

First Session – Forty-First Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Social and Economic Development

Chairperson
Mr. Dennis Smook
Constituency of La Verendrye

Vol. LXIX No. 2 - 6 p.m., Thursday, October 27, 2016

ISSN 1708-6698

MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

Member	Constituency	Political Affiliation
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
CHIEF, Kevin	Point Douglas	NDP
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
CURRY, Nic	Kildonan	PC
DRIEDGER, Myrna, Hon.	Charleswood	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FLETCHER, Steven, Hon.	Assiniboia	PC
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GRAYDON, Clifford	Emerson	PC
GUILLEMARD, Sarah	Fort Richmond	PC
HELWER, Reg	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek	Interlake	PC
JOHNSTON, Scott	St. James	PC
KINEW, Wab	Fort Rouge	NDP
KLASSEN, Judy	Kewatinook	Lib.
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMOUREUX, Cindy	Burrows	Lib.
LATHLIN, Amanda	The Pas	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
MARTIN, Shannon	Morris	PC
MAYER, Colleen	St. Vital	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew, Hon.	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Arthur-Virden	PC
REYES, Jon	St. Norbert	PC
SARAN, Mohinder	The Maples	NDP
SCHULER, Ron, Hon.	St. Paul	PC
SELINGER, Greg	St. Boniface	NDP
SMITH, Andrew	Southdale	PC
SMOOK, Dennis	La Verendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
SWAN, Andrew	Minto	NDP
TEITSMA, James	Radisson	PC
WHARTON, Jeff	Gimli	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian, Hon.	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC
YAKIMOSKI, Blair	Transcona	PC

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT
Thursday, October 27, 2016

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Dennis Smook
(La Verendrye)

VICE-CHAIRPERSON – Mr. Andrew Smith
(Southdale)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mr. Cullen

*Messrs. Allum, Lagassé, Ms. Lamoureux
 Mr. Lindsey, Ms. Marcelino, Messrs. Piwniuk,
 Reyes, Smith, Smook, Yakimoski*

PUBLIC PRESENTERS:

*Mr. Kevin Rebeck, Manitoba Federation of
 Labour*

*Ms. Michelle Gawronsky, Manitoba Government
 and General Employees' Union*

*Mr. Trevor Yuriy, Operating Engineers of
 Manitoba, Local 987*

Mr. Sudhir Sandhu, Manitoba Building Trades

Mr. Darren Gibson, private citizen

Mr. Bernie Wood, private citizen

*Ms. Beatrice Bruske, United Food and
 Commercial Workers*

Ms. Kim Ferris, private citizen

Mr. Mike Howden, private citizen

*Ms. Lynne Fernandez, Canadian Centre for
 Policy Alternatives*

Mr. Ken Stuart, Unifor

Mr. Paul Lussier, private citizen

*Mr. Loren Remillard, Winnipeg Chamber of
 Commerce*

Ms. Charlotte Cameron, private citizen

Mr. David Sauer, private citizen

Mr. Jeff Traeger, private citizen

Mr. Tim Cashion, private citizen

Mr. John Godard, private citizen

Ms. Rabia Syed, private citizen

Ms. Mary Boudreau, private citizen

WRITTEN SUBMISSIONS:

*Tony Sproule, United Steel Workers District 3
 Zach Fleisher, private citizen*

MATTERS UNDER CONSIDERATION:

Bill 7– The Labour Relations Amendment Act

* * *

Mr. Chairperson: Good evening. Will the Standing Committee on Social and Economic Development please come to order.

Before the committee can proceed with the business before it, it must elect a new Vice-Chairperson.

Are there any nominations?

Mr. Jon Reyes (St. Norbert): I nominate the MLA for Southdale, Andrew Smith.

Mr. Chairperson: Andrew Smith has been nominated.

Are there any other nominations?

Hearing no other nominations, Mr. Smith is elected Vice-Chairperson.

This meeting has been called to consider Bill 7, The Labour Relations Amendment Act.

I would like to remind that the Standing Committee on Social and Economic Development will meet again Tuesday, November the 1st, 2016, and on Thursday, November the 3rd, 2016, at 6 p.m. to continue consideration of Bill 7.

As per an agreement between the House leaders, presenters have been scheduled and assigned to present one of these committee meetings. Also as an agreement, presenters from out-of-town have been scheduled before presenters from the city for each meeting.

Tonight we will hear from 20 of the presenters registered to speak on Bill 7, and if you have the list of those presenters before you. I would also like to inform all in attendance of the provisions in our rules regarding the hour of adjournment. A standing committee meeting to consider a bill must sit–not sit past midnight to hear public presentations or to consider clause by clause of a bill except by unanimous consent of the committee.

Written submission—written submissions on Bill 7 from the following persons have been received and distributed to committee members: Tony Sproule, United Steel Workers, USW, and Zach Fleisher.

Does the committee have—agree to have this document appear in the Hansard transcript of this meeting? *[Agreed]*

Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there's anyone else in the audience who would like to make a presentation this evening, please register with staff at the entrance of the room. Please note that additional presentations will only be heard if time permits after hearing from those previously listed for this evening.

Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, in accordance with our rules, a limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from committee members. If a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters list.

I would like—I would also like to remind the members of the public who are observing the committee meeting to please not disturb the committee proceedings by applauding or comments from the audience. Taking of photos are not permitted from the public gallery as well as any video-audio recording. And can you please ensure that your phones are on a silent mode.

Speaking in committee: Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for the Hansard recorder to turn the mics on and off.

Thank you for your patience.

Bill 7—The Labour Relations Amendment Act

Mr. Chairperson: We will now proceed with public presentations.

I will now call on Kevin Rebeck, Manitoba Federation of Labour.

Do you have any written materials for distribution to the committee?

Mr. Kevin Rebeck (Manitoba Federation of Labour): I do. Thanks.

Mr. Chairperson: Thank you. Please proceed with your presentations, Mr. Rebeck.

Mr. Rebeck: The Manitoba Federation of Labour is Manitoba's central labour body. We represent the interests of more than 100,000 unionized working men and women from every sector in every region of the province. The MFL works to promote good jobs, fairness, equality, social and economic and environmental justice for all. And the MFL is strongly opposed to Bill 7 and urges that it be withdrawn and abandoned in its entirety.

The bill is nothing short of an attack on the rights of working people and on the important role that unions play in fighting for better work, better pay and better quality of life for working families. Passing Bill 7 will make it harder for everyday Manitobans to exercise their democratic right to join a union, and fewer unionized workplaces will mean fewer working families with the benefit that comes with having a union in their corner.

Bill 7 will set up new roadblocks for workers who wish to band together through a union to improve their jobs and quality of life. Government rhetoric around Bill 7 is attempting to position Bill 7 as correcting some kind of pre-existing democratic deficit that adversely affects labour relations, a purely fictional problem that doesn't really exist. In fact, supported by fair rules under the existing Labour Relations Act, Manitoba has enjoyed a long period of labour peace, marked by relatively few strikes and lockouts and a positive and constructive labour-management climate.

Co-operation and stability in labour relations has been good for working families and businesses alike, helping retain skilled workers attract new investment and grow Manitoba's economy. Government spin would have us believe that Bill 7 is about restoring secret ballot votes, as though secret ballot votes were not already a central part of The Labour Relations Act as it stands.

In fact, the act already requires a secret ballot vote on all union certification applications, except where unions are able to demonstrate support from 65 per cent or more of the existing workplace. Only in such cases where 65 per cent or more of workers, a supermajority, freely sign union cards is a workplace eligible for a fast-tracked certification.

*(18:10)

In these cases, subject to independent verification by the Labour Board, that sufficient cards have been submitted, that cards have been signed voluntarily, and that there's been no pressure or coercion of workers to sign cards, only then can certification be approved by the Labour Board without scheduling for a vote by secret ballot.

When a pro-union threshold of 65 per cent or more has been achieved, the democratic will of workers is clear beyond a shadow of a doubt: they support joining a union. Requiring a further vote be scheduled and carried out by secret ballot, as would be mandated under Bill 7, is unnecessary; wastes resources of the Labour Board; and, most importantly, opens up the process for interference, intimidation and bullying of workers by anti-union employers trying to block the pro-union vote.

Manitoba's current threshold of 65 per cent can be viewed as the middle ground. For a long time, the business lobby has sought to make it more difficult, pressing for a higher threshold or eliminating automatic certification. For the labour movement, on the other hand, we fought to make it easier in having a clear majority of 50 per cent plus one.

Bill 7 abandons the middle ground in favour of an extreme pro-business, anti-labour position, making it harder for workers to organize. The practice of fast-tracked or automatic certification is not unique to Manitoba. It's in place in other jurisdictions, and it should be noted that the federal government is currently in the process of re-establishing automatic certification at a simple majority level of 50 per cent plus one.

The reason that automatic certification is provided for and used as an alternative to secret ballot is to protect workers from intimidation, threats and bullying from anti-union employers, and to ensure a free and fair vote that's truly reflective of the will of workers.

Far too often, once a secret ballot vote has been called, anti-union employers use the time

leading up to the vote to engage in unfair labour practices. Workers are robbed of a free choice when that happens, and the secret ballot process is undermined. There are many cases documented and, in the written submission, you'll see several. Winnipeg Dodge Chrysler—they had captive audience meetings; triple seal north glass products—they posted all kinds of information that was misleading for members who are looking at joining at union. J.C. Foods laid off workers who they thought were involved in an organizing drive, and Emerald Foods had a number of disturbing written communication they sent to their employees.

Beyond those cases that we have in the Labour Board, there are other things that take place too. One is worthy of special mention, and I want to talk about it, because it came to my attention last year. And that was when workers at a single franchise location of a major multinational coffee shop restaurant in Winnipeg were engaged with Workers United in an effort to unionize the workplace, and the franchise owner caught wind that they were looking to organize, and they engaged in threatening and intimidating employees, interrogating employees about their involvement, offering them compensation incentives and holding a captive meeting.

All of these things at the captive meeting and the firing of an employee were caught on audio tape and were recorded, so we have transcripts of these employers dealing with that. They fired the worker that they thought was most involved and explicitly told them, not knowing they were being recorded, that the reason they were firing them was because of their involvement in union organizing.

All of these things led to us finding a settlement outside the Labour Board, so it's not written in the Labour Board's records that employers engaged in these practices. These practices poison the work environment to get the clear will of workers. The reason that anti-employers and anti-union governments have historically opposed automatic certification is for precisely this reason, because it makes it harder for workers to come together and democratically choose a union to represent them.

Indeed, experience bear this out—bears this out. A recent comprehensive pan-Canadian study on this subject confirms this and is cited in the written report.

Lower rates of unionization disadvantage all working families. When unions stand up for fairness, they improve the working conditions for the

members and raise the bar for everyone. They win things like gains for minimum wage, overtime pay, workplace safety standards, maternity and paternity leave, vacation pay, protection from discrimination and harassment.

Every year, we update what it means and what value unions bring and, in the written report, again, we show that people tend to earn more when they're in a unionized environment. In fact, women earn over \$7 an hour more; Aboriginal workers—over six; new Canadian—close to \$5 more an hour; young workers—over two and a half dollars more an hour.

Workers in unions are an important part of our local economy, and they support our economy by spending their money where they earn it. This income supports local businesses, which create local jobs and bolster the local tax base, which supports vital public services.

As noted at the onset, the MFL opposes Bill 7 and urges the Manitoba government to withdraw it. That said, the government's been pretty clear in its intention on moving forward with the bill and using its majority in the Legislature to pass the bill this session.

Accordingly, we offer the following suggestions for amendments to at least provide some degree of protection for working people against this type of anti-union intimidation, harassment and bullying that become more common when automatic certification is not there.

First, we recommend shortening the requirement that a secret ballot vote be scheduled within five days of a union certification application, down from seven days, with provision for a longer period, subject to union-employer consensus. Reducing the number of days for an anti-union employer has to interfere in the process should improve the odds of a free and fair vote.

Second, we recommend that we codify the practice that a mutually agreed upon site be established for where the vote should be held. If that agreement can't be reached, then arrangements should be made for it to be off-site.

And, finally, if the government is insistent on eliminating the best form of protection against worker intimidation, that being provision for automatic certification, then we recommend a substantial strengthening of the remedies available to the Labour Board for responding to unfair labour

practices under section 31(4), especially in the context of certification applications.

At present, anti-union employers have little deterrent to engaging in unfair labour practices. If they're caught, the Labour Board can issue a discretionary certification to unionize the workplace, which amounts to the same outcome as when employers do not interfere and workers vote freely in favour of a union. Beyond issuing discretionary certification, the Labour Board may also require re-employment or employment of an unfairly treated employee or may require payment to a maximum of \$2,000 to an unfairly treated employee or union, a very modest sum for many medium and large employers.

Unfair labour practices are currently not classified as offences under the act; much stiffer penalties are required to deter unfair labour practices.

Thank you.

Mr. Chairperson: Thank you for your presentation, Mr. Rebeck.

Do members of the committee have questions for the presenter?

The honourable Mr. Cullen—sorry. I will do this again.

Thank you for your presentation, Mr. Rebeck.

Do members of the committee have questions for the presenter?

Hon. Cliff Cullen (Minister of Growth, Enterprise and Trade): Thank you, Mr. Rebeck, for your being with us tonight, and thank you very much for your presentation and your advice on amendments. Certainly do appreciate that.

Obviously, appreciate the dialogue we've had in the past with you and your association. I think we've had a very respectful working relationship, and I hope we can continue that into the future. And also want to just say thank you for the work that you do on the Labour Management Review Committee. I think that's a very important format for us to discuss, not only this but other issues as well. So I just want to say thank you very much for all you do for your association and certainly what you've brought forward tonight. So thank you.

Mr. Chairperson: Any other—Mr. Lindsey?

Mr. Tom Lindsey (Flin Flon): Like to thank you for taking time out of your busy schedule to come and share your thoughts from the MFL on this bill.

Did the government ever consult with you prior to introducing this legislation, you or your group?

Floor Comment: Prior to the introduction of the—oh, sorry, I got to wait for you to say my name.

Mr. Chairperson: Yes. Mr. Rebeck.

Mr. Rebeck: Not prior to the introduction of the bill. Afterwards, there was some discussion. We were told that it was going to be introduced and concerned about being consulted, but that happened after.

Mr. Lindsey: Thanks for that.

Just we've heard about some instances of employer intimidation for workers that were trying to sign union—do you know of any where union intimidated? Is there any record of that?
[interjection]

Mr. Chairperson: Mr. Rebeck.

Mr. Rebeck: I don't have that before me. I'm sure it happens on a rare occasion, but there are many more instances and many that we've identified where the employer has performed that intimidation.

And, when we talk about intimidation, I mean, who has the power and authority to intimidate? I would put to you that someone who controls your paycheque, your livelihood for you and your family, that influences your shift and has control over your hours worked, they are in a position to have tremendous impact and intimidate you into not exercising your free will on what you wish to have achieved, and that might be a voice in the workplace through unionization.

* (18:20)

Mr. Chairperson: Seeing as no other questions, thank you, Mr. Rebeck.

I will now call on Michelle Gawronsky, MGEU, Manitoba Government and General Employees' Union.

Do you have any written materials for distribution to the committee?

Ms. Michelle Gawronsky (Manitoba Government and General Employees' Union): Yes, Mr. Chairman, I do.

Mr. Chairperson: Please proceed with your presentation.

Ms. Gawronsky: Good evening, Mr. Chairman and honourable members. As been said, my name is Michelle Gawronsky, and I am president of the Manitoba Government and General Employees' Union.

The MGEU represents over 42,000 Manitobans who live and work throughout Manitoba in a wide variety of workplaces. Roughly 14,000 are employed directly by the Province of Manitoba, others work in Crown corporations, universities and colleges, health-care facilities, social service agencies, as well as arts and cultural organizations, to name a few.

Thank you for the opportunity to be able to present on this bill this evening.

I have had the opportunity to work in a unionized workplace for over 30 years. Good jobs are hard to come by sometimes, and I was fortunate enough to do meaningful work in health care—jobs that I loved. While the pay wasn't lucrative, it was enough, when combined with decent benefits, to help raise four healthy children, putting clothes on their backs and a fridge full of food. And anyone that has seen my sons know that there was no shortage of that. Looking back, it's clear that belonging to a union helped give us the solid footing that all Manitobans deserve.

Manitobans are hard-working people, and as we all know, and we all value the—we all know the value of safe workplaces, work-life balance, health benefits and good pay. They also know what fair and balanced laws mean for employers and employees. Manitoba has a history of a stable labour relations environment with few strikes and lockouts. This is why the proposed changes to Bill 7 are concerning and confusing.

This change appears to be trying to fix a problem that doesn't exist. It's been shown that forcing workers who want to belong to a union to vote on this decision, after they have already signed up to be a part of a union, leads to a decline in union density. Is this the goal of this legislation?

As it stands now, when 65 per cent of workers in a workplace sign a union membership card, indicating they support joining a union, they are automatically certified. If the 65 per cent threshold isn't reached, they have the option of taking it to a secret ballot vote. This is already a compromise for

workers trying to build a better workplace and a better life for their families.

Forcing workers to vote on union certification after they have already indicated their decision allows the employer time to obstruct their choice through intimidation, coercion and other techniques. Employer intimidation still exists, and this bill will only strengthen the employers' ability to enable this behaviour. I saw this when I was organizing EMS in South Eastman. I know first-hand and experienced just how intimidating some employers can be. To be clear, the employer has a huge amount of power because they control a person's livelihood. They control how we make our living. Allowing automatic certification, as is currently the law, helps to rebalance this relationship.

On behalf of MGEU's 42,000-plus members, I am asking you to reconsider the proposed amendments to The Labour Relations Act. I truly hope that employees and employers continue to work together to make Manitoba a great place to earn a living and raise a family. My family benefited most when I had a stable, secure unionized job, and the amendments in this bill will make it harder for others to enjoy solid, stable jobs.

We need to bring Manitobans up, not force them down.

Thank you.

Mr. Chairperson: Thank you for your presentation, Ms. Gawronsky.

Mr. Cullen: Thank you very much, Ms. Gawronsky, for your presentation tonight. We appreciate you being here. I do want to say, first of all, congratulations on your recent re-election. I know, obviously, you're doing a great job for your members, and we appreciate the work that you do on their behalf. And I do also want to say we appreciate the work that all your members do on behalf of Manitobans each and every day. It's—we really do appreciate the good work they do.

So thank you very much for coming tonight, and thank you very much for sharing your advice.

Mr. Lindsey: I, too, would like to congratulate you on your recent election as—re-election, I guess, as the president.

Did anyone from the government consult with you prior to them introducing this legislation, seeing as you do represent the biggest group of government employees?

Ms. Gawronsky: No, they did not.

Mr. Lindsey: Who do you think this bill is likely to hurt the most? [*interjection*]

Mr. Chairperson: Ms. Gawronsky.

Ms. Gawronsky: The working families of Manitoba. Sorry, Mr. Chairman.

Mr. Lindsey: And do you know of any instances, in your experience, when—in particular, when you were helping to organize the EMS in South Eastman, where the employer the employer threatened, intimidated, coerced employees that were trying to joint a union?

Ms. Gawronsky: Yes, I absolutely experienced it. It was very unnerving. There were reasons why the employees—at the time, there was a big change in EMS in Manitoba, and they became employees rather than being volunteers of their communities and, as such, there were many, many things that were forced on them, or there was an expectation that was there as an employee, where it wasn't there when they were employees of their communities.

Myself, first-hand, when the employer found out that I was helping to organize, actually asked me why I would, because EMS people are supposed to be caring people. It's not supposed to be just about the dollars. And when I tried to explain it wasn't about the dollars but it was about the lack of respect that the EMS people felt, that that was one of the biggest reasons why they felt they needed to unionize, so that they could be treated fairly across the whole region.

Mr. Lindsey: Thank you for that. Did you hear any instances of the union threatening employees during that organizing drive?

Ms. Gawronsky: The union threatening employees? Absolutely not.

