)-

Then we hear partisan comments like the kind we get from the Leader of the Opposition (Mr. Doer) in this place, till Mulroney got there. Well, you see I can take issue with Mr. Mulroney and take issue with Mr. Trudeau and take issue with the Honourable Leader of the Opposition and others on issues of importance, but when it comes to issues related to my country, it seems to me the shrill and extremely partisan tone adopted by the Honourable Member for Flin Flon is just plain not helpful as we face the very, very significant pressures our country faces at this particular time in our history.

I may or may not always agree with what the Honourable Member for Crescentwood (Mr. Carr) has to say. As a matter of fact, I often agree with him and sort of wonder about myself sometimes, too.

In any event, on issues relating to the unity, indeed the very future of our country, I must say, Mr. Speaker, I prefer the tone of discussions I can sometimes have with the Member for Crescentwood to the type of tone and content of the comments made today by the Honourable Member for Flin

Flon, which I suggest do no service to the whole process of constitutional renewal in this country. That little piece of advice, if you want to take it as that, goes not only to the Honourable Member for Flin Flon, but to the Prime Minister of Canada, the Leader of the Opposition and the Leader of the New Democratic Party, all the other political Parties and anyone who wants to take a part in trying to heal whatever needs healing in our country and to prepare for a brighter future.

This country has come through much in its 123 years. I know that this part of the country began as a province in 1870, just a few years after the formal Confederation of the other provinces into what we now know as Canada. The province that my family arrived at was one of the first provinces, that being the Province of Quebec. Later on, my family had a role in the development of the Province of Alberta and the West. In all of those 123 years we are still here as a country, and we find ourselves at what I say is a critical point in our history where we have some very, very difficult issues to face. I really think a less partisan tone on the part of people entering the debate is going to be more helpful than this business of the other guy's idea is no good and mine is the only one that is going to fly, which strikes me as not very helpful.

In any event, I think the issue of the resolution that we discuss here today is the issue ultimately of the unity of our country. At this particular point, we are hearing certain disturbing news out of the Province of Quebec. We know that the eastern region of our country has some very, very significant concerns they want dealt with. Certainly our part of the country has issues that we want to have dealt with seriously by a central Government. We argue for strong central powers and so on in the country, but we still want those powers to recognize that we exist out here, that we have been very much a part of the development of this country, basically nearly from the beginning of this country, and we need to be heard from.

What is the best hope for bringing all of the regions together and coming to an understanding for the future Government of our country? The question is serious and important because of events in recent years. We now have a couple of other political Parties that have sprung up, and we may see more evidence of those Parties and their points of view. We may or may not disagree with those points of view.

**Mr. Gary Doer (Leader of the Opposition):** Parties even change their names.

**Mr. McCrae:** Parties change their names from time to time for good and proper reasons. I really wish the Leader of the Opposition (Mr. Doer), and I say this quite seriously, would be serious about this issue. I tend to think that it deserves to be treated seriously.

How do we in the West find our place in this Confederation of ours? How do those people who live in the northernmost reaches of our country find their rightful place in our country and be given the proper attention that they deserve, and those in the East and all of the regions? What is left? Can we look to a House of Commons only that is there by virtue of representation by population where provinces such as ours have so little representation compared with one of the larger provinces? The North has so little representation. What balance is there to look out for the very, very legitimate aspirations of people who live outside central Canada, and indeed the aspirations of those who live in central Canada who are every bit as Canadian as you or I, Mr. Speaker.

I do not know what else to look to immediately than to some check, some balance to the make-up of the House of Commons that allows us to have some other mode of expression of our views. Here in our province we have—I am not sure how many—14 Members of the House of Commons representing the Province of Manitoba up against the remainder, sometimes, on some issues. Sometimes our representatives can get together with other representatives from this region to make their point, but I do not know that it always works in the way we want it to. In fact I know it does not, because we have had plenty to complain about in recent years. Indeed, throughout my life I have heard stories of western alienation that were real then and are real now.