Mr. Chairperson: We thank you for your presentation, and I will now call on Trevor Yuriy. I hope I'm pronouncing your name properly. If not, if you could please correct me.

Mr. Trevor Yuriy (Operating Engineers of Manitoba, Local 987): That is correct.

Mr. Chairperson: Do you have any written materials for distribution to the committee?

Mr. Yuriy: No, I do not.

Mr. Chairperson: Please proceed with your presentation.

Mr. Yuriy: Good evening. I'm Trevor Yuriy, membership service representative for the Operating Engineers of Manitoba, Local 987. Our union represents approximately 2,100 members across many industries, including health care; universities; municipalities; towns; crane industry; heavy equipment; skilled trades such as power engineers, electricians, plumbers, carpenters, et cetera in private industry. We are backed by the strength of the 400,000-member International Union of Operating Engineers and are experienced in dealing with health, safety issues, wages, fairness in the workplace.

Unions offer the following benefits and services for their members: we provide professional representation while negotiating progressive collective agreements that ensure access to health care, pension benefits as well as fair wages; provide representation for all types of job-related concerns and questions, including grievances; we provide legal counsel that specializes in labour law to our members when required; we sponsor apprenticeship and training, which will secure a skilled workforce for the future; we seek employment for our members and dispatch them to job sites such as pipeline and project labour agreements; we keep our members informed and continue the labour movement by organizing; and we support and lobby for fair labour legislation.

A 2015 report published in the Journal of Occupational and Environmental Medicine reviewed the workplace data for 40,000 contractors, in Ontario, from 2006 to 2012. The study found that union workers are 29 per cent less likely to suffer a critical injury at work and 17 per cent less likely to suffer muscular or skeletal injuries. This represents a very significant savings, both in financial and human terms for employers and the government through workers' comp.

* (18:30)

I've spent the past four years organizing new groups and can speak to the benefits of the automatic certification when 65 per cent or more individuals sign a union card seeking representation, an already difficult and high standard to achieve.

A union is only successful in the beginning of an organizing drive when employees require a change in their working conditions. Through my experience,

the No. 1 reason for organizing is working conditions, not wages. Employees commonly refer to unsafe working conditions, bullying, harassment and intimidation from supervisors or employers, and inconsistent/different working conditions with respect to other employees.

At this point, these individuals have exhausted their ability to address their issues with their employer on their own behalf. They seek assistance from me to have our union act on their behalf. By speaking with individuals one-on-one, I'm able to listen to their concerns and provide feedback for what we as a union can do to help. Group meetings rarely, if ever, occur.

Employees are afraid to speak out at work, so organizing is done in the evenings when they are comfortable. Individuals freely sign their cards for support, as I do not practise coercion or intimidation.

Upon making application for certification, employers consistently delay and resist the certification process by requesting additional time for their responses to the board. Inevitably, they inflate the numbers of employees, attempting to dismiss the application, the under-40 per cent support clause, resulting in Manitoba Labour Board hearings to determine if the union has adequate support.

In these disputed cases, employees are included in the voters' list, but their vote is sealed, not counted, pending ruling from the board or agreement between the union and the employer. Once the hearing takes place, the vote is held within seven days, predominantly at the employer's business. During this time, employers consistently perform unfair labour practices. I've personally fought for two members who were dismissed because of their suspected union organizing involvement. In both cases, the employer agreed to a monetary payment to end the severed employment relationship. One resulted in a successful certification; the other did not.

To summarize my organizing career to date, I've been successful in 14 out of 17 drives. The three that were lost were all results of a vote. One of these three in particular was a tie—an unsuccessful certification. It was one that had the dismissal/monetary payout mentioned above, coupled with employer interrogation of employees and influence at the vote. One employee couldn't bring himself to walk through the door to register and vote. He appeared four times but left every time.

During this time, a known non-union supporter employee was pacing back and forth outside the room, in the shop, with fists clenched. The supervisor, who was the employer scrutineer, had excused himself twice and spoken to the scared employee outside the room.

I objected to the board official, and the supervisor was warned that any further actions of these natures would not be tolerated by the board. The next day I asked the known supporter who had signed a card why he didn't vote. He replied he was too scared to enter the room.

The other two votes that were lost had employer interference and inflated voting lists. The 14 successful certifications consisted of three with no employer interference or issues—clean certifications, extremely rare. Three went to a vote, all of which the employer attempted to inflate the numbers and interrogate employees. Ten had delays, with correspondence back and forth with the board which added additional days for responses; two days is the requirement under The Labour Relations Act. They resulted in employer interrogation and intimidation of employees, and attempts to inflate the employee numbers by adding casuals, ex-employees or contract workers. One other was a successful certification, and it also had the dismissal and monetary payment mentioned above.

These are real-world examples of desperate working-class people trying to make ends meet and improve their working conditions through their right to form or join a union under The Labour Relations Act. Until the certification is granted, these employees were under extreme stress through the employer's pressure tactics of an interrogation and intimidation to break the unity and single out who instigated the organizing drive.

My phone rings at all hours of the night from the employees and their spouses who are concerned for their livelihood because of the employer's actions during this time of uncertainty. They are being threatened with dismissal for whoever instigated the contact with the union, their mention of the closing of the business, their mention that their lives at work are going to be difficult from now on.

This current government and others that have occupied this Legislature before them have been elected using the democratic process in which not every Manitoban voted. In fact, in the 2016 Manitoba provincial election, voter turnout was only 57 per cent of the population.

By forcing mandatory votes on every certification attempt, which predominantly 'occur'—occur at the employer's place of business, on working time, this government is attempting to have a 100 per cent voter turnout. Unlike voting for government officials, employees, while at their place of work on the day of the vote, are subject to direct communication and contact with their supervisors or employers.

To put this in perspective, the political party representatives would be at every polling station, electioneering, prior to prospective voters entering to place their ballots. This is illegal, so is employer electioneering or intimidating employees in their workplace. However, it is extremely difficult to prove as the board officer, the employer representative and the union scrutineer are in a designated room. No one knows what is occurring outside in the workplace on that particular day.

Other provinces who have similar legislation to Bill 7 have and continue to experience lower volumes of unionization, regardless of union support prior to the vote.

The current system is not perfect. My experiences show delays in 13 of the 17 certification attempts, but it does work. Removing the automatic certification process will increase the pressure and stress on the employees who are attempting to prove—improve their working conditions and their lives.

The mandatory voting system will add additional time for the employer to influence, interfere and interrogate these vulnerable employees. I strongly oppose this legislation as it 'undoubtedly' favours the employers who are resisting certification as the voting process diminishes the success rate of unionizing.

I urge this committee to respect the rights of the working class and continue to allow the current unionization process as it exists in the LRA to assist them in their quest to improve their lives. However, if this committee does support this legislation, then I ask for an additional piece to be considered further to the MFL submission.

As an organizer, if this is an attempt to ensure a fair voting process, then the employer ought to be mandated to provide a list of all employees and their contact numbers at the scheduling of the secret ballot vote. This will ensure all employees have had the opportunity to receive the information from both the

employer and the union, allowing them to make a true democratic choice. Thank you.

Mr. Chairperson: Thank you for your presentation, Mr. Yuriy.

Mr. Cullen: Thank you, Mr. Yuriy, for joining us tonight. Appreciate your input and certainly your recommendations here.

Obviously, I want to thank you for the work you do on behalf of your members and clearly the work your members do, certainly for us, as well. So thank you very much for coming tonight.

Mr. Yuriy: Thank you, Mr. Cullen.

Mr. Lindsey: Thank you very much for your presentation, it—very interesting.

Did anyone from the government consult with you or your union group prior to introducing this legislation?

Mr. Yuriy: No, they did not.

Mr. Lindsey: You've had quite a bit of experience organizing. Have you ever encountered employers attempting to coerce, threaten employees that are trying to join a union?

Mr. Yuriy: Absolutely. As noted in the presentation, witnessed it first-hand. I've seen leafletting; I have copies of letters that have been given by employers to employees; I've received phone calls from employees who have been cornered at work and basically interrogated to find out who they were talking to, who was the first one that spoke to me.

Mr. Lindsey: In your experience, is it workers that are in good workplaces where they're happy that seek to join a union, or is it workplaces where there's already a problem with the employer-employee relationship?

Mr. Yuriy: My experience dictates that it's the problematic employment relationships where employees are continually, for lack of a better word, belittled or harassed on their current working conditions, and they feel that they have no choice. They've exhausted all they can do.

Mr. Chairperson: Thank you for your presentation, Mr. Yuriy.

Are there any further questions?

Seeing's no other questions, I will now call on Sudhir Sandhu from the Manitoba Building Trades, and please correct me if I'm pronouncing your name properly.

Mr. Sudhir Sandhu (Manitoba Building Trades): That was very well done.

Mr. Chairperson: Do you have any written material for distribution to the committee?

Mr. Sandhu: They have been provided to staff.

* (18:40)

Mr. Chairperson: Please proceed with your presentation.

Mr. Sandhu: Thank you, Mr. Chair and committee members. Again, my name is Sudhir Sandhu. I am the executive—chief executive officer of Manitoba Building Trades. We are an organization that represents 7,000 construction and skilled trades professionals in Manitoba, and we are also part of a national network of some 550,000 skilled trades and construction professionals across Canada.

Now, building and construction trades organizations are very different than other unions in this very important respect: we are the organizations that provide skilled, trained workers to employers. Now, all employers will be familiar that they carry and they maintain their own permanent workforce in most cases. In our case, we are in fact an employment agency that provides workers—skilled workers—as and when needed to multiple business partners that we work with. So we play a very important role in developing Canada's skilled trades workforce.

Now, I know the speakers before me have spoken very eloquently about some of the issues respecting fairness about bullying and conflicts in the workplace, and the opinions on that issue are going to be as varied as they can be. You will hear speakers stand at this podium before you, talk about employment intimidation of workers in the workplace surrounding union certifications. You will probably also hear some suggest and claim that workers are, and unions will be, coercing workers to join their organizations.

I just want to deal with that to a small extent, because I'd like to spend more of my time talking about the macroeconomic implications, the socioeconomic implications of what is being considered here. But I think one of the earlier speakers talked about that employers are the ones who dictate the terms and conditions of employment. They have far more influence. And I'd also like to point out to you that through the history of western economic development, governments of

every different form, stripe and orientation—political orientation has far—has passed a much greater volume of legislation and regulation to protect workers from employers than has been the other way around. We don't often need legislation to protect employers from their workers. So that speaks to the balance of power in workplaces, and I think we have to be considerate of that.

But moving on to the macroeconomic issues, I think the essential—anytime a government and a House such as this considers legislation, it has to be certain about the foundations upon which it is basing a decision to change legislation or to introduce new legislation. And you are considering Bill 7. We oppose Bill 7 in its entirety, in—and we certainly support the recommendations made by prior speakers in terms of changes should the government proceed with this legislation.

But the extent to which unions flourish in workplaces, unions are in fact the canaries—and it turns out canaries in the economic coalmine, and I'll demonstrate how. Starting in about the 1980s, we had the advent of Reaganism and Thatcherism, and central pillars of their economic philosophy was that unions needed to be diminished. Unions wielded undue influence over capital, and if we just unfettered capital we will all be richer for it. Our economic state would be better if that condition was—existed.

So Ronald Reagan, in the United States, President Reagan, went after the air traffic controllers. We'll all recall—I think many of us have enough grey hair to remember those stories. Margaret Thatcher, Prime Minister Margaret Thatcher, in the U.K., went after the coalminers. And over the decade that followed, they started the process of diminishing unionization in both the U.K. and the United States; in the United States very dramatically, to the point that 9 per cent of the workforce is now unionized. What does that have to do with socioeconomic factors? Well, it's not our opinion. The opinion whether workers are coercing, unions are coercing workers or employers are coercing workers, that's a matter of opinion.

When you're considering legislation of this import, surely you're not going to base your decisions on opinions that are conflicting, at best, so I would suggest that those issues are a wash in terms of lending support to your decision-making process.

But they are organizations that advocated for Thatcherism, that advocated for Reaganomics

very strongly. Those are organizations like the IMF, the International Monetary Fund. They are organizations like the OECD. These are bastions of small-government, conservative economic policies. Over the last two years, both have come out with some pretty dramatic data that is not subject to opinion. It is hard data. It's econometric analysis. They have concluded that on average, OECD countries—in the first instance, the IMF has concluded that concentration of wealth has directly and dramatically correlated with declining rates of unionization. That's their conclusion; it is not ours.

So, if we're trying to grow the middle class, if you're trying to grow the economic pie, it turns out that unions are actually pretty important because when they start to go down and their share of the workforce start to go down, so does economic growth.

Now, on the heels of—if the IMF conclusion about wealth concentration is not important enough, wealth concentration, in turn, has a severe impact on economic growth. So, on average, the OECD reported in 2014 that OECD countries lost 8.5 per cent of GDP growth over 25 years. Since Reaganomics and Thatcherism were unleashed on our economic systems, we lost 8 and a half per cent of GDP growth over that 25-year period. That's traumatic.

So now you're considering changes. You're not motivated by an anti-union animus, I would suggest. I think in good faith every government that acts and considers legislation does so in good faith, and we will trust that you're looking to grow Manitoba's economy, that you're trying to benefit people. Well, we would submit and suggest to you that you have to pay very close attention to what happens to one group in our economy: (a) it's a disadvantaged very certainly, and we have enough groups in this province that fit that bill, but it's the middle class. If you consider this legislation and pass it as it is written, there is historical evidence now that unionization will go down. If that happens, economic growth will suffer and so will—income concentration will increase.

It's the classic economic questions; is it better for—question—is it better for an economy to have one billionaire or a thousand millionaires? Those are the questions that are before you.

So we strongly urge you to rely on a sound foundation. Look at the data that is before you. We've shared the reports, at least in summary. Those

are available in full—in their full detail, and those are not opinions. Those are not opinions of people that and organizations that tend to be on the left side of the political and economic spectrum. Those are hard database reports of some pretty conservative organizations. So we would urge you to do what is best and what will support economic growth in Manitoba and please repeal and withdraw the legislation as it is being contemplated.

Thank you, and I'd be happy to answer any questions you may have.

Mr. Chairperson: Thank you for your presentation, Mr. Sandhu.

Mr. Cullen: Thank you, Mr. Sandhu, for your views and your perspective tonight. Certainly appreciate that.

And, again, thank you for your detailed submission here. It looks like the committee's going to have some reading ahead of them, so always good to have supporting documentation.

Appreciate the work that you do and certainly your members, in terms of their contribution to Manitoba's economy, so I wanted to recognize that tonight. Thank you.

Mr. Sandhu: Thank you, Minister Cullen, and happy reading.

Mr. Lindsey: Thank you for your presentation, and thank you for all the detail that you've put into that presentation and the thought that's gone into it. It's not somebody just running off. It's a very well-thought-out and very well-reasoned and factual presentation.

So my question is: Did anybody consult with yourself or anybody in your organization prior to introducing this legislation?

Mr. Sandhu: No, Mr. Lindsey.

Mr. Lindsey: I think that's the only question I have for this gentleman.

I think that the facts very well speak for themselves in his presentation.

Mr. Chairperson: Seeing no other questions, thank you very much for your presentation, Mr. Sandhu.

And we'll now call on John Godard.

John Godard, is he present? Seeing as he is not here, he will drop to the bottom of the list.

I will now call Darren Gibson.

Mr. Gibson, do you have any written presentation for the committee?

Mr. Darren Gibson (Private Citizen): I do not.

Mr. Chairperson: Then, please proceed with your presentation.

* (18:50)

Mr. Gibson: Thank you, Mr. Chairperson.

My name is Darren Gibson. I'm a father of three girls and I live in Winnipeg, in the riding of Radisson.

I'm here as a private citizen. However, I'd like to state that I'm a member of Unifor. Unifor is Canada's largest private-sector union. We have over 300,000 members from coast to coast to coast, working in every major sector in the Canadian economy. We have approximately 11,000 members in Manitoba representing manufacturing, hospitality and gaming, media and health care, to name a few.

Unions are important. Workers join unions for access to fairness and justice. Contract bartering ensures that all workers have a say in wages, benefits and working conditions on a regular basis. Furthermore, a contract gives unionized workers a legal right to grieve improper pay rates, health and safety issues, application of negotiated benefits, unjust treatment or discipline. This process ensures the problems, issues and concerns will not be sidestepped but rather be mandated to be dealt with in very specific time limits.

Without a union and a collective agreement, the employer has sole discretion in determining what is fair and just. They make decisions on health and safety and conditions of employment without many means of challenging those conditions. That doesn't sound like democracy to me.

On June 20th, 2016, Mr. Pallister stated that Bill 7 is intended to help restore democracy to the workplace. He also stated that voting with a secret ballot is the fairest and most accurate way for any group of people to make an important decision. In Manitoban provincial politics, the secret ballot is used to elect MLAs and the Speaker of the House. That is where the use of a secret ballot ends—in the Leg. When MLAs vote on bills, the vote is done by yelling either in support or not. After that, the recorded vote is asked by means of standing up individually to be recognized by name in view of party bosses. All of this is public information, no secret ballot voting here. Is this not intimidating? Is a

legislator a true democratic institution? If so, then why all the pressure on unions for secret ballot voting?

For the house of labour a secret ballot vote is used to elect our presidents; it is used to make changes to constitution amendments, and in Manitoba it's already being used if less than 65 per cent of workers sign a membership application during an organizing drive. Let me 'reinterite' that point. A vote by workers which is less than 65 per cent requires a secret ballot vote, but a majority government can be elected with less than 39 per cent of the vote. Which seems more democratic to you?

On October 12th, 2016, Minister Cullen stated, we're just basically saying we believe that people should have the ability to have a secret ballot vote so that we're not being coerced or intimidated by their peers or their employers. I'd like to discuss the following political terms often used by a party boss in politics: muzzle, party whip, to whip party members. This is a form of intimidation, coercion and bullying used to make sure your own political party members vote as the party bosses demand, and speak publicly either not at all or from a script.

An example of this are statements made by Mr. Pallister on June 20th, 2016, and those made by Minister Cullen on October 12th, 2016, regarding Bill 7. Did Minister Cullen feel pressured from his party boss or whip to follow a verbatim script word for word in many sections? I think that it's disturbing that a political group who clearly shows it as not democratically run is trying to bully a social group that is democratically done. First take the plank from your own eye, and then you will see clearly to remove the speck from your brother's eye.

Employees form their own union. Usually, a committee is formed within the workplace who inform and sign up their co-workers. The law requires at 40 per cent of employees sign a membership card. The union then applies to the Manitoba labour relations board if 65 per cent of affected have signed a union card, the board grants automatic certification. This is stated in section 40(1) of the Manitoba Labour Relations Act. If less than 65 per cent of affected employees have signed up, the board will order a secret ballot. This law is already on the books. This sounds like democracy to me: 65 per cent is a clear majority, much more than what is needed to be elected into public office at any level of government.

Currently, the Manitoba Labour Relations Act guarantees the secrecy of all membership evidence. Employers never find out and never get to see membership cards. This is to prevent employers from intimidation, threats of termination or closing up shop. Action can be taken against employers under section 30 and 31 of the Manitoba Labour Relations Act who violate workers during an organizing drive.

Employers, specifically in this province in the last five years, have been found guilty of workplace intimidation, threatening employees with termination and closing up shop. To my knowledge there are no judgments from the Manitoba Labour Board against the house of labour, so where is the credible intimidation from unions?

Democracy is more than the right to cast a secret ballot; democracy is not solely a function of a single moment citizens vote. It just so happens that I quoted Sindhvir Sandhu [*phonetic*], and I didn't realize he'd be in the house tonight, so there you go.

Bill 7 is flawed anti-worker legislation from every angle. It's an election platform promise, a partisan promise to have democracy restored in the workplace.

Minister Cullen, on October 12th, 2016, said the bill is about restoring basic democratic rights to workers. Workplaces are not democratic institutions. They can be quite hostile with precarious work and unsafe working conditions. This is why unions are necessary. Without them, employers make all the rules. They decide on the legal—on the minimum legal amount of compensation to pay, if there should be a benefit plan or not, and make sure to follow the minimum health and safety standards.

You know what happens if a co-worker questions the decisions that are made behind the closed boardroom doors, the decisions that affect the well-being of the worker? Generally, they get fired. This does not sound like democracy to me. If we're going to talk about democracy in the workplace, then we should make sure every worker gets a say in the decisions that may affect their lives and the lives of their families in a timely fashion and without employer intimidation. And that is what Manitoba's unions provide.

Their argument that Manitoba—that unions intimidate workers into signing membership cards is this government's way of cherry-picking an issue that fits the political agenda. It's the politics of divisiveness, deception and deflection.

There is no evidence that the Labour Board that supports these claims, yet there are judgments on record that show employers have been found guilty of interfering in the process of union certifications. Bill 7 will make this worse.

While Mr. Pallister is seeking to enact Bill 7, the Trudeau government is repealing Bill C-377 and 525 put in place by the Harper Conservatives. Prime Minister Halper-Harper also used democracy to rationalize legislation that was roundly criticized as American attack-style on the rights to unionize.

What was seen as bad legislation for Canada is now being presented as good legislation for Manitoba. Bill 7 will make it harder for everyday Manitobans to join a union. It opens the door to employer intimidation. Making it harder to join a union will mean fewer workplaces being unionized and fewer workers with the benefits of a union. There is no evidence of the need for change and no research on the impacts of change. There is evidence of unfair labour practices in Manitoba, by employers, and there will be increases in unfair labour practices with Bill 7.

Mandatory vote certification provides 'greatest' opportunity for delay and employer intimidation. The Supreme Court of Canada determined collective bargaining constitutes a fundamental aspect of Canadian society, which enhances the human dignity, liberty and autonomy of workers by giving them the opportunity to 'inflex' the establishment of workplace rules and thereby getting some control over a major aspect of their lives, namely their work.

Any legislation that weakens the rights of workers in Manitoba to join a union or form a union is bad legislation for all Manitobans.

In conclusion, I want to point out a irony that surrounds Bill 7, a bill about restoring basic democratic rights via a secret ballot vote, was passed at second reading and brought to this committee by using a non-secret-ballot-voting system—basically, yelling in the House. This is not democracy. Thank you.

Mr. Chairperson: Thank you for your presentation, Mr. Gibson.

Mr. Cullen: Thank you, Mr. Gibson, for taking time away from your family to be with us tonight and sharing your views. We do appreciate that. Thank you.

Mr. Lindsey: I, too, would like to thank you for not just sharing your views with us tonight but for all you do to support your members and working people in this province.

Did anyone, to your knowledge, consult with either yourself or anyone within your group prior to introducing this legislation?

Mr. Gibson: Nobody consulted with myself. I cannot speak on behalf of my national union.

Mr. Lindsey: Would it be fair to say there's, in our country, in our province, different forms of democracy in action today depending on the circumstances or the location?

Mr. Gibson: Yes, I would say so.

Mr. Chairperson: Thank you for your presentation.

Are there any more questions of Mr. Gibson?

Seeing as none, I will now call on Bernie Wood, private citizen.

Do you have any written materials for distribution to the committee?

Mr. Bernie Wood (Private Citizen): I do not.

Mr. Chairperson: Please proceed with your presentation.

* (19:00)

Mr. Wood: Thank you. Belonging to a union is a fundamental right we as Canadians need to protect. We cannot stand here and be bullied by government, these malicious self-serving attacks against unions just because they don't like us, and employers find it easier to operate when they do not have to concern our safety, job security or providing us a living wage. This doesn't make it okay.

I come from a small town in New Brunswick where it is still hard to find work. My father told me at the age of 16 I would have to work very hard because it's going to be tough for young men to make it. My father is a naval officer that served 25 years for this country, and this is the guy telling me it's going to be tough.

I arrived in Manitoba in 2002 and landed a job immediately. I worked hard and kept my head down, not wanting to complain about my working conditions or that I wasn't making enough money to support my family. I was scared that if I asked for a raise or complain about my working conditions, I would be let go.

I have seen others that have tried to stand up for themselves and they were fired viciously. Because of this I found myself planning to make moves. I spoke about joining a union and everyone seemed to be for it, but no one would take the first steps because they were scared of what would happen.

I eventually left that position and went to work in an even more dangerous workplace, but it paid twice as much, so who cares, right? I ended up nailing my hand to a pallet with a nail gun that had the safety removed by the employer because it made it faster. I was let go because I was still on probation and I was a liability.

After this I joined the industrial workforce at a multinational company that is one of the leaders in manufacturing service and distribution. I witnessed first-hand what hard dangerous work is and how abusive a management team really can be. These guys I worked with were scared for their lives, not just their livelihood. A situation can go sideways fast in this work. It was a boys club in there. Blind eyes turned to substance abuse on the job; preferential treatment was so blatant they would point and laugh fingers about it. If you suggested something was unsafe, the classifieds would be thrown at you and told to find another job.

Just before I started here, the workers tried to organize a union, but the management caught wind and said anyone who shows up at this meeting will be fired immediately. They sent a company representative to sit and take names of whoever went.

When wanting to organize a workplace, unfortunately, you have to do it secretly because if you don't and the employer finds out, the employers will intimidate you and interfere by using scare tactics or just terminate your employment. And, without a union, who's going to stand up and fight for wrongful terminations and battles for you? Without a job, you certainly can't afford a lawyer.

After hearing this and seeing everything that was going on around me, we decided that enough is enough, and a few of us risked it all because we felt we had the trust of our co-workers that had suffered enough. We were ready to start another organizing drive. We knew we needed 65 per cent of the cards signed and fast because intimidation—because of the intimidation that would follow.

You were not permitted to do organizing during working hours or on company property, but it is okay

for the employers to hand our anti-union literature and hold meetings and slandering unions and threatening workers whenever they see fit.

Organizing was difficult, especially with a multi-location workplace, shift workers and out-of-town commuters to physically get cards signed. Card check is a great process that has proven effective for both union and employer. It is a democratic process, and we have the right to belong to a union if we choose. In all honesty, if it should be 50-plus-1 because it's a minority, that's no different than getting elected to get up into government. We were fortunately able to get to 65 in about three days, and the certification was filed at the board successfully. The company upon receiving the news that the application was made immediately went to work. They handed out copies of LabourWatch, anti-union literature, held two box meetings, flew in executives from head office, threatened jobs, working conditions, wages, took back bonuses and used many other fear tactics which did scare a lot of the workers, including myself.

But it was too late, we had our numbers and we were new union members, and we had the support of our union executives. We knew they were going to fight with us, for us. The company hated us so much; they fought tooth and nail the entire way about everything. We had to apply for first-contract arbitration because we could not come to an agreement.

My employer continued to fight with us relentlessly about WCB claims and health and safety concerns which, ultimately, may have been what cost a good friend of mine his life. My brothers, management and myself stood by helplessly as his life slipped away in the workplace.

The company and the union were able to come together as a true joint health and safety committee to identify other unsafe working conditions and apply immediate corrective actions after this terrible incident. The company, since the incident, has involved the union in all safety-related decisions and has chosen to work with us rather than against us. We have created a culture where union and employers share a mutual respect for one another and any of their concerns. The employer, without a doubt, now sees having a union as a benefit. The ultimate price was paid for this peace of—for this peace in the workplace, as many others have paid the same price fighting for us workers to get where we are today.

I, for one, will not stand quietly and go down without a fight, and Bill 7 is a fight. I ask you to kill this bill and end this senseless attack on the working class and focus on what really matters: ensuring our right to join a union is protected and allowing employers to—and not allowing employers to intimidate us in the workplace. Sixty-five per cent is more than enough. All I want is to ensure everyone that goes home at the end of their shift is paid a living wage and is able to retire with some dignity. I—and having a union is the best way to ensure that happens. If you don't feel the same way, there is definitely something seriously wrong.

Thank you.

Mr. Chairperson: Thank you for your presentation, Mr. Wood.

Mr. Cullen: Mr. Wood, thank you very much for sharing your story with us tonight. I think we all certainly view that with a lot of a passion, for sure. Appreciate your time.

Mr. Lindsey: First off, let me recognize the courage that you and your brothers and sisters went into to get organized in the face of such staggering odds against being successful. Let me also thank you for having the courage to come here and tell your story. It's hard, fast stories like that that will hopefully convince this government of the wrongness of this bill. I don't have a lot of questions for you, sir; I just want to acknowledge how brave you were.

Mr. Wood: Thank you.

Mr. Chairperson: Thank you for your presentation, Mr. Wood.

Seeing no other questions, I will now call on Bernice Bruske, united food and commercial—Beatrice Bruske.

Do you have any written material for distribution to the committee?

Ms. Beatrice Bruske (United Food and Commercial Workers): No, I do not.

Mr. Chairperson: Please proceed with your presentation.

Ms. Bruske: Thank you for providing me with an opportunity to speak on this important bill. My name is Beatrice Bruske, and I represent the United Food and Commercial Workers Local 832, Manitoba's largest private-sector union. I've worked with the union for more than 22 years in various different capacities. I've represented brand new union

members, bargained first collective agreements and assisted on organizing drives organizing new workplaces.

We represent over 19,000 members across the province of Manitoba, including retail, security, food processing, warehousing, health care, as well as a variety of non-profit workplaces. Our workplaces extend across the province in every area.

In my tenure with UFCW, my union has organized many new workers in a variety of industries, most recently Celebrations Dinner Theatre employees. We do not generally target or seek out employees to unionize; rather, we are contacted by employee groups wanting to unionize. The motivation for unionizing, regardless of the industry that the employees are in, are the same. It's generally not about wages and benefits; it's about respect and dignity in the workplace and having a voice in the workplace to affect change.

While wages and benefits sometimes are important, the biggest motivator is always wanting to make sure that people gain respect and have a voice and can raise issues with their bosses without fear of retribution or having termination as being a threat. That push for respect and dignity is because people don't feel like they have that. That's not going to change without a union being in some of those workplaces and without subsequent collective agreements that are enforced by a grievance procedure.

By the time workers contact a union to start an organizing drive, many have tried to address those issues with management. They usually fall on deaf ears or are given lip service, or alternately, based on the culture of the workplace, employees aren't even comfortable raising those issues. Many times these are health and safety issues that are critical in terms of preventing incidents or accidents in the workplace, and many of them are basic dignity and making sure that hygiene and safe, clean working environments are observed.

As much as we would all like to believe that all employers are decent, there are bad apples among them as well. Many employers treat workers with respect and dignity, and we can respect that, but that's not universally the case. When employees feel that they have no respect or dignity and they feel they're generally in a situation where they're feeling extremely vulnerable—many workers who contact us are in lower skilled jobs or are marginalized workers, and they don't see any options. They don't see any

options in terms of improving their work life without making that very difficult decision to contact a union rep. They don't see the opportunity to change jobs and to be able to support themselves or their families while they're making those changes when they're in those marginalized work locations.

*(19:10)

In situations where they've made those decisions to contact us, it usually—it's months or years of fretting about, what am I going to do, how am I going to improve my situation before they actually pick up the phone to call us. And the situation is usually dire. So that decision to start an organizing drive is not a spur-of-the-moment decision; it's a long time in coming.

And even once contact is made with an organizer, our organizers sit down with those folks to lay out exactly what happens. We cannot make them any promises. Every single issue has to be negotiated. Every single piece has to be voted on by the entirety of the bargaining unit and the first collective agreement. And it takes a very long time to make sure that people are comfortable even going down the road of wanting to start an organizing drive, because fear is incredibly prevalent.

Employees have to weigh out their options. Those are very long and stressful situations. They talk with their families and make a very difficult decision to finally go down that particular path to start a drive in their workplace and become involved.

They're universally scared of losing their livelihood. We've had folks be terminated, folks be laid off, even though they'd been there many years, folks all of a sudden demoted to a different position within the organization just because there is a rumour going around that this person is talking about the union or making inquiries about a union, or whatever the case may be. If that person is singled out and is terminated, sometimes it's very difficult for them to even get employment insurance and battle that particular issue in terms of being able to feed their families.

It's extremely difficult to organize even under the best of circumstances when it requires 40 per cent to trigger a vote and 65 per cent in order to have automatic certification. I put forth to you that actually signing a membership card is more of a difficult decision than checking of ballot on a ballot—checking a box on a ballot, quite frankly. It's a higher test of intent than actually marking a ballot. You're

filling out a union membership card, putting out all of your personal details, and trusting a totally separate organization that that's going to be kept confidential, that your employer's not going to have that information that you, John Smith, have signed that card, and that the Labour Board is also going to guard it very carefully, and that information is not going to get out. By signing that card, that employee is putting complete trust in the process. They're already feeling fearful and vulnerable and that is a very big deal to even sign a card never mind now having to go to a vote.

Also, asking to vote after they've taken that step is basically saying to the worker, we don't think you thought that out really well to begin with, so now we'd like to prove it again. It's basically saying, vote twice. We know you took months and years to figure this out, but now vote twice and show us that that's really the case.

When difficulties arise, employers react very quickly. Immediately—immediately—a response is sent out. As soon as the employer finds out that there is an organizing drive going on, even though there's only certain things that employers are able to say, we've had many instances where employers either put out newsletters in different languages to basically indicate, if a union comes in, it's going to affect our business and we will have to lay people off. And they put that out under the guise of being able to share employer information with the employee group, not necessarily factual information. In some cases, it's a direct threat. Unionization will cost you. You're going to be out on strike. The unions going to charge you exorbitant fees, whatever the case may be.

We've seen supervisors not treating employees while in the workplace be switched out for new supervisors when there's an organizing drive, because the employer's trying to fix a problem very quickly so that the case of unionization and the vote may not necessarily go the way that the people wanting to unionize will. Those are pretty standard practices and, generally, when an employer does try to fix things during an organizing drive, those aren't long-term fixes. Those are short-term things to try to make things look at that moment in time.

When it comes to the vote, the votes are normally held on the employer premises. So that can be very problematic, because it's a sense of obligation. You're walking by the boss's office to go and cast your ballot. It's basically by—walking past

your MLA to cast the ballot as to who's going to be representing you for the next number of years, so it's really no different.

We've had—employees have to run a gauntlet of management to actually get to that ballot box. So management and supervisors are lined up on both sides of the hallway as you're walking towards that voting opportunity. And, when we don't allow election signs near our polling stations, why should we be allowing voting in employer premises? I don't think that that's good practical—that doesn't make good, practical sense.

In my experience, it's incredibly difficult to prove employer interference in an organizing drive. It requires already-scared employees to come forward with evidence of what was said to them, and often it's a he said, she said situation. So you're already talking about a very vulnerable person who's scared to begin with, who's now going to have to give evidence against their employer. It may not go their way in terms of what the Labour Board decides, and that person's likely going to be out of a job.

We've had a number of situations where those things have occurred. It's incredibly frustrating when you're dealing with employees who are very, very scared, and they don't necessarily see an alternative.

As the government seems intent on making this change, I hope that they will also look at imposing greater penalty for interference in organizing drives. Currently, the penalty is to issue discretionary cert where we can prove that there was inappropriate actions taken by the employer. Perhaps that should also include a financial penalty payable to the employee group being unionized, and also limits on when and where those votes should be taking place. It should be off-site. It really should not be on the employer's premises.

Thank you for your time.

Mr. Chairperson: Thank you, Ms. Bruske.

Mr. Cullen: Thank—Ms. Bruske for your presentation and your advice on potential amendments. Appreciate that. Thank you.

Mr. Lindsey: I would also like to thank you for taking time to come and tell us about your experiences with your union and organizing and—your particular union represents a fair number of working people in this province.

Did anyone from the government, to your knowledge, consult with you or anyone in your union prior to introducing this?

Ms. Bruske: Not that I'm aware of.

Mr. Lindsey: Talked about when employees go to vote at a workplace that they have to run a gauntlet sometimes of employer people. How many union people are allowed to be at that voting place when the employees are voting?

Ms. Bruske: Sorry. At most, two.

Ms. Cindy Lamoureux (Burrows): Thank you, Ms. Bruske, for your presentation. I'm wondering more about the initial steps of unionization. So you say when a person approaches you for a bargaining unit, I think, was the terminology used, what happens before a drive? What do you ask this person before you move forward with the idea?

Ms. Bruske: When we receive a phone call or an inquiry from an employee group; it's usually one or two employees or a group of employees that comes forward and requests a meeting with one of our union organizers. We would take them through the process in terms of what is required in order to have a successful drive; we explore what the issues are in their workplace.

If there are other resources that we can point them to, we certainly provide that information, whether it's WCB or health and safety issues, and provide them with the information to go to the appropriate government authority if they can already—so they can already start addressing those issues. But it's a very long process in terms of walking through those various different steps. And generally, it's a very fear-based situation at that moment in time. The employees are experiencing a great amount of fear and are quite concerned about word getting out that they're even considering unionizing.

Mr. James Allum (Fort Garry-Riverview): Thank you for coming tonight. I'm—many of our presenters tonight have talked about that actual process of signing the card, and it sounds like it's a tremendous leap of faith in its own right. Would it be fair to say that in most times that you're contacted, it would be newcomers and those who are new to Manitoba that would be coming from non-union backgrounds that would have to take a tremendous leap of faith in that regard?

Ms. Bruske: So, in our experience, the types of workers that we represent, we are very much a service-based union, although we do have a variety of different industries that we represent. Some of our largest organized groups more recently were security

guards. So there's a lot of new Canadians, new people coming to Canada still learning the system in terms of what's allowable in Canada, understanding what their rights are in terms of Labour Relations Act and those kinds of things, so it's a lot of an education purpose as well, yes.

Mr. Chairperson: Thank you for your presentation, Ms. Bruske.

Since we see no more questions, I will now call on Kim Ferris, private citizen.

Do you have any written materials for distribution to the committee?

Ms. Kim Ferris (Private Citizen): I do not.

Mr. Chairperson: Please proceed with your presentation.

Ms. Ferris: Good evening and thank you for the opportunity to speak on this important matter. My name is Kim Ferris. As Mr. Chairman mentioned, I'm here as a private citizen. I've been a proud member of UFCW Local 832 since 1997 and union organizer since 2003. I've helped with many organizing campaigns over the past 13 years, and I met a lot of workers along the way.

When they've made the decision to contact a union organizer, it's never been a decision they've made lightly. They've spent a significant amount of time pondering possible outcomes and wondering whether taking this step will do any good. When workers make the decision to organize, it's because they've reached a breaking point in their workplace and they feel it's time for them to try and make some changes.

* (19:20)

The reasons are not always related to wages and benefits. More often than not the motivation to form a union is because workers are not being treated with dignity and respect by their employers. Many of them struggle with the fear of losing their jobs or receiving further mistreatment by their employer if they are found to have been, or suspected of speaking with the union organizer.

When a worker first learns about the process of forming a union and what goes into an active union organizing drive, it seems very overwhelming. The union's there to help facilitate the process, but the real work is done by the employees. It takes a lot of commitment and is a very intimidating process.

Once an organizing campaign begins, it becomes increasingly difficult because, now, they need to speak with their co-workers to build support and sign cards. A union organizing drive isn't always a workplace battle. It can become a personal and sometimes an emotional battle as well. Workers feel vulnerable.

Even when explained about the laws in place that protect a worker's right to organize, there is a constant fear they could lose their livelihood and means of support if they're found to be involved. It usually doesn't take long before an employer catches wind of an organizing drive. And, when they do, workers feel a level of urgency and they start to feel more pressure and become even more fearful, because now management knows. Though I believe that there are employers in this province who respect the rights of workers to organize, the reality is not all of them do, and some may take steps against the employees to try and deter or undermine their wishes to organize.

My hope here today is that you consider the challenges workers in Manitoba already face when seeking union certification. When a worker signs a card, that signature is their declaration that they wish to be a union member and to have union representation. When a workplace has achieved over 65 per cent in signatures, workers are fulfilled with a huge sense of accomplishment. There's a feeling of hope and camaraderie. Numbers like that clearly indicate that more than the majority has stated they want for representation. To have this option taken away, is a hit to democracy.