The fact that the resolution is before us and deals with the reform of the Canadian Senate might, but for other things happening, be a very appropriate discussion for us to be having this afternoon. I do not intend to be unduly critical of the Honourable Member for Crescentwood (Mr. Carr) for bringing this matter forward. I know it is a matter of interest to him and to Members of his Party. It is certainly a matter of interest to us.

The New Democrats say that the abolition of the

Senate is the right way to go. I believe that is what they say. Up until now I have not heard of a really good alternative to better representation for our part of the country, or for any region of the country. So I think just outright abolition in the absence of any other option available to the people outside central Canada does not really go far enough in answering the question, where do we go from here and what do we want as Canadians living outside central Canada?

The concept of the Triple-E, the equal, effective, and elected Senate is something that has been before this House before, has been supported at least by two Parties in this House. That is a concept, and I think that is what is embodied in the Honourable Member's resolution. He also suggests in his resolution that we ought to do certain specific things, fully mindful, and I say this respectfully to the Honourable Member for Crescentwood (Mr. Carr) through you, Mr. Speaker, that the options he puts forward are being put forward at a time when our province is about to enter into a consultation process again.

\* (1740)

We had a consultation process through the operation of the Meech Lake Task Force. The Honourable Member was very much involved with that. So was the Leader of the Opposition (Mr. Doer). So was I. The Leader of the Opposition is quick to point out that, well, to this point it has not lead anywhere yet. I agree with him; that is a fact. The one thing we did do was something I think is one of the more democratic things that has been done anywhere in this country for a very long time and that was, on a matter of fundamental importance to the future of our country, we consulted the people of our particular jurisdiction where we work and where we have responsibility.

We already know some of the wishes of the people of Manitoba, but in a more focused way with regard to Senate reform and other constitutional issues that arise from the failure of the Meech Lake Accord, there will be another further task force.

I think it would be more timely and more responsible for us to engage in that process to hear from Manitobans again on the issues that we are going to be putting before them.

I am not just clear on who is going to be involved specifically in the task force in totality, but I know that everybody in this Chamber, through one way or

another, has a way of being heard through that process as do Manitobans.

I guess the point I have to make about the resolution put forward by the Honourable Member for Crescentwood (Mr. Carr) is that it really raises more questions than it answers. We all know those questions are out there. It is timely in one way and not timely in another way. It is timely in the sense that here we are as Canadians looking at ourselves again. I guess we have been doing a lot of that, ever since I have been born anyway, looking about how it is we govern ourselves, how it is we get along with our fellow Canadians, and the arrangements by which we work, and these are basic and fundamental.

I think that we should approach the task force project ahead with the idea in mind of being consultative and doing everything we can to reach a consensus position, because that is what we did in Manitoba previously. Manitoba's position was, I believe, well and truly represented at the discussions surrounding the Meech Lake constitutional accord.

It is too much, I suggest, to ask that we guarantee ourselves today that the result of our work will be something that will be welcomed with open arms by every other jurisdiction and every other Canadian. At least we will be able to claim that we listened to Manitobans and that we attempted to work together.

I do not know if the Honourable Member for Flin Flon (Mr. Storie) is going to be on the task force. If he is, I am a little worried, I must say, because the remarks of the Honourable Member for Flin Flon this afternoon in no way could be described as statesmanlike in any sense of the word.

I say that if the Honourable Member for Flin Flon is serious about doing the right thing for his country, and I am not questioning that, but I do give him one little piece of advice. That is that the Honourable Member for Crescentwood (Mr. Carr) is his fellow Canadian, and that one way to bring Canadians all together would be to work a little better together.

We can have disagreements, but to speak in the way that the Honourable Member for Flin Flon did today does no service to any concept of rebuilding, reshaping, or looking to the future of our country.

I really feel strongly about that. I go beyond the Honourable Member for Flin Flon, as I have now said what I wanted to say to him.

I do say that I would encourage him, if he agrees

with me, to spread that message to his Leader in Ottawa and to all of his colleagues in his Party. It is time that we got serious about our country and stopped just bickering all the time, because this is very serious.