A card is not just a card. It stands for so much more. It stands for solidarity, perseverance and a worker's commitment to improving the working lives for themselves and for those with whom they work. Thank you for your time.

Mr. Chairperson: Thank you for your presentation, Ms. Ferris.

Mr. Cullen: Thank you, Ms. Ferris, for your presentation tonight and sharing your views with committee.

We do appreciate it. Thank you.

Mr. Lindsey: I'd like to take the opportunity to thank you for coming and sharing your views with us.

I believe you said you were an organizer with UFCW. Do you know—or have you been consulted or

do you know if anybody in your organization has been consulted about this bill prior to its introduction?

Ms. Ferris: No, I'm not aware.

Mr. Lindsey: Would you say it's fair to say that there's different forms of democracy depending on the circumstances and would you that people signing a union card is a free expression of their democratic will?

Ms. Ferris: Yes, I would.

It takes a strong commitment to sign a card. And, as Ms. Bruske mentioned previously, it's almost like having to vote twice. It takes a lot to put a name on a card and, quite a commitment. Absolutely.

Mr. Lindsey: You've talked a little bit about instances of employer threatened, and how employees that want to get unionized feel threatened and forced.

How many organizing drives have you actually been involved in? Just a rough number.

Ms. Ferris: I could say at least 10—at least 10.

It's been a—every campaign is very different but, usually, there's something that happens where, you know, you do get phone calls saying, we've heard management has found out. There's managers asking have we heard from the union. What are they asking us? We've heard about meetings happening. Just, you know, comments and little flyers and things going down, and all sorts of things.

Mr. Lindsey: With the ones that you've been involved in, were they all successful or were some of the organizing drives not successful?

Ms. Ferris: They were not all successful, no.

Mr. Lindsey: And what would you say is the predominant reason that an organizing drive has not been successful?

Ms. Ferris: I do believe because the employer started speaking with the employees and trying to sway their decisions.

Mr. Chairperson: Thank you for your presentation.

Mr. Allum: Thank you for coming tonight. We talked just a moment ago about the leap of faith that workers take in signing the card.

If you're a female in a workplace, it must be also a very difficult decision to make. You may be the

only breadwinner in your home, that kind of thing. Can you just talk about the sort of the gendered nature of the process and what it's like for women?

Ms. Ferris: It certainly can be very intimidating, especially when there are single women, single mothers out there who are only trying to improve the quality of lives for their families. As soon as you do start discussing signing a card, it becomes quite a commitment and it is very fearful.

On the flip side of that, we've also had some women, during campaigns, that were very strong and quite strong leaders spearheading these campaigns. So it's really dependent on the workforce. But, yes, usually when we do encounter single women or single mothers, that does present some challenges, yes.

Mr. Chairperson: Thank you for your presentation, Ms. Ferris.

Seeing as no other questions, I will now call on Mike Howden, private citizen.

Mr. Howden, do you have any written materials for distribution to the committee?

Mr. Mike Howden (Private Citizen): No, I don't.

Mr. Chairperson: Please proceed with your presentation.

Mr. Howden: Hi, I'm Mike Howden. I've been involved in organizing and have been an organizer for approximately 11 years. I'd like to take the opportunity to share some of my experiences as an organizer and with hopes that you'll contemplate not changing the bill before us.

I've been involved in organizing workplaces that, you know, and it always starts from having a concerned member that would call or show up. And it always happens out of something that's had a great impact on them. It could be as simple as a near miss or a serious workplace injury. But it always—it doesn't start basically for wages, it starts for something, their treatment, how they're being treated at work, what's going on, is it safe.

There are common threads in every organizing drive. It's usually lack of respect, poor treatment, favouritism and safety concerns, to name a few. Wage is only one of the aspects and, in many cases, it's overshadowed by health and safety concerns.

There's a main vein or a theme in every organizing drive once an employer is made aware of an active drive, and that's intimidation and coercion.

Some examples of the intimidation and coercion that employers will do—they may, you know, they may be nice and soft about it and just not enforce rules; you know, let you wear your short-sleeved shirts, show your tattoos or let you leave your piercings in, those types of things. Then they think—[*interjection*] No offence, I'm just watching you. Those are some of the things that they would do. At a grocery store, it was unheard of to see somebody with a piercing or their tattoos hanging out. So they'd have the long sleeves buttoned up. That was a rule. You know, all of a sudden an organizing drive starts, you can wear your short-sleeved shirt. It's okay to leave your nose piercing in or have your earrings, your hair down, those types of things. You know, oh, he's not such a bad guy. They do those types of things to sway your vote, you know.

And then the other side is they terminate an employee that they feel is involved in the drive. And that's, you know, could be the voice, could be the nucleus of your drive. So they terminate him. There's always a way to find a way to terminate somebody, put that scare tactic into everyone: oh no, take away their livelihood.

And a lot of things that the other tactics that they use is they tell you union dues are going to be \$100 or you're going to have to start paying for parking. Who pays for parking in Steinbach? You know, there's parking lots all over the place.

They hire friends and family to infiltrate and sway the vote. You know, they hire their friends' kids, their neighbours' kids, so who's involved in this and who's involved in that, trying to find out who's the catalyst of the drive. And then they make an example out of them, terminate them, demote them, give them poor jobs, give them the least desirable jobs.

Another thing that they do is they allow supporters of the employer to go around and talk to them, eight hours a day, right up to the day of the vote. So they have eight hours a day to go and pick at every individual. And it's not the employer doing it. They pick somebody. And that has a great impact on the workers. Could be your friend—you know, he just thinks, oh, I'm going to get ahead by helping out the boss. Meanwhile, he's doing a great disservice to the rest of the workers.

* (19:30)

Speaking about the vote itself, employers—they get the benefit of intimidating people right up to

the day of the vote and on the day of the vote. You have—everybody said they have to run the gauntlet of, you know, going into the voting room, right? Okay, so now—right away you going into the voting room is a tough, difficult task. Now you're a supporter. If the employer at any time thinks that you are an—a supporter, by you showing up to that vote seals it for them, whether rightly or wrongly.

I think the process is already geared toward the employers already. Excuse me—the employer gets to campaign right up to the time of the ballot, and that's intimidating—very intimidating for a regular worker, just anyone, just to go in there, especially if you're involved, it's very intimidating. You know, is it me? Is it me? Do they see—am I doing anything? Is my body language saying anything? It's very intimidating.

By getting to see when people vote and who votes, that's when your judgment is made. As an employer, that's when you're doing it. Oh, you're the first person to vote, must mean you're anxious to get this on. No, I'm just—the end of my shift, I'm ready to go. Okay. If the organizing drive is successful, it's fantastic. But, if it's not, the employer has made those judgments already and, later on down the road, then they can—they have free will to do what they like.

I feel the bill should be repealed. Thanks.

Mr. Chairperson: Thank you, Mr. Howden.

Mr. Cullen: Thank you very much, Mr. Howden, for coming to committee to share your views. Do appreciate it.

Thank you.

Mr. Lindsey: Thank you very much for coming tonight.

How many organizing drives do you think, in just a rough number, have you been involved in?

Mr. Howden: Probably 20.

Mr. Lindsey: Have they all been successful?

Mr. Howden: We've had—I've had quite good success. They haven't all been successful.

The examples I use are real. There's something that happens in every organizing drive. Certainly, you know, one organizing drive, the people—the employer calls the people by number, not by name. So I wouldn't be Mike or Mr. Howden, I'd be number 51.

I find that very discouraging that that goes on today.

Mr. Lindsey: Would it be fair to say that the ones you were not successful at there was more employer intimidation, threats, coercion, things of that nature than the ones that you were successful?

Mr. Howden: Absolutely. I would say there's intimidation, especially in the ones that we weren't successful on. There's intimidation on ones that we are successful on. It's just a matter of the level of intimidation.

Mr. Lindsey: As an organizer with some experience, did anyone from the government ever consult with you or your organization that you're aware of, prior to introducing this legislation?

Mr. Howden: No.

Mr. Chairperson: Further questions?

Thank you for your presentation, Mr. Howden.

I will now call on Ron Allard. Ron Allard? Seeing as Mr. Allard is not here, we will drop him to the bottom of the list, and we will call his name once we have gone through everybody else.

Lynne Fernandez.

You have written presentation for the committee?

Ms. Lynne Fernandez (Canadian Centre for Policy Alternatives): I do. Thank you.

Mr. Chairperson: Please proceed with your presentation when you're ready.

Ms. Fernandez: Thank you very much, and I beg your patience. I'm just getting over a bad cold and sometimes my throat goes. So I might have to stop and take a drink of water.

But thank you for the opportunity to speak to you today. I hold the Errol Black Chair in Labour Issues at the Canadian Centre for Policy Alternatives. As a unionized worker, and on behalf of the chair, I wish to speak in opposition to Bill 7, The Labour Relations Amendment Act.

I will first explain why unions are beneficial for all workers and for Canadian society and so should be afforded a strong legislative and regulatory framework. I will also offer evidence that lower union density in Canada and across the developed world has led to greater inequality and contributed to slow economic growth. Next I will offer evidence on

how eliminating the card check will make it more difficult for workers to organize and potentially cause Manitoba's union density rate to decrease.

The democratizing effects of unions are indisputable. Collective bargaining is integral to industrial democracy, which itself is a correlate of political democracy.

Former US Court Justice Louis Brandeis once notably declared that collective bargaining is today the means of establishing industrial democracy, the means of providing for workers in industry the sense of work, of freedom and of participation that democratic government promises them as citizens.

Industrial and political democracy are closely related. When union density is high, other democratizing influences, such as progressive taxation and better income security programs like unemployment insurance, are also more prevalent.

Even the Conference Board of Canada believes that, and I quote: Labour's influence has produced public policy improvements and workplace health and safety in the workplace, pension benefits, wellness and literacy, to name just a few areas. However, labour's ability to exert pressure on behalf of workers will undoubtedly be impacted by a declining base of members and the resulting loss of union dues. End of quote.

So to attack and weaken unions is to subvert the institutions Canadians value most and to challenge democracy itself. It is also to attack workers' financial security and, in the process, the country's economic health. More and more empirical evidence is emerging showing that all workers' wages are tied to union density.

If you draw your attention to the graph that's in my written presentation, which is prepared by economist Jordan Brennan, an 'interesty'—an interesting story emerges. This graph plots Canada's union density and the national wage bill over a 90-year period. The national wage bill is the total amount of wages paid every year to all workers, unionized or not, as a percentage of gross domestic product. You can see how similar the directories of the two lines are. The correlation—in fact, the correlation coefficient is 0.78, which means that we can be confident the two issues are related.

As Brennan states, quote: It isn't an historical accident that average hourly compensation stagnated and the national wage bill declined from the mid-1970s onward. The main driver of shared prosperity

for all workers, unionization, declined after 1975. End quote.

The same phenomenon is found in other developed countries. Such noteworthy economists as Nobel prize winning Paul Krugman and Joseph Stiglitz have written about the link between growing inequality and declining unionization. The OECD, IMF and Conference Board of Canada have all recognized that declining unionization is increasing inequality around the world.

I will now turn to evidence showing how eliminating the card-check system negatively impacts the labour movement. Eliminating automatic certification on the basis of proven support by most workers will likely make it harder for workers to unionize and easier for employers to intimidate workers before and during the vote.

According to Senator Joan Fraser, who looked at studies from Canada and the US, and I quote: Study after study shows two effects of eliminating card check. One is that there are fewer applications for certification; another is that the success rate of these applications that are made diminishes.

According to Canadian research done by labour expert Chris Riddell, when studying unionization in British Columbia, quote: It has been argued that mandatory elections reduce certification success. A key factor believed to underlie the effect of voting is management opposition to the certification bid. Management opposition, as measured by unfair labour practices, was at least twice as effective in the voting regime as it was in the card-check regime. End quote. And I would offer that academic evidence to support the real life stories that we've been hearing so far from my brothers and sisters who presented before me.

* (19:40)

Research by the Economics Department of McMaster University found that, and I quote: The evidence suggests the type of union recognition procedure has a substantial effect on certification success and, therefore, it is likely more difficult for unions to maintain or to expand membership under mandatory representation votes than under card check.

This helps explain why the union labour movements in North America and the U.K. have support card-check recognition procedures while business has preferred mandatory votes.

The evidence also provides empirical support for the argument made by other researchers that differences in recognition procedures between the US and Canada may provide a potential explanation for why Canada's unionization rate is higher than that of the US. End quote.

Further testimony comes from Osgoode Hall Law School's Dr. Sara Slinn in her report to the Ontario Ministry of Labour. Dr. Slinn found that, during certification votes, management use of unfair labour practices, such as described by my brothers and sisters, increased the likelihood of election delay and that the delay had a negative correlation with the likelihood of certification. She also cites research from the—from Bentham, demonstrating that employer resistance to unions is prevalent, and specific forms of an employer resistance have significant, negative effects on certification success, early de-certification, first-contract settlement and likelihood of third-party assistance in first-contract negotiations.

Andrew Sims, QC, Professor Rodrigue Blouin and mediator Paula Knopf made up the taskforce that reviewed the Canada Labour Code. Their oft 'citen' report—oft-cited report found that, and I quote, in our experience, Canadian trade unions exhibit a high level of international democracy and genuinely represent the interests and wishes of their members. The submissions we receive from representatives of both management and labour convince us that trade unions continue to demonstrate creativity, responsiveness and democracy.

On the topic of card check, the task force found that, quote, we are not convinced that the statute should make representative votes mandatory. The card-based system has proven to be an effective way of gauging employee wishes and we are not persuaded that it is unsound or inherently unconvincing to employers. It reduces the opportunities for inappropriate employer 'intervience'—interference with employees' choices.

We hear time and time again that, if the secret ballot vote is sufficient for political elections, it should be good enough for union certification votes. This is a particularly specious argument. Certification votes are not the same as elections. First of all, politicians cannot intimidate voters before an election and cannot punish voters after an election. Politicians need to convince thousands, if not millions, of citizens to vote for them. A certification vote can involve very few people under the control

of an employer who controls a primary aspect of workers' lives: their access to work. Unfair labour practices can and do influence the way workers vote.

In conclusion, I would like to say that unions obviously play a crucial role in the interaction between electoral and industrial democracy. This conclusion has been drawn time and time again by the Supreme Court of Canada. There is also compelling scholarly evidence that unions are a strong countervailing force against inequality and economic stagnation. Given the evidence that this bill will make it more difficult for workers to unionize, I urge you not to pass Bill 7. At minimum, I would strongly suggest that this government assemble a committee of experts to review employment standards and labour-relations legislation, and that changes to the certification process wait until after the review. Such a review was undertaken in Ontario, and I would urge you to pay particular attention to clause 4.3.1.1, the card-based certification of the committee's interim report. And I have given you a link to that report in my presentation.

So that's it. Thank you.

Mr. Chairperson: Thank you for your presentation, Ms. Fernandez.

Mr. Cullen: Thank you, Ms. Fernandez, for your presentation, and thank you for the document that you've supplied to us, as well. Appreciate your research on this and wish you all the best with your cold.

Mr. Lindsey: I would like to thank you for your presentation on this, and I'm going to go out on a limb here and suggest that, perhaps, you have some expertise in labour issues, and the Errol Black Chair also has some expertise, as does the CCPA.

Is that a correct statement?

Ms. Fernandez: I would certainly suggest that Errol Black, as you know, had much expertise in the area, and I'm humbled to have the position. I've—I guess, in terms of my expertise, besides being in the workforce for well over 40 years, and being a unionized worker myself, I do have a master's degree in economics, I've held—worked at the CCPA, now, for 10 years, and have done extensive research in both economics and labour force issues. So—

Mr. Lindsey: The reason I ask that is my next question is: Did anybody consult with you or your

organization, that you're aware of, as experts in the field prior to introducing this legislation?

Ms. Fernandez: No, they did not.

Mr. Chairperson: Thank you for your presentation, Ms. Fernandez.

Seeing as there are no other questions of this presenter, we will now—I will now call on Ken Stuart.

You have written presentations for distribution to the committee, I see. Please proceed with your presentation as soon as you are ready.

Mr. Ken Stuart (Unifor): Okay, my name is Ken Stuart. I'm the area director for Unifor in Manitoba, Saskatchewan. As Darren mentioned, we have 310,000 members across country in the private sector. We also, in Manitoba, have over 12,000 members in every sector in the province.

We are here today to oppose Bill 7. This is a flawed, anti-worker legislation from every perspective. We want to emphasize today that this not the way to change labour law in Manitoba, and our written submission details for you why that's the wrong approach and the wrong legislation. We get it that governments are elected on political platforms, and Bill 7 was part of the Premier's (Mr. Pallister) platform. But good labour law does not come from partisan politics.

The Canadian standard for changing the rules in labour relations are well set out, and frankly, Bill 7 fails utterly to come anywhere near that standard. The standard, federal and provincial, is that employers and unions are properly consulted and represented in a process that is usually chaired by a respected neutral party. One matter is not cherry-picked out of the act to advantage one side. The purpose and balance of the act is considered, and that larger consideration is premised by the fact that collective bargaining is a right, regardless of whether some employers and some politicians are hostile to the very idea.

But what happened in Manitoba? Bill 7 was a political promise made before there was any discussion, consultation, research or credible process of whether we need to change labour laws, and if so, how. Bill 7 picks out just one part of a whole interrelated act without any regard to balance or impact, and it throws like a piece of meat to a partisan beast.

If you understand anything about Canadian labour law, Bill 7 is an embarrassment to Manitoba. Where is the evidence that we need Bill 7? The government has not brought forward credible research or evidence of any kind support this legislation.

But there is substantial and substantive research and evidence on what the impact of Bill 7 will be, especially for precarious and vulnerable workers. We have brought that evidence here in a comprehensive review of Canadian research recently completed—before you vote on Bill 7, please read it—evidence that shows that Bill 7 will result in fewer workers outside of the manufacturing sector and in smaller workplaces being able to have a union and to bargain collectively, research and evidence showing how mandatory votes are linked to many unfair labour practices in workplaces. The research does not allege these results; there is empirical evidence.

To proceed with this legislation without understanding certification process as a whole and without asking whether and how the harmful effects of Bill 7 can be mitigated is to reduce our Legislature and this process as a pay-to-play circus for demagogues and ideologues. Workers in unions will conclude that a handful of merit-shop contractors or a small group of right-wing extremists can circumvent and bypass the legitimate process and get their way regardless of the revote of thousands of working people.

* (19:50)

That is exactly what happened with Stephen Harper's anti-labour legislation. They had exactly same purpose as Bill 7, and that is why it is being repealed at this time. Some of you think that Bill 7 is Stephen Harper's last stand against unions, but it is a bias and prejudice against democratic worker rights that is very much out of sync with decisions of our Supreme Court and direction of many legislatures that are struggling with how to modernize employment standards. And labour laws strengthen the institutions of collective bargaining.

Unifor is here today to ask you to take a step back and to look at a larger picture. Let's look at how our economy is changing and how the large manufacturing and resource industry workplaces of 30 years ago are fewer. Let's look at the new economy of—what the preponderance of precarious and part-time jobs and non-standard work. This is what we should be talking about: how our employment standards and labour laws can help

these vulnerable workers in the new economy; how can we reduce the inequality and 'precariness'—I'll say that word right.

Bill 7 is the wrong answer to those urgent needs. It will only make those problems worse and it is polarizing and poisoning labour-management relations and making it much more difficult and less likely we can have a legitimate and credible process to modernize employment standards and labour laws. Unifor is here to say let's step back from the brink.

Thank you for your attention.

Mr. Chairperson: Thank you for your presentation, Mr. Stuart.

Mr. Cullen: Thank you, Mr. Stuart, for your presentation, and I certainly thank you for the documentation you provided the committee as well. Appreciate that.

Mr. Lindsey: I, too, would like to thank you for your presentation and for taking time to be here and speak with us tonight.

You're with Unifor; it's a rather large union, very diverse, if I'm correct. Did anyone from the government consult with you personally or with your organization, that you're aware of, prior to introducing this legislation?