**An Honourable Member:** This is serious?

**Mr. McCrae:** This matter of the unity of our country and the future of our country is an extremely serious matter. I wish Members like the experienced Member for Flin Flon (Mr. Storie) would stop playing cheap politics, small-town politics, with a whole country issue. -(interjection)-

The Honourable Member says the Senate matter raised by the Member for Crescentwood (Mr. Carr) is not serious. I understand that is the way he sees it. I do say that all of us have to get serious about this and start maybe leaving our Party stripes outside the door when we get together to discuss the constitutional reform of our country and start talking as Canadians.

I feel very strongly, and if there is any other message, this would be the most important message that I would like to deliver today, that we continue to act in the way we have in the past here in Manitoba on constitutional issues. I think that is important. I do not agree with the Honourable Member for Crescentwood on any number of issues. I do not agree with the Leader of the Opposition (Mr. Doer), but I can say I have enjoyed working with them in the past. I look forward to working with them in the future because I believe all Members here want to see a Canada for their children and their grandchildren. I want to be part of any work that is done today that will preserve a good and strong Canada for our children and grandchildren.

**Mr. Doer:** Mr. Speaker, it is a pleasure to stand on the resolution before us today. I was a little surprised at the Justice Minister's (Mr. McCrae) comments about the Member for Flin Flon (Mr. Storie), because really this resolution is very undemocratic. It is anti-democratic, because in our public hearings last year we did not come to any conclusions about what we would want to have in terms of a Senate recommendation.

We recommended that we go back to the people of Manitoba and talk about all options of Senate reform. It is appropriate that the Member for Flin Flon state his position on the record, given the fact that we are dealing with a resolution that is

anti-democratic, that preempts the public process in Manitoba. Quite frankly, it is something very reminiscent of what happened last year, last May. That was the one area where we disagreed with the Government and the Liberals in the middle of the Meech Lake process, when we went off of our task force report and started second-guessing the people of Manitoba, when we had said and recommended that we go back to the people of Manitoba and discuss options like abolition, discuss options like the Triple-E, yes, discuss other options of Senate reform. We did not make any specific recommendations to go to a 1-E, a 2-E or a 3-E program because there was no consensus in the province about what those E's would be. In fact, many people were very worried about any reform of the Senate that would allow the existing powers under the Constitution of Canada to remain in force and effect.

Now Mr. Speaker, this is the most stupid resolution I have ever seen on the floor, if you believe in Senate reform, because anybody who is stupid enough to put a resolution in to elect Senate members -(interjection)- Let me finish. We are dealing with a very important issue here. Anybody who is dealing with -(interjection)-

**Mr. Speaker:** Order, please.

### Point of Order

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, the Leader of the Opposition (Mr. Doer) has made allegations in terms of the Member for Crescentwood (Mr. Carr). -(interjection)- If we would be patient -(interjection)-

**Mr. Speaker:** Order, please. The Honourable Member for Inkster has the floor.

**Mr. Lamoureux:** Mr. Speaker, the point of order is not wasting time. When you are in violation of a rule, it is not a waste of time. The Leader of the official Opposition should apologize for inferring that the Member for Crescentwood is stupid for introducing this amendment. -(interjection)- What was the inference?

**Mr. Speaker:** Order, please. The Honourable Member did not have a point of order.

\* \* \*

**Mr. Doer:** I am going to talk about the logic of this resolution. Let us talk about it. The resolution says that this House will immediately move to elected

Senates. Right? First of all, it is against the task force report that he signed, and I signed, and the Member opposite signed. It is against the task force recommendation that says we will go back to the people.

I do not know whether the Member for Crescentwood (Mr. Carr) considers his signature important. I consider my signature important and the recommendations we made. The recommendations said we will go back to the people.

\* (1750)

Secondly, let us deal with the other issue. We are going to establish the precedent of electing senators in Manitoba. Here we have a situation where there are 24 senators in the Province of Quebec, 24 senators in the Province of Ontario, and we are going to elect senators in Manitoba without getting any reform on the equal side of the equation. How can you go in with that kind of logic? Not only are you giving this thing credibility by electing it, you are not changing the composition of the senators. The Member for Crescentwood (Mr. Carr) first of all is repudiating his own signature, and secondly he is doing it in a way that is absolutely against the people of Manitoba's best interests.