Mr. Stuart: No.

Mr. Lindsey: Do you believe that the organizing process, as it stands today with workers signing cards and 65 per cent of them showing acceptance by signing that card, do you believe that that's a free expression of their democratic will to join a union?

Mr. Stuart: Absolutely.

I think, when workers sign the cards, they're doing it on their free will. If we have any situations where unions are intimidating workers, there's legislation already there to deal with the intimidation of unions. There's legislation there to deal with intimidation by employers. So the members themselves—or, future members are doing it of their free will. That's what the cards say.

Mr. Lindsey: Do you believe that, by forcing a vote every time there's a certification drive going on, that will lead to more employer intimidation of the workers trying to get unionized?

Mr. Stuart: Yes.

Ms. Lamoureux: Thank you for your presentation.

You said earlier that this is not the way to change labour law. Do you feel that there are aspects of labour law that should be changed regarding unionization?

Mr. Stuart: I think there could be some aspects, but I'm not going to speak on behalf of all the affiliates. That's why the Manitoba Federation of Labour, we get together and we discuss those issues, and it's not up to me as one organization to speak on behalf of all the organizations. We need a in-depth review.

Mr. Lindsey: So, if someone from the government was to approach you or your organization, you'd be more than happy to enter into discussions to look at labour legislation—or anything else for that matter, if someone was to approach you?

Mr. Stuart: If somebody were to approach me, I never shut the door. I'm always willing to listen. It doesn't mean I always agree, but at least I'm willing to listen to what's being tabled.

Mr. Chairperson: Thank you for your presentation, Mr. Stuart.

Seeing that there's no further questions, I will now call on Paul Lussier.

Mr. Lussier, do you have any written materials for distribution to the committee?

Mr. Paul Lussier (Private Citizen): No, I don't.

Mr. Chairperson: Please proceed with your presentation as soon as you are ready.

Mr. Lussier: I'm not going to go into a lot of detail in regards to what's already presented about the process, but I'm just going to give you some examples.

I've been fighting this fight myself since the early '80s, starting off with the Versatile plant, where we—where I worked at the time, where we were trying to unionize 1,000-plus members. When we were trying to organize it the first time there, we failed. The reason that we failed: because members were intimidated; members were fired; it was a long, drawn-out hearing at the board. Unfair labour practices were filed.

Fast-forward to 2009, Buhler in Morden. We had a group there that wanted to unionize that had approached us. The board allowed an extended period to—for a vote to be carried out. Management allowed employees to go out in the shop to intimidate employees. There was a member—there was an employee out there that was told to go

around, talk to everybody on the floor and convince them that the union was not the way to go. They went as so far as to tell people on the floor that unions will go out and they'll support people of the gay and lesbian community and support them in the workplace if they were hired. And, of course, being in Morden, the strong Bible belt that it is, there were people there that felt that that is not the type of people that they wanted working in the plant side by side with them.

Went to a vote. Vote failed.

Winnipeg Dodge, 2014: Members voted to unionize. Members were fired. The vote—we had a vote; the vote was passed. We had enough for certification. Management went out on the floor, called meetings periodically with no prior notice, threatened people, intimidated people. Management was holding captive audience meetings on the floor. These meetings were recorded. Unfair labour practice was filed.

Winnipeg Dodge was convicted. They had to pay damages to all members that were there. They also had to pay \$2,000 in damages to the union. Then you have a manager's cousin go out, intimidate people on the floor and file a decertification, claiming numerous inaccuracies of what was actually happening on the floor and the people that were being represented that they claim weren't being represented. Board decertified the union.

Buhler Versatile, 2015: Members try and organize. Company threatens employees, then they lay off 25 people to get a message across what could happen if you unionize that plant.

I originally come from that plant—worked there 1979 to 2001. Went through some long fights there. Here I am today, 35 years, still fighting these fights. And the brothers and sisters that are in this room will continue to fight this fight for as long as it takes.

Mr. Chairperson, 2005, King's Septic: Members try to certify. Company threatens employees. They fire the union supporter and it is the main union organizer. Board holds a vote. Vote fails.

Carlstar, 2016: Members unionize. Company threatens members. Company fires the manager that threatened the members. Threat of closing the plant. They're certified—automatic cert—65-plus per cent.

* (20:00)

Revera, Rosewood, Waverley, 2015: Members unionize. Company threatens members. Company's

manager distributes anti-union letters. Management goes through the purse of the union organizer. It was recorded. When it was recorded, the manager on the tape discusses what is in her purse. At no time was there anybody in that facility signing union cards on company time, or on the company's premises, for that matter.

Company denies this, transcripts aren't provided, goes to a hearing at the Labour Board. The board rules not to convict for unfair labour practice because it would have a cooling and chilling effect on the bargaining that was about to happen—automatic certification 65 plus.

This bill should not pass. At the very least it should be amended to a 50 plus one just like the elected members of the legislation need to continue to hold their seats. This is strictly an attack on every working-class person of this province, and I ask you and every person in this province not to allow this Bill 7 to pass. This bill would only serve this government and their corporate business friends the opportunity to further bully the worker, the working class and the people of this province. This is strictly an attack on the working-class people—I'm sorry, I already said that.

I just want to thank you guys for giving me the opportunity to speak here. But this is something that should not be 65, and I couldn't agree with you more, it should be 50 per cent plus one.

Mr. Chairperson: Thank you for your presentation, Mr. Lussier.

Mr. Cullen: Mr. Lussier, thank you very much for your presentation tonight and certainly your insight. I do appreciate that, thank you.

Mr. Lindsey: I thank you for taking time to come and talk to us this evening.

Just a little bit about some of the organization drives that you've participated in: Those workplaces, were they pleasant workplaces where the employees were happy and felt well rewarded and felt that the employer appreciated them?

Mr. Lussier: There was not one of them that was a happy workplace, and I think people are being misled where they think that unions are approached to unionize places because of wages. That's very seldom the case, at least in the organizing drives that I've been involved with. It's usually just the disrespect, the harassment and the intimidation that is happening in these workplaces.

Mr. Lindsey: Thank you. Would it be fair to say that a workplace where the employees are quite happy to go to work every day probably would never consider organize?

Mr. Lussier: None of the workplaces that I've been approached to organize.

Mr. Lindsey: Thank you for that.

So how often roughly would you say organizing drives are not successful because, once the employer finds out, there's intimidation, threats, coercion and things of that nature?

Mr. Lussier: Other than the ones that we have organized that were automatic certs at 65 per cent, those were ones that had happened that, by the time the employer knew about it, we had already had the 65 per cent. So the ones that we failed at or went to the board and were put to a vote, I can say every one of those failed, in my eyes, because of the threats and intimidation. And when I add to that, that I've been at this for a long time, and every person, every member that I've represented, never has there been a complaint that the union has gone out there and intimidated anybody to sign a card.

Mr. Lindsey: Just my final question: To the best of your knowledge, have you or any of the people in the organizations that you may represent ever been asked to—or been consulted with prior to this bill being introduced?

Mr. Lussier: In regards to the steelworkers, I can honestly say that we have not been approached in any way, shape, or form or consulted in regards to this bill.

Mr. Lindsey: Thank you very much.

Mr. Chairperson: Thank you very much for your presentation, Mr. Lussier.

Seeing no further questions from the committee, I will now call on Loren Remillard, Winnipeg Chamber of Commerce.

Do you have any written materials for distribution to the committee, Mr. Remillard?

Mr. Loren Remillard (Winnipeg Chamber of Commerce): No, just my voice.

Mr. Chairperson: Please proceed with your presentation as soon as you are ready.

Mr. Remillard: All right. Mr. Chairman, members of the Standing Committee, the Winnipeg Chamber thanks you for this opportunity to address you on a

matter of importance to the business community in Winnipeg and abroad.

My name is Loren Remillard, President and CEO of the Winnipeg Chamber of Commerce. When I last appeared before a legislative committee on this issue I was 28, then Chamber Manager of Public Affairs, and pleated pants were still in style.

A lot has changed, indeed, but the issue itself hasn't. Just want to note in terms of my background a little bit. For 10 years I was involved in a union when I was an employee of the federal government. My family has a strong history of unionized trades, so it is an environment that I myself have experienced and have grown up in.

For more than 143 years the Chamber has been the voice of Winnipeg business, representing greater than 2,000 member organizations from all sizes, all sectors, with a combined workforce of greater than 90,000 employees. For more than 143 years our mission has been to foster an environment in which Winnipeg business and all citizens can prosper. Enhancing Manitoba's competitive position and, in turn, encouraging business starts and expansion, require an attractive labour climate, one built on fair and balanced legislation.

Since 2000, Manitoba's labour climate has been marked by legislation that, unfortunately, has been neither fair nor balanced, driven primarily by Bill 44 and the move to our current certification system. On behalf of the Winnipeg Chamber of Commerce and the entire Winnipeg business community I am therefore pleased to speak today in favour of Bill 7.

The proposed change from automatic certification when 65 per cent or more of employees have signed membership cards to the secret ballot system following the express desire of greater than 40 per cent of employees is long overdue. Actually, had Bill 44 not upset the balance that had long existed, we wouldn't be here today.

Bill 7 does more than fix past errors. It returns Manitoba to a sensible, fair, and respectful approach to this process. The particular advantage of secret ballot votes as the standard means of establishing bargaining rights, is the inherent credibility in the process. The use of secret ballot as a means of determining the wishes of a voting constituency is the cornerstone of a democratic society. Employers are far more likely to accept and respond positively to the results of a secret ballot vote than they are of a

card system that is usually conducted in secret and the results they never see.

Employees in the bargaining unit are also more likely to feel included in the process of a secret ballot vote, particularly if they weren't approached originally to sign the card. According to Paul Weiler, professor emeritus at Harvard Law School and one of North America's leading authorities on labour relations, quote: A secret ballot vote has a symbolic value that a card check can never have. It clears the air of any doubts about the union's majority and also confers a measure of legitimacy on the union's bargaining authority, especially among minority pockets of employees who are never contacted in the initial organization drive.

Opponents of Bill 7 argue it will make it harder for unions to certify due to alleged employer intimidation. They claim as proof studies that purport a decline in the certification success from 9 to 19 per cent once secret ballots are introduced.

Reality, in particular Manitoba's reality, suggests otherwise. From April 1993 to March 1996, 143 applications for union certification were approved under the automatic certification system. From April '97 to March 2000, 155 applications were granted using secret ballot. As the facts demonstrate, secret ballot votes did not hinder the success rate of union drives prior to the changes introduced in 2000. It's also important to note that correlation is not causation, and we would urge you to appreciate the difference.

* (20:10)

According to Statistics Canada, over the past 30 years, which has featured a mix of card check and secret ballot systems, union density has been in steady decline, from 37.6 per cent in 1981 to 28.8 per cent in 2014. The growth of the knowledge-based economy, greater diversity in our economic base and demographics are a few of the factors fuelling this trend, not secret ballots. Assertions that the trend is being driven by employer intimidation are just that: assertion, allegations and he-said-she-said claims. It is particularly egregious to claim that intimidation is solely a one-sided affair. The reality is intimidation has the potential to occur on both sides in a union drive, hence why a secret ballot and the anonymity it affords is the best defence against intimidation by all parties—all parties—not the current process, which opens the door to it.

Lastly, it bears noting that Manitoba's not an island unto itself. Currently, the majority of Canadian provinces employ secret ballots for union certification purposes. It also bears noting that 100 per cent of provinces currently use secret ballot to elect their government and essentially every election where the credibility and integrity of the process is essential.

The Winnipeg Chamber of Commerce applauds the provincial government for advancing Bill 7. It represents a return to fair, balanced and respectful labour relations in Manitoba. Our community's future growth and prosperity require an attractive labour environment that is fair and balanced for all Manitobans.

Thank you for the opportunity to put our perspective on record. I'd be pleased to answer any questions you may have.

Mr. Chairperson: Thank you for your presentation, Mr. Remillard.

Mr. Cullen: Mr. Remillard, thank you very much for taking time out of your schedule to be with us tonight. We obviously appreciate your perspective on Bill 7. I just want to thank you for the good work you're doing and, certainly, the good work the chamber is doing, as well.

So, thanks for being with us tonight.

Mr. Lindsey: Thank you for taking time to be with us here tonight and share your views.

You've thrown out some numbers on different things. Could you tell us what studies it is that you're quoting those numbers from, and could you supply those studies to this committee?

Mr. Remillard: Are you referring to the 9 to 19 per cent?

Mr. Lindsey: There were several sets of studies about the number of successful unionizations and—I can't remember just what they all were off the top of my head now, but I would ask you that if you're going to quote numbers, that if you could supply us where you got those numbers from in every circumstance, please.

Mr. Remillard: Manitoba Labour Board.

Mr. Lindsey: So, we've heard several presenters already talk about their experiences with employer intimidation. We've seen cases cited of employer intimidation during union drives. We've seen those

studies—or, those cases cited from the Manitoba Labour Board.

And you've suggested that there's intimidation from the unions during organizing drives. Can you give us those cases, please?

Mr. Remillard: The point is, everything when it comes to intimidations is allegations. Of course, there are cases there are proved, and there's penalties enacted for those cases of bad business practices.

The point is, I think it defies common sense to suggest that intimidation does not happen. Human nature is human nature, and I'm just sitting there taking a reasonable perspective on the matter that would suggest that the best defence against intimidation, both alleged and real, is a secret ballot.

Mr. Lindsey: So, to be fair to what you've just said and what we've heard from previous presenters—they've presented facts of employer intimidation; you've presented an opinion on union intimidation. But you don't have any facts to back that up.

Is that correct?

Mr. Remillard: To answer your question, I did not bring that information, but if it's the will of the committee, I would be more than happy to provide that.

Mr. Lindsey: I'd appreciate that because we've asked several people already to supply us with facts on that, and nobody's been able to supply them yet. So I look forward to seeing whatever facts it is that you have that back up your allegations.

My next question is: Did the government consult with yourself or anybody in your organization prior to introducing this legislation?

Mr. Remillard: No, in fact, they did not, just like the previous government never consulted with us.

Mr. Lindsey: You've suggested that you've got experience being involved in a union. Is that correct?

Mr. Remillard: Yes.

Mr. Lindsey: Could you explain and give us the details of that involvement, please?

Mr. Remillard: I signed, and it was a condition of my employment, and when I was no longer an employee of the federal government, my involvement ended.

Mr. Lindsey: So it's fair to say your involvement with a union was strictly in that you were a member of a union?

Mr. Remillard: I was also on the workplace safety and health committee.

Mr. Lindsey: No further questions from me.

Mr. Chairperson: Thank you for your presentation, Mr. Remillard.

Seeing as that there's no other questions from the committee for you, we thank you for your presentation.

I will now call Charlotte Cameron, private citizen.

Ms. Cameron, do you have any written materials to distribute to the committee?

Ms. Charlotte Cameron (Private Citizen): I do not, just my stellar personality.

Mr. Chairperson: Please proceed with your presentation as soon as you're ready.

Ms. Cameron: Absolutely.

So hi, my name is Charlotte Cameron, and it is my absolute pleasure to be in such amazing company to speak as a private citizen and Manitoba worker, and active union member, I'd like to add, in opposition to Bill 7, The Labour Relations Amendment Act.

As I'm sure you're aware, I'm positive you must be aware, this bill will make a vote by secret ballot mandatory before a union can be certified as the bargaining agent for a group of employees.

Now, I've already heard, and I imagine there will be many more speakers both in favour of and in opposition to this bill who are going to share statistics, facts, figures, probably enough to paper the inside of this room, quite frankly. So I'm not going to do that.

What I would like to speak about is actually the experiences that brought me to being a proud, active member of a union and what a difference this bill can make for people who, as I was for a very long time, doing the best that they can to provide for their families and for themselves, but who might be doing it working for an employer who is not able or willing to pay more than the minimums and, in fact, in some cases, actively sought ways to avoid paying the minimums required by Manitoba's Employment Standards legislation.

To be perfectly clear, I did not set out to become an active union member. I would like that stated. I just stated it but I feel like it needs to be emphasized. I was not a revolutionary by heart. I actually consider myself to be a bit of a disillusioned conformist, to be honest with you.

I chose to take a job that would give me day shifts instead of the evenings and weekends that I'd been working. I had a four-year-old. I was a single parent. It's not easy trying to find babysitters to accommodate those schedules, goodness knows, and I'm sure many of you around the table do, as well. I wanted to spend time with my son. I wanted to show him by example that you can do it all. You can work. You can have a family. You can do the magical thing. So I chose a job that I hoped would allow me to pay my rent, feed him and, with the appropriate and required juggling, cover my bills.

It was a job that provided enough that I was not requiring social assistance, as I had been previously. So, to give you an idea of what I was making at that time—I honestly don't remember—but I do remember that social assistance was, I think, \$804 a month for rent, for everything at the time, this was a while ago, and my lofty goal, my great ambition, was to be making more than that in a month working.

*(20:20)

It wasn't a hard job, I'm not going to lie to you. I worked in a small, locally owned, inbound call centre. You may not have had the joy of working in a small, locally owned, inbound call centre, so I will tell you right now it's a lot of repetition. It is not the most stimulating job. I'm not a morning person—I'm delighted that this is happening in the evening because I can be a little more human—but once the novelty of working days wore off, I'll be honest, it was really difficult to go in every day for eight and a half hours to do the same thing, to say the same things, to read the same words on the same screens that were hurting my eyes. But, you know what? It was hope and it was representation to me, to my son, of the life that I wanted us to build.

So the department that I was hired into as a very low-skilled employee was unionized. Basically, this meant that there was some degree of protection. It meant that if I did something and got myself into trouble, which might have occurred once or twice, there was a process in place, a legally binding process that my employer and my representative—my local, had agreed to. And it began with a warning, a verbal warning, as I recall, because we

had a bargaining unit in our workplace, there was a bit of a process around the idea of being promoted outside of this existence where I started out.

So, as it will, life happens, and due to issues I was having in my personal life, I did get to acquire some very personal experience with our progressive discipline procedure. Verbal warning, first written warning, final written warning, and then you got into suspensions; I never got that far. But I'm pretty sure that all of those documents attesting to those warnings are still sitting in a file somewhere where I used to work. Not going to lie about that.

But what's really important is that this process, these warnings, this structure gave me the time that I needed to work through those personal issues so that I was better able to deal with the grown-up thing of going to work every day, trying to acclimatize to the mornings—which I didn't really do the best job of, but, you know what, you try—and get everything done that I needed to do. It was also a degree of safety, because, yes, I just got a verbal warning, but I know that it's not yet a first written warning, so I have a little bit of time to go home and make whatever phone calls I need to do or just whatever has to be done.

And you know what? It was that degree of safety that was so very important and security. And I am very proud to say that eventually I ended up being promoted out of that department. I was promoted into our customer-service department, and I eventually became supervisor, a quality-control monitor there. If you've never done call-centre work—you know what, it's actually kind of fun. You're never bored once you get past the initial, every screen tells you what you have to say. But if I hadn't have had that structure in place, I don't think that I would have had the opportunities that I did, and that would have been a shame because, to this day, I am still very proud of the work that I did and the relationships that I had the opportunity to build.

And I also don't think that I would have had the chance to move on, to move to a place where I am no longer concerned with scraping by on—just desperately trying to make that \$800 a month. I can only imagine what it would be now. Prices have definitely gone up since 2000, 2001. And now I'm actually making a living wage or a little bit more. I feel like I'm contributing financially, and the security of having enough isn't just that bare minimum. Because of the job—because of the security that the collective agreement provided, I've

had the opportunity to become more active within my union, within the labour movement here in the city. I've benefited from training. I feel encouraged, empowered. It's an amazing thing, and bills like Bill 7 run the risk of taking these opportunities for advancement away from other people who might benefit.

And so, in closing, I'm simply going to ask this committee to seriously consider the impact that such a bill could have, that may not be very obvious, but could have long-term implications down the road.

Thank you very much.

Mr. Chairperson: Thank you for your presentation, Ms. Cameron.

Mr. Cullen: Thank you, Ms. Cameron, for being with us tonight and sharing your story. We do appreciate that.

Thank you.

Mr. Chairperson: Seeing as—Mr. Lindsey?

Mr. Lindsey: To be fair to the previous presenter, I—he alluded to being an active union member as you have as well. Could you give us a little bit of detail about what your active union membership means.

Ms. Cameron: I remembered.

Okay. To me, being an active union member, absolutely, I'm proud to be a dues-paying union member, so that money comes directly off my paycheque every two weeks and is forwarded on my behalf to my local.

I am a shop steward within my local. Now, I'm currently a bargaining unit of one, which makes those representation meetings a little bit challenging but, in the past, when I was a shop steward, I would go into disciplinary meetings with other members and try to ensure that their rights were respected, that they were treated with dignity, that the collective bargaining agreement was upheld.

I had the opportunity to attend training. I am involved with my local's advisory board. I'm involved with the Winnipeg Labour Council on the executive board. I am a part of the Manitoba Federation of Labour Women's Committee, and to be honest, my activism has extended out into some community activism, but I'm not going to get into, because it's not related to the question.

Mr. Lindsey: I thank you for detailing that very active membership in a union.

An opinion—in your opinion, would your life have been worse off if you hadn't been a member of a union?

Ms. Cameron: I feel very safe in saying that I would have a very different life, subsisting on minimum wage jobs that—let's face it, mornings are a very important part of a lot of jobs—I would not last long. I am pretty sure I would not be doing well. I would not be contributing. I would be barely trying to get by and very angry, much more angry than I am now.

Ms. Lamoureux: You know, I don't have a question. I just want to thank you for your presentation and the approach that you took with it. I think it's very personal, and it's a new approach that we haven't heard yet. And the motivation that you had and inspiration you would have portrayed to your son, I think that's great and inspiring.

Ms. Cameron: Thank you. There's not much to say there. Thank you so much.

Mr. Chairperson: Thank you very much for your presentation, Ms. Cameron.

Seeing no further questions of the committee, I will now call on Julie Guard. Julie Guard?

Seeing as Ms. Guard is not here, we will move her to the bottom of the list.

Mr. Allum: When you outlined the rules for people who are absent tonight dropping to the bottom of the list. Do you mean tonight's list, or to the longer list of presenters? I'm a little confused on that point.

Mr. Chairperson: Tonight's list. We will call them once the rest—the other presenters have presented. They will be given a chance after No. 20, yes.

Mr. Allum: But they will be added to the longer list, assuming—I'm assuming we have more than 20 presenters, so I am just—if we had—say we had 60, would—they would drop down to the list at number—at the end of that?

Mr. Chairperson: No. They are not added to the list if they're not here tonight when they're called the second time. They would have to re-register according to the Clerk's office.

Mr. Allum: I thank you for that point of clarification. I guess I'm looking to the Clerk, through you. This is a new rule? No? That has been standing process?

Mr. Chairperson: I will call David Sauer.

Mr. Sauer, do you have any written material for distribution to the committee?

Mr. David Sauer (Private Citizen): No, I don't—sorry. No, I don't. My last name is pronounced Sauer. It's okay. I just want to make sure that's clear.

Mr. Chairperson: That's the question I was going to ask, is how you properly present it. It's Sauer?

Mr. Sauer: Yes, it is Sauer. Yes.

Mr. Chairperson: Okay. Thank you very much. Please proceed with your presentation.

Mr. Sauer: Sure. Thank you very much to all the committee members for hearing us this evening. As stated, my name is Dave Sauer. I'm the president of the Winnipeg Labour Council. We're a union organization here in the city. We have 65 affiliated union locals representing 45,000 workers here in the city of Winnipeg, and we've been around since 1894. We have a very long history of involvement in issues relating to workers' rights, and so I'm going to be here tonight presenting some of those views.

I do want to start off by making a very clear statement about poverty. Throughout history and in the history of western society at least—and I would assume that as the workers' rights spread throughout the world—there is no greater ticket out of poverty than having a union card in your back pocket. That is an important aspect of living well and living at all.

* (20:30)

I think it's important to us to emphasize that point, because we are talking about stripping the rights of people, I guess giving them an out from poverty. We're taking that ability away or we are making it very hard, which I think is something that we shouldn't be doing. We should not be proceeding down a path where we're going to be limiting the ability of people to collectively decide that they can do better in life.

So let's go back. I want to just share about—a little bit about some of the history around that. I'm going to share some of my family history; I've done that a number of times here. I wouldn't be here if it wasn't for unions, and it has nothing to do, really, about myself personally, doesn't even have a lot to do with my dad or my mom; I'll get to that shortly. But it actually has to go back to dealing with my grandparents and what they went through in life and how they rose out of poverty.

So, as you said, my name is pronounced sour, so it's a strong German name. My grandfather was a World War II German soldier, came to Canada in 1948. First job he got here, he was laying railway track for CP Rail out near Drumheller, Alberta. Now, I don't think he would've had enough money to move on eventually to become a small-business owner. He owned a logging truck company in northern BC. He also worked union jobs doing logging, sawmill operation, so on and so forth. He would not have had those opportunities in life if he did not have access to union wages and union benefits. My other grandfather was a carpenter in northern BC and, again, he would not have had the funds available to start a small business in northern BC either.

So, if you want to talk about how, you know, small business, and we want to get through entrepreneurship, you have to develop that somewhere. You have to have the money to get out there and start your business. So both of my grandfathers benefited greatly from having a union card in their pocket because it eventually led them to become employers who employed other people, which I think is a 'tenet' of a lot of what members of the Conservative Party do push, is if we want to, you know, boost entrepreneurship, fine, somebody has to have money in their pocket first before they can get there.

So that's a little bit of my longer family history. My mom and my dad, my dad actually is a minister. He wouldn't have had an opportunity to go to school and be a minister had he not been working sawmill jobs, union jobs as well, working gravel truck, driving gravel truck for the City of Saskatoon. So, again, he would not have been able to benefit the rest of society and serve the congregations that he serves.

My mom, same deal; she was a teacher. She would not have been able to move on to become eventually a minister, as well—it's a fun household; just pointing that out—but she would not have been able to become a minister had she not had a teachers' union wage.

So we're talking about poverty here and we're talking about what it actually means to be a union worker. So it does go a long way to have unionized workers in society because they have the opportunity to grow and benefit the rest of society. But all of this didn't happen just out of thin air. This, largely, in this city—and I do want to touch on a really important aspect of Winnipeg's history, the 1919

General Strike, I know kind of a spooky word for some people in the room, but it had a huge impact on this city and it had a huge impact on Canadian society. And a lot of people don't really know the real reasons why that General Strike took place.

Give you a little context: the General Strike started May 15th, 1919 because workers couldn't be recognized by their employers to form a union. They fought back. Actually, it was a lot of Loren Remillard's organization that was actually beating us up in the streets with billy clubs and—not Loren personally, but, you know, the Winnipeg Chamber of Commerce. Chamber of Commerce formed the Committee of 1,000, and we had a six-week strike that shut down the third largest city in Canada; think about that historically in the context of shutting down Vancouver for six weeks. So it was an important event.

Mr. Vice-Chairperson in the Chair

Now, we all hear about the right to collectively bargain and how that actually was one of the driving forces, but we also forget that the other demand of the striking workers was a living wage. People wanted to get out of poverty. So we come back to this idea about why unions are important and how they've elevated so many workers out of poverty.

Bill 7 makes that much more difficult. You're stripping the rights away from workers. We're going to a secret ballot where it's going to lead to intimidation, and I have some examples I want to cite here with you too. There's two organizing drives I want to point out that I've personally worked on. And one was the very first one I was called upon, I was a member of the United Steelworkers union, and I had just actually signed a card with them and had become a member. And I was out doing some work with one of the union reps and she actually found out I spoke Russian. Oh, wow, we're doing an organizing drive, we got a whole bunch of Russian skilled workers at a factory outside of Brandon, do you think you could go talk to them? I mean, it was one year of university, so I wasn't exactly going to carry on a huge conversation with them about it, but it still was worthwhile to go and visit these three individuals.

So we knocked on the door. I said, dobro pozhalovat [*welcome*]—you know, like, hi, welcome. Then they got very scared very quickly. And we calmed them down. They weren't terrified of us anymore. They were terrified of their boss finding out that we had sat down and talked to them.

Now, think about that for a second. You have a temporary foreign worker—sorry, you have three temporary foreign workers who are trying to send money back home to probably get their relatives out of poverty over in Russia, and they're absolutely terrified of their boss even seeing us with them. So, what does that—what kind of mentality are you dealing with, then? You're dealing with a terrified worker.

They thanked us very much for visiting with them and sharing some stories with them and telling them about the laws and legislation that we have here, but in the end, they decided not to sign the union cards, and they didn't want us to have, sort of—they didn't want anyone to know that we had been there, that we had talked to them. They were terrified of their boss sending them back home, because then they would lose their economic stability. So, that was really striking for me.

The second one, though, was a welding shop. And this one got under my skin quite a lot about what happened, because we were out signing cards—and trust me, I have never seen a worker intimidated by anyone into signing a union card. I want to be very clear and I want to have that on record, because I think it's a phantom threat, and obviously not a lot of facts are backing up that accusation. But we were organizing a welding shop and this young woman who had—we hadn't even talked to her yet; nobody had actually approached her. But she was terminated because her uncle was a member of the United Steelworkers union. Had nothing to do—she didn't even talk to him; she hadn't even approached anyone about joining the union or had not been approached. They 'terminadated' her outright solely because her uncle was linked to our union, and it was sent as a message to the rest of the workers in that workplace that anyone can be fired in a circumstance like that.

We ended up actually hiring this young woman in our office with the steelworkers, so she could get off—or, at least maintain her economic stability. I'm getting to a message here: economic stability. You have to think about the financial stability of people here. So, she worked with us for a bit. We ended up actually winning a case of an unfair labour practice. So, that is a fact; that's not an opinion. This is a fact that we won this case. If you want to go look them up in the Labour Board, I'm sure you have more than enough resources available to do that.

But in both cases, it speaks to what I guess everybody else has been saying here tonight:

intimidation, threats, terminations, layoffs, shift changes. Never mind what happens to workers between when the certification vote is—or, the filing for the certification vote happens and when that vote actually happens. That week is basically hell week for a lot of workers, because that's when the intimidation gets kicked up. That's when they send people around talking to the workers saying, oh, you don't need this. They're going to lay us off if this gets in; you're going to lose half your paycheque to the union and on and on and on.

So I just want to close up here by saying we oppose this legislation because it hits at the economic stability of workers here in this province, and I don't know if that's the right path. I do want to close with one sort of observation: if this is such a big issue of union intimidation, and workers are being intimidated by us going out and organizing, where are they? We have not seen an army full of workers who've been intimidated by unions coming here and telling us about how we've intimidated them. So, frankly, that speaks volumes to it being a phantom issue.

That's my presentation. Are there any questions?

Mr. Vice-Chairperson: Thank you for 'tesentation', Mr. Sauer.

Do members of the committee have questions for the presenter?

Mr. Cullen: Mr. Sauer, thank you very much for sharing your views. Certainly, your history, I appreciate that. And thanks for being with us tonight.

Mr. Lindsey: Thank you very much for taking time to be here tonight.

I believe you said earlier you're with the Winnipeg Labour Council?

Floor Comment: Yes.

Mr. Lindsey: Has yourself or anyone in that organization that you're aware of been consulted with prior to this legislation being brought in?

Mr. Sauer: Not at all.

Mr. Vice-Chairperson: Do any other members have questions for the presenter?

Thank you, Mr. Sauer.

I'd now like to call on the—on Jeff Traeger, private citizen.

Mr. Chairperson in the Chair

Mr. Chairperson: Mr. Traeger, do you have any written material for distribution to the committee?

* (20:40)

Mr. Jeff Traeger (Private Citizen): I do not.

Mr. Chairperson: Please proceed with your presentation as soon as you're ready.

Mr. Traeger: Thank you, Mr. Chairperson, members of the committee. I'd also like to thank you for giving me the opportunity to address you here today. Also like to thank the staff organizers for giving me a prime spot on the agenda with which to address you.

I think—while I'm here as a private citizen, I think it's fair to say that in my day job you should know that I'm the president of UFCW Local 832, which is the largest private sector union in Manitoba, representing over 19,000 working Manitobans from Gillam to Boissevain and from Flin Flon to Moose Lake. Those workers work in industries ranging from retail grocery to warehousing, health care, security, packing-house plants in western Manitoba.

I believe it's incredibly important that this committee knows that my union and the other unions that you have heard from here tonight make sure workplace rights and benefits are protected for our members: rights such as a fair and living wage, health and welfare benefit programs for our members and their families, a pension that ensures that people can retire with respect and dignity at an age that will allow them still to enjoy their family and safe and healthy working conditions that ensure they come home from work each day instead of ending up in a hospital or as a statistic on the Day of Mourning.

I believe it's important that this committee knows that unions stand up for a strong middle class that prevents the gap between the rich and the poor from growing wider. We stand for working conditions that respect the balance workers must have between their responsibilities at work and their life at home, and we stand up when employers fail to provide these rights to their workers.

I believe it's important the committee knows this because all of those things that I just mentioned are at risk when you restrict unorganized workers' ability to form a union.

In my view, this bill only has one purpose, and if it only—if some of you purport that it has more than one purpose, I would say it only has one result, one

result that matters, and that's to make it harder for unorganized workers to join a union.

We in the labour movement do incredibly important work for those that need our services most, and Bill 7, if passed, runs the risk of preventing unorganized workers in Manitoba from having a safe and healthy work environment in the future; runs the risk of preventing working Manitobans from earning a wage that allows them to contribute to our economy instead of having to rely on social programs or food banks to get by; runs the risk of preventing working Manitobans from access to health and welfare benefits for themselves and their families and will prevent them from being able to retire with the dignity they deserve after a long working life.

The current legislation allows for a vote, as you've heard repeatedly tonight, after 40 per cent of workers sign union cards and allows certification to be automatic after a clear and decisive majority of 65 per cent of workers in a workplace have indicated their desire to be represented by a union. So when two thirds of workers sign union cards, just a hair short of a constitutional majority of workers, they are certified today. But Bill 7 would say, hold on here, we still have to conduct the vote even though it's abundantly clear that the workers in that workplace want to be represented by a union.

Even if a hundred per cent of the workers in a workplace sign union cards, Bill 7 would say we still need to have a vote. Even after the board confirms that the drive was conducted appropriately and every single member signed a card, we would still have to have a vote.

I would ask the committee what mischief is this bill trying to prevent? What problem is this bill trying to solve?

If the argument is that unions intimidate or bully people into signing cards, and we've seen no evidence of that tonight, then punish the union that uses those tactics because they are clearly acting in an illegal and inappropriate way. If the argument is that conducting a vote in each and every case is somehow more democratic, that argument ignores that, in fact, a vote has already taken place and at least two thirds have voted in favour.

While common sense tells us that 50 per cent plus one is a democratic representation of the will of a group and current legislation says that unions must have 65 per cent or 15 per cent more than that simple majority, and the federal government is moving back

to a 50 per cent plus one as a test for automatic certification for federally regulated workplaces.

How can this bill possibly be seen to be more democratic—or, more aptly, how can this bill be seen to be anything more than a purposeful and direct attempt to limit and restrict unionization?

And what about the employer's ability to intimidate or bully people into not signing a card? We've heard many examples of those type of tactics being used here tonight. What's in Bill 7 to address that?

The penalty on employers caught interfering with the vote today is simply that they are certified by the discretion of the board, so if you think your employees are going to bring a union in, you may as well try to intimidate them because you have nothing to lose. The result, in the end, will be the same as the penalty that will be imposed on you.

The current legislation says that, where more than 40 per cent but less than 65 per cent of workers sign a card, a vote will take place within seven calendar days to determine the will of the group. Right now, that time frame is currently not met in 32 per cent of the applications made to the Manitoba Labour Board—and those stats come directly from the Manitoba Labour Board—which is bad enough. But, if every application has to go to a vote, the board will inevitably be backed up and votes will be delayed for weeks or even months, giving unscrupulous employers plenty of opportunity to convince their workers to vote no.

Is this government prepared to give the Manitoba Labour Board the additional staff and the resources they will need to conduct a vote within seven days for each and every certification application? Do the supporters of this flawed bill know that a significant amount of money will be wasted by this government to conduct a vote, even when a hundred per cent of the workers have already said they want a union?

Now, I want to be clear that I'm not saying that all employers will engage in intimidation tactics any more than any one of you can say that all unions would, but to ignore the fact that some employers definitely would intimidate workers to impact the way in which they vote, and to ignore that fact that this bill will make it easier for them to employ those kind of tactics, is simply not realistic.

A decade ago, UFCW signed out 58 per cent of the workers at Walmart in Thompson, Manitoba. We

made an application of the board. Walmart literally flew in people from the southern United States who went into the store to directly communicate with the workers, as well as bringing three—not one, not two, but three high-priced lawyers to come to Manitoba to do everything they could at the Manitoba Labour Board to delay the vote, and they were successful.

It was more than a month before the vote was conducted and, in the workplace, those people that had flown in from the southern United States met with every one of those workers and put doubt in their minds and fear in their hearts. They lied to them about union dues. They promised them that, if they were good employees, they would get all the benefits of being a union member without having to pay dues and they told them that the company would shut its doors before they would allow a union to represent their workers.

When the vote came in, more than half of those that had signed cards voted against the union and, today, those workers continue to work in dead-end, part-time jobs with no benefits, no pension, and little ability to contribute to the economy of Manitoba, much less have any dignity or respect from their employer.

Walmart won; working Manitobans lost. And, if this legislation passes, there will be many more stories like this one and our province will begin to walk down the road to having more in common with our neighbours to the south than we do with jurisdictions that value the contributions of its citizens and protects working people from being treated like chattel.

Thank you.

Mr. Chairperson: Thank you for your presentation, Mr. Traeger.

Mr. Cullen: Thank you, Mr. Traeger, for being here tonight, sharing your experience and your views. I do appreciate it. Thank you.

Mr. Lindsey: I thank you for coming and sharing with us as well.

You've been involved in organizing drives?

Mr. Traeger: Yes, I have, early in my career, but not for quite some time, except as president of the union that actively organizes unorganized workers.

* (20:50)

Mr. Lindsey: During those years when you were actively involved in the drives, and as the president, are you aware of any of your drives being deemed not successful because of threats, intimidation, on the part of the union?

Mr. Traeger: No, I'm not. My union, in my knowledge, has never been accused of using those tactics.

Mr. Lindsey: You talked a little bit about a Walmart store attempting to organize and them threatening to shut the store down. Are you aware of any cases where Walmart did actually shut stores down when the organizing drive seemed to be successful?

Mr. Traeger: Yes. It happened in Quebec. We were successful in—UFCW Local 500 was successful in organizing a Walmart despite similar threats of intimidation and tactics that I outlined that happened in Thompson, Manitoba. And those—the Walmart then shut the store down under the guise that the store was no longer financially viable.

There was a long court cases that took several years, and finally, the courts in Quebec found Walmart guilty of basically lying about the viability of the store and shutting it down, and exposing as having an anti-union animus, and those workers were paid a significant amount of money through a settlement.

Mr. Lindsey: The reason I bring that up is Walmart threatening to shut the store down in Thompson would be seen as a real, viable threat by those workers, because they knew it had happened somewhere else. Correct?

Mr. Traeger: Yes, that's absolutely true.

Mr. Lindsey: Something that you touched on a little bit was the government's desire to have value for money.

Do you believe that spending money on the Labour Board having to conduct more votes—do you believe that that would be a good value for money?

Mr. Traeger: No, I don't think it makes any sense where employees have clearly indicated their desire to be a member of a union. And I think with the test at 65 per cent, it's fairly clear—or, very clear at that point that people have exhibited their will to the Manitoba Labour Board and to the government.

Mr. Lindsey: You're president of a rather large local with UFCW. Did anyone from the government ever consult with you or anybody in your organization

that you're aware of to prior to introducing this legislation?