If you have the same powers in the Senate today as you do in the Constitution—and those are big powers—and if you have the same number of senators that are presently in the Constitution, Nova Scotia gets 10 senators, New Brunswick gets 10 senators, Quebec has 24 senators, Ontario has 24 senators, and now we are electing senators. What a recipe for disaster. It is bad enough having a House of Commons that is out of whack, but to come in with this resolution and talk about western alienation at the same time, is absolutely naive.

I say this resolution is stupid. I do not say the Member for Fort Rouge is, I consider him a very intelligent person. I think this resolution is absolutely naive. It puts a position in this Legislature that should be defeated. We should have a vote against this resolution, because you cannot lead with your chin in negotiations with the Province of Quebec and Ontario, like the Member for Crescentwood (Mr. Carr) would have us do in this Chamber. You do not walk into these debates having one part of the equation without having the other part to the equation. How can you possibly be that -(interjection)- Well, Alberta. The Member for Inkster (Mr. Lamoureux) is quoting Alberta. I do not want to



remind the Member for Inkster, if he wants to take his lead from Don Getty, the Premier of Alberta, you go right ahead. That is the kind of lead we are going to get going into the medicare discussions tonight with the Finance Ministers.

If you want to Americanize our Senate in a way that has central Canada control the senators, you go ahead and elect senators without thinking twice about how many senators there are in the Constitution from Quebec, Ontario, New Brunswick and Nova Scotia. If you cannot count, you should not put this resolution on the Chamber floor. Twenty-four from Ontario, 24 from Quebec, 10 from New Brunswick, 10 from Nova Scotia—the last time I looked that is at least over 50 percent of the senators in the Constitution. For a resolution—  
 -(interjection)- This is a dumb resolution for a Triple-E'er, and it is even worse for any one of us in Manitoba who have any sense at all of where we are going to go.

You have to think more than one move ahead. You know you cannot just go at the senators one move at a time. I would beg Members to think a couple of moves ahead. That was my disagreement with the Premier (Mr. Filmon) last year when he was dealing with one or two parts of the Es. You have to have the whole package if you believe in Triple-E.

If you want to Americanize the Senate, do not do it in a way that is wholly Canadian, that would have Quebec, Ontario, New Brunswick, and Nova Scotia control not only the House of Commons, but they would have more power to control the Senate.

Any resolution that deals with one part of the Rubik's Cube without the whole part, I would recommend that we strongly look one or two moves ahead. When we are dealing with Quebec, we are dealing with Ontario, we are dealing with some other people, they are a lot smarter than the Premier from Alberta. Do not forget the Premier of Alberta was the one who told us that he won when he went from 7 out of 10 for amending formula for the Senate, to 10 out of 10. The Member for Crescentwood (Mr. Carr) is following Don Getty's model of Senate reform. You know, elect them first and then we will worry about their powers and the numbers of senators later.

I would have understood if we would have said, let this Legislature go back and talk and listen to Manitobans about reform. I would have understood that. I would have understood if we would have

delineated part of our task force recommendations that we signed. To even have this on the record from the Members of the Liberal Party, I think is the worst bargaining position we could ever have no matter what position we had on Senate reform. I think the Member for Crescentwood (Mr. Carr), if he thinks about it, will want to withdraw this resolution. Because, if you think about reforming one part of it and giving the—what we are doing is, if we elect the senators and do not change their constitutional powers and do not change the numbers of senators from central Canada, what we are doing is we are giving central Canada way more power.

**An Honourable Member:** Read the resolution.

**Mr. Doer:** I am reading the resolution. It does not say anything about the numbers of senators, and it does not say anything about the powers of senators. What it does say is, elect them and then we will worry about the other parts later.