Mr. Traeger: No, I'm significantly less popular with this government than I was with the last one.

Mr. Allum: Mr. Traeger, thank you for joining us tonight. Greatly appreciate your analysis and I, for one, certainly share it in terms of whether it's—whether the bill is for one purpose or one result, it adds up to the same thing.

But I'm wondering if you would agree that maybe this is a slippery slope, that if the government is successful pushing this bill through that maybe there's other horizons around pensions or benefits or health and safety regulations—often referred to as red tape by my friends across the way—whether we might see a rolling number of issues pop up if the government's successful in pushing this through.

Mr. Traeger: Certainly, we are concerned with that. However, at this point, the government has—this is the first bill that they've put forward to amend The Labour Relations Act or that will directly affect working people in Manitoba. So, I tend to be an optimist, so I'm not going to—I'll wait and see what the future holds.

Mr. Chairperson: Seeing as no further questions of the committee, thank you very much for your presentation, Mr. Traeger.

The honourable Mr. Cullen—my mistake.

Tim Cashion. Do you have any written materials for distribution to the committee?

Mr. Tim Cashion (Private Citizen): Just my remarks, which I've handed in.

Mr. Chairperson: Please proceed with your presentation when you are ready.

Mr. Cashion: Thank you.

I'll begin by apologizing for my slightly informal apparel. On Thursdays, I volunteer at the HSC, which includes a stint in the nursery, which itself has certain improbabilities if you know me at all well. One side effect of that job is—or, that effort is you don't wear anything you would then wear to the Legislature to speak, because you never know what will hit it and sure enough, it did.

Anyway, thank you for the opportunity to speak to you this evening on Bill 7, The Labour Relations Amendment Act. I speak in considered and forceful opposition to the bill. I am not in a union, though I

have been. I do not supervise employees—unionized or otherwise—though I have done. In fact, I'm an independent contractor who provides writing and editing services to clients chiefly in the Middle East, Japan and the United Kingdom. I do not have present plans to hire anybody as this is not the sort of operation that is amenable to the kind of expansion that a retail food service or small manufacturing establishment might consider.

I am also not here to offer new data to complement the information provided by the likes of the Manitoba Federation of Labour or the United Food and Commercial Workers. Nor am I here to rebut the data presented by the likes of Mr. Gardner on behalf of the Manitoba Employers Council, or Mr. Remillard on behalf of the Winnipeg Chamber of Commerce, though I am sure all of those present would show unanimous delight if I pulled out one of those always-scintillating Power Point presentations at this late hour.

I am here to make one simple point. The current threshold to unionize in Manitoba is plenty high and the current system has proven successful in avoiding work stoppages and serving as an indispensable element in the steady growth of Manitoba's diversified economy.

Much like the century-old workers compensation system that some employers decry until they go to that trade show in Cleveland and hear the magic words plaintiff's lawyer, the current arrangement strikes a good balance for Manitoba. It provides a practical avenue for employees who wish to dedicate the substantial time and energy required to reach even the 40 per cent threshold to organize for the constitutionally protected right to bargain collectively while ensuring that that decision is made thoughtfully.

I hope that the Legislature will also demonstrate thoughtfulness as it considers this unnecessary legislation which solves a problem that does not exist.

Thank you for your time.

Mr. Chairperson: Thank you for your presentation, Mr. Cashion.

Mr. Cullen: Mr. Cashion, appreciate your comments tonight, and really appreciate you being here. Thank you.

Mr. Lindsey: I too would like to thank you for coming and sharing your views with us. And it's

refreshing to hear from someone who's not quite as wrapped up in the rhetoric of both sides, the union side and the non-union side. Someone with somewhat of a refreshing independent view.

And I thank you for coming and sharing that with us.

Mr. Chairperson: Seeing that there are no further questions, I thank you very much for your presentation, Mr. Cashion.

And I will now call on John Godard.

Mr. Godard, do you have any written material for distribution to the committee?

Mr. John Godard (Private Citizen): Yes I do. I have a longer version of this presentation. I'm an academic and so it just went crazy on me. So I'm giving you a brief version.

Mr. Chairperson: Please proceed with your presentation as soon as you are ready.

Mr. Godard: Okay. By way of introduction, I'm a professor of industrial relations in the Asper School at the University of Manitoba, where I hold the Norm Frohlich fellowship in management. I'm also the chief editor of the British Journal of Industrial Relations, a peer review journal affiliated with the London School of Economics, and one of three top industrial relations journals worldwide.

My longer version of the presentation speaks to the research I've done and how it relates to this matter. I'll let you read that although it's—I can see that people are probably pretty exhausted by now.

In any case, given the time restriction, this is going to be an abbreviated version, and I will, contrary to some of the presentations—the longer version references all of the sources that I'm referring to, and others, as well. I'll be referring to the research in general but also to my own research which, of course, I'm the most familiar with.

I'll begin by addressing the evidence around card cert. I'll then move beyond this as I'm a little bit concerned that Bill 7 could portend a more substantial shift in labour policy, one that could be harmful to the interests of pretty well all Manitobans. And I'll start—in essence it's easy to understand why employers in particular may see card cert as a problem.

One belief all employers that I've ever met seemed to have in common is that they are good employers. So it's pretty natural for them to believe

that, if a majority of their employees signed union cards, they must have been manipulated or coerced into doing so.

* (21:00)

The problem is—and I think a lot of people have already spoken to this so I won't repeat too extensively—is that there's very, very little evidence of this. In a study I did actually from the British government when they were implementing reforms—unfair labour practice reforms in 2004, I actually looked at unfair labour practice filings in both the US and in Canada in the federal jurisdiction. I couldn't find any that really alleged this interference, and the only study I'm aware of is in the US, where they were able to identify 100 such cases since the passage of the National Labour Relations Act in 1937. This study was 1998, so you can see how rare they are on average, and this was from a right-wing think tank, so they were doing their best to find evidence.

In the—in fact, in the US, where a vote is required in all cases, the overwhelming preponderance of unfair labour practice filings are employer—have to do with employer unfair labour practices. And there's now a really quite massive literature documenting how US employers actively undermine union organizing attempts. The main culprit typically identified is the ballot requirement and the opportunity this provides employers to interfere with employee choice.

Canadian employers tend to have—or, at least, we like to think they have greater respect for the law and the rights it confers on workers. Yet, as we've been hearing tonight, it's not difficult to find employers that don't fit this categorization. One study of certification attempts in Ontario, for example, found that 80 per cent of employers subject to a union organizing drive admitted to some form of anti-union practice during that drive. Whether you characterize those as unfair labour practices is of course difficult to determine.

There have now also been a number of Canadian studies published in top journals showing that the requirement of a ballot significantly increases the likelihood of employer unfair labour practices and reduces the likelihood of union organizing success. It's possible that the latter occurs in part because employees legitimately change their minds subsequent to signing a union card. The problem, however, is that the employment relation is an asymmetrical one. Employees are in a position of

subordination to, and dependence on, their employer. Thus, unless the employer makes a clear statement that it respects the choice of workers and is willing to work with a union should one be organized—which, in my understanding, is very rare—virtually anything that the employer does between the filing of an application for certification and an actual vote will negatively impact on the results of that vote.

My own research, for example, finds that even workers who are uncertain about what their employer will do are less likely to vote for a union. In short, there's no evidence that union interference with worker choice is a problem and very strong evidence that requiring a vote in all cases only undermines free worker choice and further limits access to union representation. I say further because the process of organizing workers is difficult, costly and highly uncertain given the current legal framework in Canada. Perhaps as a result, we commonly have surveys which find that large portions of workers who are non-union would like to have a union but can't get one. The figure ranges from about a quarter to a third. When people in these surveys—in one of these surveys were asked, well, what if you could be guaranteed there would be no reprisal from your employer, the statistic was 43 per cent of non-union workers saying they'd vote for a union.

This is, to me, a sign that labour law doesn't work in this country and needs to be strengthened to support unions, not weakened. In limiting access to union representation, governments are undermining a widely recognized democratic right. There are numerous international declarations supporting this right. Closer to home, however, there's of course been a series of rulings by the Supreme Court of Canada affirming this right, and I suspect—I was a bit late coming in—that I understand that some of these were referred to. But let me just quote from a 2009 decision where the court stated that collective bargaining is, I quote: a fundamental Canadian right, and that it reaffirms—I quote: reaffirms the values of dignity, personal autonomy, equality and democracy.

Now, this is a pretty bold statement, and as an academic, I would say it's one that's hard to prove empirically. However, I've done research with Carola Frege of the London School of Economics in the United States, where we surveyed and asked a number of questions of 1,000 randomly selected workers. They—the union workers in this sample reported higher levels of security, dignity, fairness and justice than did non-union workers. And I say that—I would say that this is even in the United

States, because the United States is notoriously the most hostile developed nation towards unions, and it has the most hostile employers. So, if there are any place that you're not going to find these effects, it's the US.

So the question becomes why on earth would the government want to weaken rather than strengthen access to union representation.

Union representation, to me—and I hear different accounts of it here—but it simply entails the right of workers to have a meaningful say in the determination of the terms and the conditions of their employment and to have limited due process rights should they be disciplined or treated unfairly.

Why would the government be opposed to that?

The only potentially legitimate rationale that I can think of is that unions have economic costs. It would be quite valid to be able to say—as the presenter from, I think, the Chamber, said—that unions have these economic costs, and that harms the economic environment. The question is: Do they? It's a difficult question to answer in terms of quantitative research because there are significant limitations that inherent this research, and the likelihood—and there's a high likelihood that these effects change over time, and there also, of course, cross-national differences in industrial relations systems.

Much of the research, for example, has been in the US and it's now more than 30 years old—or, at least, the data it's based on, and they do find some negative effects. But the Canadian research has been more ambiguous. Most notable, however, has been a recent study by Dionne Pohler of the University of Toronto and Andrew Luchak of the University of Alberta—published in my own journal, the *British Journal of Industrial Relations* last year. The authors found that the effects of unions depend on whether employers have an employee-focused strategy directed at employee skill development, employee participation, and labour management co-operation.

For employers adopting such a strategy, unionization had either positive or neutral implications for workplace conflict, for workplace climate, for quick rates, for dispute resolution processes, for employment growth, and for profitability.

For employers failing to adopt this strategy, the opposite was generally the case. At risk of oversimplification, it would appear that unions are

actually good for good employers, even if they're bad for bad ones.

So the question which I need to address in addition to this is: well, what causes workers to join unions in the first place? I also did a—one minute? Okay, I should get to it.

Basically, my own research on Canadian workers conducted—a survey conducted by our own Prairie Research Associates a number of years ago found that the most important predictor is whether people have always believed in having a union. But the second most—surprise, surprise—is the way they were treated at work. Workers in bad jobs defined by low pay, high levels of coercion and stress, low levels of influence and arbitrary employer practices were far more likely to desire representation.

So workers who are employed by even good employers may want to have a union, which is not surprising, given what unions do in general for workers. But even more important: its bad employers who are much more likely to be vulnerable to a union organizing drive, if vulnerable is, indeed, the right term.

All research has its limitations, especially where it addresses the effects of unions, and particularly you get a cause-effect problem. But, in short, the best evidence we have is that bad employers are both more likely to be negatively affected by a union and more likely to be susceptible to a successful union-organizing drive in the first instance. It's they who have the most to worry from card certification.

In contrast, good employers have little to worry about. Not only are they less likely to get a union should they not already have one, they are more likely to actually benefit if they do.

Overall, therefore, there doesn't seem to be a lot of justification for eliminating card certification or, more generally, for weakening labour law supports.

Mr. Chairperson: Excuse me, Mr. Godard, your time has expired. *[interjection]*

One moment, Mr. Godard. We'll just get, from the committee, is it—committee?

Some Honourable Members: Yes.

Mr. Chairperson: Yes; now you can continue.

Mr. Godard: Oh, okay. To do so could only weaken the democratic rights of workers while primarily enhancing the fortunes of, and even helping to attract bad employers. Surely that's not what the

government hopes to accomplish. We need to be building a modern, progressive economy in which employees and employers are able to work together and where worker representation is accepted as a democratic right.

I would even actually argue that these laws need to be strengthened but, more important, reconfigured away from the model we have towards a more modern and progressive model so that we can generate a genuine mutual gains economy along the lines of what we find in many, many others countries.

* (21:10)

Canada is a real laggard in terms of not just worker rights, but systems of representation that actually not just—don't just contribute to workers but also contribute to the productivity of the economy, and I think the research is clear that unions can have quite positive effects if you structure the system appropriately.

Mr. Chairperson: Thank you for your presentation, Mr. Godard.

Mr. Cullen: Thank you, Mr. Godard, for your presentation and your documentation tonight. I appreciate you being here. Thank you. *[interjection]*

Mr. Chairperson: Mr. Godard, you want to comment—

Mr. Godard: Just—no, you're welcome.

Mr. Chairperson: Okay.

Mr. Lindsey: I thank you for your comments.

Would it be fair to say you're somewhat of an expert when it comes to labour relations? *[interjection]*

Mr. Chairperson: Mr. Godard. *[interjection]* Mr. Godard, you have to wait until I recognize you.

Mr. Godard.

Mr. Godard: I've been teaching all day. So you can get this lecturing style, is just a continuation, so.

Okay, yes, I would say I have some notoriety in that respect rather than—I'm known.

Mr. Lindsey: So, recognizing that you have a certain amount of expertise in the field not just in Canada, but internationally as well, did anybody from this government consult with yourself or anyone in any of the organizations you're involved in prior to introducing this legislation?

Mr. Godard: No. But, to be fair, the predecessor didn't do so either on Bill 44.

And I—if I might just add to that, it was in the same room, but in was in a hot August night, and it was 4 o'clock in the morning when I got to speak. So this is much to be preferred.

Mr. Allum: Dr. Godard—*[interjection]* Would that—is—that's correct?

Mr. Godard: I have a Ph.D., yes—*[interjection]*

Mr. Chairperson: Mr. Allum.

Mr. Allum: Thank you, Mr. Chair. Sorry, I'm a rookie here, I don't know the rules.

I just wanted to pick up—at the very top of page 2—you mentioned it a little bit in your opening comments, but I don't think you got to it—you say, I—and I'm quoting: I will then move somewhat beyond this, reflect a concern that Bill 7 may be the harbinger of a more substantial shift in labour policy.

Could I ask you to comment on that for us, please? *[interjection]*

Mr. Chairperson: Mr. Godard.

Mr. Godard: Okay, sorry.

I—sure, one is always worried when there's a new government that doesn't appear to be particularly friendly to labour that there will be a series of bills which could be harmful to, I think, the quality of labour relations in the province. And, to me, the issue about getting rid of a 65 per cent card cert and reducing it to a vote will certainly have a negative effect on certification success.

And I might add, which I don't in here because it's conjecture, these sorts of things contribute to instability if they lead to a more adversarial climate during the period prior to the vote. And I think one reason for card certification historically in Canada may have been one—having—had more to do with stability than rights in terms of the motivation. That's a speculation. I've actually published the speculation, but I have no data for it.

But that's a concern. I think back to the famous case of Thatcher in Britain where they introduced a new anti-labour bill about once every year and a half or two years for a number of years, and the unions, by the end of that, were pretty gutted. So I don't expect that that's the case here, but I'm really hoping dearly that it won't be. I mean, I think, if the labour—

if the current government feels that it has to throw this bone to somebody, then it has to throw the bone, but please don't throw anymore if you're going to do that. I think we have a fairly healthy labour relations climate here, and I think we need to move forward with it in the 21st century and not move ourselves back to the 1980s or even the 1880s. We have to move forward, and by gutting labour rights you're not going to do that.

Mr. Chairperson: Mr. Allum, I think we have time for one short question.

Mr. Allum: Thank you, Mr. Chair, it's not a question.

I just wanted to thank you for coming here tonight and for your presentation and your analysis and your enthusiasm. We've been here for a while, and I feel your energy, and so much appreciate it.

Floor Comment: Can I respond?

Mr. Chairperson: Yes, Mr. Godard.

Mr. Godard: Yes, I believe pretty strongly in this stuff, and it's accumulated over the years. I was originally moderately anti-union, and the more I've studied this, the more I'm aware of how important it is.

And, of course, I'm at a university which is possibly about to go on strike, so I need to be careful—which you no longer have anything to do with, but—happily for you, hopefully not though.

Mr. Chairperson: We thank you for your presentation, Mr. Godard.

Seeing as there's out of time on this question, we will now move to Ron Allard. Is Ron Allard in the room? Ron Allard?

Ron Allard has been called twice and will be dropped from the list of presenters from Bill 7.

We will now move to Julie Guard. Julie Guard. Is Julie Guard in the room?

Julie Guard has been called twice and will be dropped from the list of presenters for Bill 7.

That concludes the list of presenters I have before me. The committee will now deal with any additional registrations it received this evening.

I will now call on Rabia Syed.

Do you have any written materials for distribution to the committee?

Ms. Rabia Syed (Private Citizen): I'm sorry, your honour, I just decided to speak up for tonight.

Mr. Chairperson: Please proceed with your presentation. Thank you.

Ms. Syed: Okay, I would like to thank all of you for giving me an opportunity to speak up tonight and support—not to support the Bill 7.

I'm Rabia Syed. I work as an organizer for Workers United. I came from Ontario as well, so I can understand the difference of having to support the 65 per cent to maintain this bill that the—in the legislation act. The reason is, from my general experience, I've been organizing. I came to Winnipeg to understand the law of 65 per cent automatic certification which, in Ontario, it was the card checks as being—we're trying to advocate, to maintain the card checks in Ontario. And here we're trying to experience to eliminate the very important significance for the workers' rights to unionize.

As an organizer, I work for many tremendous hours for the workers. I became a worker to become a nurse and work as an organizer. So the fear—I came from a country that we don't have the democratic right, the fearness; we came for better changes, the future for our children. So when I organize, this is what happened to—walked to—by the time the workers called us and then signed a card, so they feel the urgency to wanting the union, especially right now. I think Manitoba don't have—the only province that don't have the increase for minimum wage right now. So can you imagine the important of the union right now that takes place for the people that making below minimum wage, \$11 or even 10, \$11 is not a standard minimum living wage for the worker. So we're still advocating for \$15 minimum wage.

But, in fact, to fully understand how we organize when the workers call you—so 65 per cent is the high threshold. This is actually very difficult to maintain that in an organizing drive, especially the fear of the workers that the employer might find out they're trying to organize. So, therefore, when they come to you, it doesn't matter what kind—whether from retail, from manufacturing, health care, the fear of the workers of losing the job and especially if this is the only job that you want to maintain to bring or buy food for your children, pay everything. So, therefore, fear of losing a job is the consideration of why we need the 65 per cent.

So, if I sign the 65 per cent of the workplace, by the time we apply for the Labour Board,

and although I have the 65 per cent of the card supporters, we file by the Monday and then the labour laws in Manitoba, they still give the employer the freedom of three days so that the workers can actually write an objection. So this is, again, another tactic for the employer because they have the control in the workplace. So if I'm the activist in my workplace that I want changes to gain the better wages, to better work, health and safety and everything that we need, so I will be the target.

* (21:20)

So what will happen to the rest of my coworkers who want it? So, therefore, if they treat these, that they can respond to the Labour Board, the employers' tactics—the power that they have—they will be able to have a captive audience meeting to all the workers. They will lie about the union dues. It's always the union dues as the thing that they—the weapon of the employer to talk about the union dues. To me, why they care about the union dues? Because the union dues for the workers, no matter how we explain it, they will always put a higher version of the figure. Although, the reality is, why they care about it? They care about it—it's because they will lose power.

So—but, the workers, no matter how you educate the workers, the intimidation of the employer is there. So, therefore, by the time we did, we gained the votes and, when there will be a vote, you know that you get 65 per cent—through the intimidation of what's happening, it fall apart. The workers, instead of their standing together, the unity became so minimal that nobody will support. And you know by then you will lose the vote.