The Member for Flin Flon (Mr. Storie) was absolutely correct in pointing out this resolution. One could spend a lot of time talking about the gazoos in the Senate. One could talk about the hypocrisy. I have never met a Liberal senator yet who has resigned his seat so we could have an elected spot. I do not see Gil Molgat coming down to this building and saying, oh, I resigned because I believe in an elected Senate. I did not see Joseph Guay resign—I get careful with that name, because I always blow it, in terms of the pronunciation. I did not see—how many other Liberal senators are there? There is a pile of them, is there not? Senator Doug Everett, Senator Molson, all these average Canadians who are sitting in the Senate.

I did not see the Liberals bring in a resolution calling for them to cut their pay after they raised it by an amount of orgy-like proportions, \$150 a day, for just appearing and showing up. I did not see a resolution come into this Chamber condemning the Prime Minister for stuffing the stuffed Senate. All I see is a move to reform the Senate that would give Quebec, Ontario, New Brunswick and Nova Scotia more power.

It is nice to see the honourable member from the CBC here. I hope there are more people left than you, Mr. Speaker, through you to the correspondent from the CBC, because we are very worried about the situation as are all Members of this Chamber.  
 -(interjection)- That is why we led with it today.

I think we should have the public hearings. I think

in those public hearings we should discuss what happened. We had a great example of where we could have had western alienation stand up and be counted. What happened? When the CF-18 was awarded to the Province of Quebec, the Tories acted like Tories. Grant Devine supported the Prime Minister. He did not stand up for western Canada. Don Getty supported the Prime Minister. He did not stand up for western Canada. He stood up for the Progressive Conservative logo, and so did Bill Van—Bill Vander Zalm actually was supportive of Manitoba. I take that back. He was worried about his frigates, and so he did support us.

That was an example where we could have had some western solidarity. I say that, because if we look at the Americanization of the Senate, let us look at Australia. The CBC headquarters in Australia is not outside of Melbourne and Sydney. The Qantas airlines is not outside of Melbourne and Sydney. They are not in southern Australia, in western Australia. They have the kind of Triple-E Senate that is being proposed in Canada. In fact, as bad as it is in Canada under Liberal and Tory Governments in terms of procurement, because it has dropped from 14 percent in western Canada down to 11 percent from Trudeau to Mulroney. As bad as it is in western Canada, you know there is more regional development per capita in Canada than there is in Australia where you have a Triple-E Senate.

Has anybody done any real research on this stuff and looked at where they do have a Triple-E Senate in a parliamentary system? Has anybody really looked at the facts instead of just going off in some kind of tirade that this will solve western alienation. Let us look at the fact that Manitoba had a Senate. We abolished our Senate. -(interjection)- Still on the books. Jim Downey hopes some day that he will be in that Senate, his reward for that great campaign he ran and the Deputy Premier's job that he, of course, is bringing to this Chamber. -(interjection)- I am not going to comment on that. -(interjection)- It

does not mean to say that we do not try to represent northern Manitoba, we do not try to represent rural Manitoba. We do not try to represent all regions of our province.

It does not mean to say that we are not accountable and we cannot be thrown out when we make mistakes. We have a situation here, a parliamentary system. What really disturbs me is how we can deal with one E or two Es without dealing with the powers we are going to give them. Are we going to have the suspended veto power and no financial powers, as the Member for Crescentwood (Mr. Carr) suggests? What good is it? How is that going to change the financial arrangements of the country? Or are we going to give it the financial powers as they have in Australia? Are we going to have two Ministers of Finance, and have two GSTs coming in on us, as we have with Michael Wilson? What kind of powers do we mean? Are we really going to get agreement from other provinces that are required constitutionally to reduce their numbers of senators?

These are all very important issues. So far the only reformer of the Senate who has had some consistency and logic has been Stanley Knowles. He is the original reformer. He did not say one thing sitting in the Senate and say another thing sitting in the community. He said, abolish it; it is costly; it is unaccountable. It takes up taxpayers' time and money. It does not do anything. His position, for a long time, is abolish it. We should listen to the people of Manitoba—

**Mr. Speaker:** Order, please. When this matter is again before the House, the Honourable Member will have one minute remaining.

The hour being 6 p.m., this House is now adjourned and stands adjourned until 1:30 p.m. tomorrow (Thursday).

# Legislative Assembly of Manitoba

Wednesday, December 5, 1990

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