So, working here as an organizer in Winnipeg, I enjoyed automatic certification. I file an application. So many campaign I did so far. And we have some campaign that is still the ULP is standing; that's why I can't name it. But I completely ask the committee: please, let's maintain and support the 65 per cent automatic certification for the workers. And especially if the workers are came, like, they don't have any—even the students, this is the only job they have all the time. They've been threatened that they won't have a job after going to another company, So, again, I guess what—why I'm here right now, through my heart, as an organizer, I feel I'm here for the workers to stand up for their rights and maintain to get the 65 per cent automatic certification.

Thank you.

Mr. Chairperson: Thank you for your presentation, Ms. Syed.

Mr. Cullen: Thank you very much for your presentation tonight. Thanks for being with us all night. Appreciate that.

Mr. Lindsey: I thank you for your presentation, and thank you for staying to the end and being able to present.

Now, you said you've—you're an organizer with Workers United. Is that correct?

Floor Comment: Yes.

Mr. Lindsey: How many organizational campaigns have you taken part in, just roughly? *[interjection]*

Mr. Chairperson: Ms. Syed. You have to—

Ms. Syed: Oh, sorry.

Okay. Yes, I am Rabia Syed. Sorry about that.

Since I came here in Winnipeg, without the counting in Ontario, I organized seven. And recently, we also have the automatic certification for one of the restaurants that—the first restaurant—I mean, the first gay restaurant in Winnipeg. So, that's why I'm considering the 65 per cent as really very important.

Mr. Lindsey: In your experience organizing, have you seen employers threaten workers when they've tried to organize?

Ms. Syed: Yes, sir.

Mr. Lindsey: To your knowledge, did the government ever consult with yourself as an organizer, or anybody within your organization, prior to introducing this legislation?

Ms. Syed: Can you please repeat the question?

Mr. Lindsey: To your knowledge, did the government consult with either yourself as organizer, or anybody in your group, prior to introducing this legislation.

Ms. Syed: No.

Mr. Chairperson: Seeing as that there's no further questions from the committee, I'd like to thank you for your presentation, Ms. Syed.

Are there any other persons in attendance who wish to make a presentation?

Before we rise, I would appreciate if members would leave behind their copies of the bill so they may be collected and reused at the next meeting.

The hour being—oh, sorry.

I will now call on Mary Boudreau. Do you have any written materials for distribution to the committee?

Ms. Mary Boudreau (Private Citizen): No, Sir.

Mr. Chairperson: Please proceed with your presentation.

Ms. Boudreau: I apologize for the late registration. I'm a shift worker; I was up since 2:30 this morning but I felt it was important to come and sit and listen and talk about why I'm opposed to Bill 7.

My first thought was how this particular bill would make it harder for the province's most vulnerable to join a union. Equity-seeking groups, such as women, Aboriginals, workers of colour, new immigrants, refugees, people with disabilities, the LGBTQ community and seniors often find themselves fighting for equal rights in the workplace, regardless of being unionized or not. It's just statistically these same equity-seeking groups are most commonly the people living in poverty. It didn't make sense to me why the government would propose a bill that would effectively harm a great quantity of the voting public.

So I looked at this bill from another perspective. One of my conclusions: this was a very real example of institutional or systematic racism. In case you're not familiar with the term, institutional or systematic racism is a form of racism which can be structured into political or social institutions. It occurs to me—it occurs when a deliberate or indirect discriminatory action against certain groups have their rights limited by organizations, institutions or government. I am not an expert. I'm just proposing my opinion on the matter.

This form of racism reflects the cultural assumptions of the dominant group so the practices of that group are seen as the norm to which other cultural practices should conform. It regularly and systematically advantages some ethnic and cultural groups and disadvantages and marginalizes others. You may be thinking that this is a stretch but I assure you the parallels can be seen.

Who benefits from racism and discrimination? Well, of course, big business and capitalists, and obviously big business do not want unions to formalize—to form. These people are making money because they benefit from us fighting against each other and keeping us separate. So here we have a

dominant group who sees no problem by achieving max profitability by overworking and underpaying their employees.

Institutional racism is difficult to recognize—encounter particularly when it's done by governments who do not view themselves as implementing 'discriminatory' bills such as this. When present, this form of racism reinforces a disadvantage already experienced by some members of the community.

For example, racism may be viewed by a number of persons of colour in menial jobs in hospitality while their white counterparts may work in the higher paying jobs in the industry. With this type of discrimination in employment, lower income levels, combined with discrimination, leads to an unfair division of goods and services, which can restrict access to housing, health care and life opportunities in general. In this way, institutionalized racism may be particularly damaging for equity-seeking groups and may further hinder them from rising above the poverty line.

*(21:30)

This is why it's so easy to attack the labour movement. The government and the capitalists have all the power in this situation. The only power the employees have is their constitutional right to join a union.

I can hear the arguments now, that unions use bullying, they coerce people to sign.

Me, personally, in the course of my lifetime, I have been in situations where members of the group I was working with tried to form a union because it was a necessity. Not once were we threatened or coerced by the union, but we were definitely threatened by the employer. My co-worker, who is part of this organizing drive, was basically demoted and ended up leaving the company because she felt intimidated every time she tried to get a drive organized, and this is over the course of 10 years.

I'm proud to say this unit, which I no longer work for, is in the process of getting their vote to unionize. They hear comments such as, you know, if you unionize you'll lose this benefit, you'll lose that benefit, you won't get pay increases. It's stuff like this that makes people self-doubt why they wanted to join in the first place. You have to take into consideration if people are single moms or full-time students, et cetera, with no other options,

they don't want to rock the boat; they're most likely to step back and just be invisible.

Most people will take whatever job they can get and the garbage they have to put up with just to put food on the table.

Me, personally, the main reason I organized my workplace was because I was in a position where I went to my employer when I was being treated unfairly. My co-worker, who just happened to be a white male over 40, was making \$2.50 more an hour than me at the same job classification and at the same level of service. I'm proud to say once we organized, we voted 100 per cent, and it wasn't just because of unfair wages or unfair work practices. It's because it was something we believed in would make a difference, and it has made a difference in our workplace.

I may be a little flippant. I am overtired, but the government trying to pass this bill is equating Manitobans to a flock of sheep. Last time I checked, Manitobans were in full possession of free will, unless I'm mistaken and some super-secret mind-control weapon was used on us while we were sleeping—just a little levity for such a—to me, this bill is nothing more than an attempt by the government to bully the labour movement and flex their political muscle. If they want to help Manitobans, they would be proposing legislation that would stop unpaid internships and apprenticeships. They would increase the minimum wage to a more livable wage. They would make sure to break away from institutionalized systematic racism and discrimination. They would ensure our indigenous communities had decent living conditions and drinkable water sources. Last, but no less important, they would work with the labour movement to ensure good jobs stay in our northern communities and we don't let any more of our northern communities die out.

Thank you.

Mr. Chairperson: I thank you for your presentation.

Mr. Cullen: Thank you very much for your presentation and your perspective tonight. I appreciate it, and thanks.

Mr. Lindsey: I, too, want to thank you for bringing a new perspective, a new point of view to the whole debate around the institutional racism and I also want to recognize you as possibly one of the really true experts in the field of what we're talking about here tonight. Your experiences are real, your perspective

is real, and I thank you for sharing that with us. Thank you.

Floor Comment: You're welcome. You know what, growing up, being a biracial woman, my greatest strength was my voice. My grandmother always said and for a four-foot-11 Irish woman, I'd rather be—

Mr. Chairperson: I'm sorry, I didn't recognize you, Ms. Boudreau. You can continue or start all over again, please.

Ms. Boudreau: Oh, I thought I was continuing on from thanking Mr. Lindsey. Sorry.

To continue, my grandmother, four-foot-11 Irish woman, she always said, I wish I was born rich instead of beautiful. And I really didn't understand what that meant until I worked, entered the workforce. It's amazing what you hear growing up, and then you get into the real world, and you're like, wow, like, it really is the only people who matter in the workforce is the top 1 per cent.

I was not born a white male. I'm a proud black woman. And I stand behind my convictions and my beliefs. And I believe the government isn't trying to do something purposely, but I feel they have to work together with the labour movement to make this a better Manitoba.

Mr. Chairperson: Seeing as we have no further questions from the committee, thank you, Ms. Boudreau.

And are there any other persons in attendance who wish to make a presentation?

Okay, I will—before we rise, I would appreciate—I started this before—members would leave behind the copies of the bill so it may be collected and reused for the next meeting which is on November the 1st at 6 p.m.

The hour being 9:37, committee rise.

COMMITTEE ROSE AT: 9:37 p.m.

WRITTEN SUBMISSIONS

Re: Bill 7

Introduction

The United Steelworkers (USW) is an international trade union with over 220,000 members in Canada. Approximately 55,000 of those members are in western Canada (District 3), with some 10,000 members working in Manitoba.

USW members work in every sector of the economy. In Manitoba, our union notably represents the miners in Flin Flon and Thompson, as well as members in a broad range of manufacturing and industrial sectors in the southern part of the province. We also represent members in school districts, hospitality, airport security, transport and distribution throughout the province.

Our union is committed to ensuring that employees in Canada, whether members of USW or not, are treated with dignity, respect and equality in workplaces and communities. We negotiate strong collective bargaining agreements with good wages and benefits to ensure that the economic lives of working families are improved and then enjoy their retirements. We are also committed to bringing unrepresented employees into our union. Employees cannot effectively raise their standards of living, ensure their safety and health on the job, or truly ensure they are treated with dignity and respect in the workplace without the right and opportunity to join a union and engage in collective bargaining.

USW has broad experience with labour legislation in many jurisdictions and, it is through that lens and keeping with our commitment to fairness and equality that we strongly oppose Bill 7 and urge that it be abandoned by the Government of Manitoba.

Impacts of Moving Away from Card-Based Certification in Other Jurisdictions

Currently, Manitoba is among five provinces that have some card-based certification. As well, the Federal Government is currently in the process of returning to card-based certification under the Canada Labour Code and other federal labour statutes.

In British Columbia, governments have moved back and forth between card-based certification and certification requiring mandatory votes. In 1992, a panel of experts reviewed the experience with mandatory votes from 1984 on, finding:

While the statute still retained prohibitions against employer interference in the certification process, after the introduction of the vote, the rate of unfair labour practices by employers during organization campaigns increased dramatically. The rate of new certification dropped by approximately 50%.¹

In recommending a return to card-based certification in BC, the report states:

The surface attraction of a secret ballot vote does not stand up to examination. Since the introduction of secret ballot votes in 1984 the rate of unfair labour practices in representation campaigns in British Columbia has increased by more than 100%.

The simple reality is that secret ballot votes and their concomitant representational campaigns invite an unacceptable level of unlawful employer interference in the certification process.

Although British Columbia returned to card-based certification in 1993, the province re-introduced mandatory votes in 2002. A recent review, by the BC Federation of Labour, of the impact of legislative amendments on number of unorganized employees who were certified, shows:

- 1974-1983 (card-check): average of 7,411 per year
- 1985-1992 (mandatory vote): average of 4,106 per year
- 1994-2000 (card-check): average of 8,762 per year
- 2002-2015 (mandatory vote): average of 2,526 per year

Similarly, from 1993 to 2000, there was an average of 394 certifications granted per year; from 2002 to 2015 there was an average of only 85 certifications per year. These findings are affirmed by other academic studies such as by UBC researcher Chris Riddell, who found that not only did certification success rates decline by almost 20% following the move from card-based certification regimes to mandatory representation votes, but management opposition, as measured by unfair labour practices, was at least twice as effective in the mandatory vote regime as in the card-based certification regime.²

In Ontario, there are similar results. In 1994-1995 under card-based certification, there were over 1,000 new certification applications with 762 new certifications granted, covering 32,116 employees. By 2001-2002, under mandatory votes, the number of new applications had dropped to 624, with only 307 granted, covering 16,255 employees – a drop of 49%.

Employees Want to Join Unions

Our union's public polling data (The Vector Poll on Public Opinion in Canada, United Steelworkers, July 2015) shows that nearly three in ten (28%) of non-union workers who are eligible to join a union

want one. When asked if they would join a union if there were a guarantee of no reprisals from their employer, that number jumps to 40%.

However, as shown, the legitimate desire of workers to join unions is thwarted by the use of undemocratic, mandatory representation votes, even when the majority of employees have indicated their willingness to join a union. This not only inserts an unnecessary step in the process, but allows for employers to exert their considerable power in the workplace in order to suppress the true wishes the workers.

It is useful to note that the general opposition from the employer community to card-based certification is that mandatory voting is somehow more democratic, arguing it is akin to the voting process we utilize in elections. In fact, there is no equivalency between a political "election" or referendum and a union representation vote. Union representation votes are unlike elections and referenda because of the inherent imbalance of power and coercive influence that employers hold over their employees – the power to control pay, hours, working conditions, discipline and even the ability to deprive workers of their livelihood.

The comparison between political elections and union representation votes breaks down even further if one considers the practical circumstances in which a union organizing campaign takes place. Despite legislation and regulations supporting workers' rights to communicate and engage in union-related activities, the fact is that non-union workers are severely restricted in their ability to engage in such communication and activity. Workers know viscerally – supported by real-life experiences – that most employers actively discourage union activity and will not in any way countenance union discussions in the workplace at any time. Likewise, the employer has full control and ready access to the workplace and, of course, to information that is unavailable (or, at a minimum difficult to obtain) to the union, such as employee lists and contact information.

Union's (and Union Density) Matter

The evidence shows that Bill 7 will lead to fewer non-union workers in Manitoba joining unions. This matters because unions matter in terms of their own wages, their ability to improve their standard of living and the impact this has on our communities and our economy.

The Canadian Labour Congress regularly presents data on the "Union Advantage." In 2014, this amounted to over \$2.1 Billion in Manitoba. There were 192,400 union members working in the province – about 35% of the workforce – and they earned, on average, \$5.79 per hour more than their non-union counterparts. For women, the advantage was even greater, earning \$7.42 per hour more. For Aboriginal workers, the advantage was \$6.60 per hour. In Winnipeg, where 131,000 of those unionized workers live, the Union Advantage was \$5.59/hour; \$7.21/hour for women; and \$6.00/hour for Aboriginal workers.

Unions are important to the local economy, as well, as that's where they spend their earnings. Union workers' wages support local business and local taxes which pay for important public services and infrastructure, while workers themselves participate in volunteer activities, community events and contribute charitably to their communities. Union members are more likely to have decent retirement income and, when they retire, continue to contribute to the local economy rather than having to rely exclusively on family or social programs.

And the extent of the importance of unions and union density extends beyond just wages and local economies to issues of broader economic equality. A recent study by the Economic Policy Institute in the United States made some notable findings³:

- For non-union private-sector men, weekly wages would be an estimated 5 percent (\$52) higher if private-sector union density (the share of workers in similar industries and regions who are union members) remained at its 1979 level. For a year-round worker, this translates to an annual wage loss of \$2,704.
- For non-union private-sector men without a bachelor's degree or more education (non-college graduates), weekly wages would be an estimated 8 percent (\$58) higher in 2013 if union density remained at its 1979 levels. For a year-round worker, this translates to an annual wage loss of \$3,016.
- For non-union private-sector men with a high school diploma or less education, weekly wages would be an estimated 9 percent (\$61) higher if union density remained at its 1979 levels. For a year-round worker, this translates to an annual wage loss of about \$3,172.
- The effects of union decline on the wages of non-union women are not as substantial because

women were not as unionized as men were in 1979. Weekly wages would be approximately 2 to 3 percent higher if union density remained at its 1979 levels for all non-union women; non-union, non-college graduate women, and non-union women with a high school diploma or less education.

- Declining union density has exacerbated wage inequality in the United States by dampening the pay of non-union workers as well as by eroding the share of workers directly benefitting from unionization. At least for middle-wage men, the impact of the erosion of unions on the wages of both union and non-union workers is likely the largest single factor underlying wage stagnation and wage inequality.

The evidence suggests that a move to mandatory votes for certification will dampen union organizing efforts and result in fewer workers belonging to unions and in lower union density. This result will hurt our local economies, our provincial economy and will increase economic inequality in the Province of Manitoba.

Conclusion

USW is opposed to Bill 7 and urges it be abandoned in whole by the Government of Manitoba. There is no basis to state that the current card-based certification method, which is coupled

with votes should the super-majority threshold of sixty-five percent not be met, is somehow undemocratic. Indeed, the evidence suggests that mandatory votes are: it allows employers better and more effective opportunities to undermine the desire of non-union workers to exercise their right to join a union. A card-based certification system, with a simple majority threshold, is the process that best talks into account the fundamental realities of the employment relationship and allows workers to exercise their right to join a union without undue influence from their employer.

Finally, in closing, there is no evidence that there exists labour relations environment in Manitoba that needs fixing. However, a move to mandatory certification votes will set future relationships between unions and employers off on the wrong foot. Representation votes inherently throw workers into an "election campaign" forcing them to vote "for" or "against" their employer and thus creating a potential battle between foes rather than fostering healthy, collaborative relationships and setting the stage for meaningful collective bargaining.

Tony Sproule
United Steel Workers District 3

¹ John Baigent, Vince Ready & Tom Roper, A Report to the Honourable Minister of Labour: Recommendations for Labour Law Reform (Sub-Committee of Special Advisors: September, 1992)

² Chris Riddell (2004) "Union Certification Success under Voting Versus Card-Check Procedures: Evidence from British Columbia, 1978-1998", *Industrial & Labor Relations Review*, Vol. 57, No. 4, article 1, p. 509

³ Jake Rosenfeld, Patrick Denice & Jennifer Laird, "Union decline lowers wages of non-union workers: The overlooked reason why wages are stuck and inequality is growing", *Economic Policy Institute* (August 30, 2016)

Re: Bill 7

To the Standing Committee on Social and Economic Development,

I am writing to you today to express and put on the record my opposition to the Bill under debate tonight, Bill 7, The Labour Relations Amendment Act. I am putting this forward as private citizen and not as a member of any organization.

I am primarily concerned about this Bill because it does not seem to fit the parameters of any government legislation, namely to address a problem that already exists. Bill 7 provides no solutions to any problems currently felt in Manitoba; in fact it seeks to unsettle a generally amicable era of labour peace and replace it with a hostile approach to organized labour. Furthermore, the new government's approach to labour—including the vilification of the important role that organized labour plays in representing workers in a fair and equitable fashion—is equally disturbing.

Currently, Manitoba has laws that if 65% of workers sign a card, the vote heads toward automatic certification. Amongst provinces that have card-check certification, Manitoba currently requires the highest percentage of workers signing in order to achieve automatic certification. The 65%, in any circumstance, represents a significant majority. Ask any member of the Legislative Assembly how they would express their mandate to represent their constituency had they received 65% of the vote and I'd be willing to bet that they too would consider that a substantial majority.

What we do know is that research has shown that secret ballots aren't part of a fair and democratic process. Workplaces and employers that have an interest in preventing and halting efforts to

organize and unionize workers have utilized harassment efforts to derail efforts to organize. Intimidation and the threat of losing one's job before the union has been formed are all real possibilities that workers face. As a member of a generation that faces levels of precarious employment not seen since the Great Depression, I can tell you that the fear of losing a job based on your employer are real threats that truly matter.

What have we seen from provinces that have made changes of this nature? Primarily, we see that the rates of unionization falls, which correlates to worsening conditions and the stagnation of wages. The potential for intimidation from employers is real and documented. To imply that these changes will help workers is an affront to the positive role that unionization can play.

Before this Bill comes forward for a vote, I'd ask members of this committee to ask themselves why

they feel the need to change the existing system? Are there documented cases of intimidation with the current system? Do changes to the labour code that will decrease the prominence of labour unions really help with assisting young workers? As a young person struggling to find work and working through precarious contracts, leaving me unable to plan for my financial future, I know that now, more than ever, the province needs to be supporting associations and unions, not weakening them. Again, this legislation is problematic in that it only opens up future issues and fails to address any current issues facing hard working Manitobans.

Members of the committee, and the general public, I once again ask you to reconsider this bill and would sincerely request that you take this legislation back to the drawing board.

Thank you,

Zach Fleisher

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/hansard.html>