

## LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, February 12, 1990.

The House met at 8 p.m.

### COMMITTEE CHANGES

**Mr. Steve Ashton (Second Opposition House Leader):** Mr. Speaker, I was wondering if I might have leave to make a number of committee substitutions.

I move, seconded by the Member for Churchill (Mr. Cowan), that the composition of the Standing Committee on Privileges and Elections be amended as follows: the Member for Brandon East (Mr. Leonard Evans) for the Member for Churchill (Mr. Cowan).

I also move, seconded by the Member for Churchill (Mr. Cowan) once again, that the composition of the Standing Committee on Law Amendments be amended as follows: The Member for The Pas (Mr. Harapiak) for the Member for Elmwood (Mr. Maloway), and the Member for Flin Flon (Mr. Storie) for the Member for the Interlake (Mr. Uruski).

**Mr. Speaker:** Agreed? Agreed. The Honourable Member for Inkster.

**Mr. Kevin Lamoureux (Inkster):** Yes, Mr. Speaker, I too have a committee change. I move, seconded by the Member for Fort Garry (Mr. Laurie Evans), that the composition of Law Amendments be amended as follows: Inkster (Mr. Lamoureux) for Seven Oaks (Mr. Minenko).

**Mr. Speaker:** Agreed? Agreed.

### DEBATE ON SECOND READINGS

#### BILL NO. 31—THE LABOUR RELATIONS AMENDMENT ACT

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Labour (Mrs. Hammond), Bill No. 31, The Labour Relations Amendment Act; Loi modifiant la Loi sur les relations du travail, standing in the name of the Honourable Member for Churchill (Mr. Cowan), the Honourable Member for Churchill.

**Mr. Jay Cowan (Churchill):** Before concluding my remarks this afternoon, I was addressing the issue of the concern of the Conservatives, which is stated in a very explicit way, and the implied concern of the Liberals that final offer selection will in fact create a bad business climate in the province.

Before going on, I might give my assurance to the Conservative Party that it is not our intention to call a quorum this evening if, in fact, the numbers fall below the necessary 10. I cannot speak on behalf of my friends, the Liberals, but if they have other matters to which to attend, please feel free to do so. You have our word on that. We will not tie Members to the Chamber just for the reason—

**An Honourable Member:** It would be nice to see, Mr. Cowan, if you would at least have some of your own Members in the House.

**Hon. Albert Driedger (Minister of Highways and Transportation):** This is the most important issue that you are dealing with and you have few numbers in the House.

**An Honourable Member:** We do not call the business, you call it first. You are the one that . . . .

**Mr. Cowan:** Mr. Speaker, I just want to address what the Minister of Government Services (Mr. Albert Driedger) says from his seat, that this is the most important issue to us. No, this is a very important issue to the New Democratic Party, but it is not the most important issue to the New Democratic Party. As a matter of fact, we have offered on several occasions to the House Leader (Mr. McCrae) directly, privately and publicly, to debate and pass other Bills through his House, but it is his obstinacy and his refusal to negotiate the progress of this House that has put us in the position where we have to stand and speak to this Bill at length, and we will continue to do so. So let him not suggest that it is obstructionism on our part; it is stupidity on their part that puts us into this particular situation.

If they would just sit down and try to negotiate the business of this House in the manner in which it has been negotiated for time and time and time again previous to this inept Government House Leader taking over control, or attempting to take over control, of this Legislature, we would not be in this predicament, and we would be passing legislation through this House. So when he talks about obstructionism, let him look directly in the mirror, Mr. Speaker. Let him look directly at himself, because it is his incompetence that is creating this circumstance.

**An Honourable Member:** Let us get back to Bill No. 31.

\* (2005)

**Mr. Cowan:** That is a good question. The Member for La Verendrye (Mr. Pankratz) says let us get back to Bill No. 31. He will note that, when I started my comments, I said the way in which the Government tries to move its legislation, any piece of legislation, through the House in large part underscores and gives some insight into their own agenda. They have decided, along with the Liberals, to ramrod Bill No. 31 through this House, and I believe it is important from time to time to take note, especially when the Member for Brandon West, the Attorney General (Mr. McCrae), goes on radio and suggests that it is the New Democratic Party that is stalling the business of the House and costing taxpayers' money. Let me tell you, if there is

Monday, February 12, 1990

anything that is costing the taxpayers' money in this province, it is the stupidity of the House Leader (Mr. McCrae), his incompetence and his inability to negotiate—

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

**Mr. Speaker:** Order, please. I would like to remind the Honourable Member for Churchill (Mr. Cowan) that the question before the House is Bill No. 31, The Labour Relations Amendment Act. I would ask the Honourable Member for Churchill to keep his remarks relevant to said question. The Honourable Member for Churchill.

**Mr. Cowan:** Thank you, Mr. Speaker, I appreciate that advice. The Bill 31, as we were saying earlier, is a Bill that kowtows to big business in this province. Both Liberals and Conservatives have aligned themselves very squarely with the interests of big business against the interests of working people in this province when they attempt to railroad this Bill through the House. I want to talk about who is on whose side with respect to Bill No. 31 for a bit this evening.

I think we are going to find some surprises with regard to that particular Bill. We know there have been several groups that have come out already in opposition to the Liberal and the Conservative attempt to railroad the repeal of final offer selection through this Legislature.

I just want to put on the record who some of those groups are. Of course, we know that the labour movement, through the Manitoba Federation of Labour, has indicated very clearly that it does not want to see the repeal of the final offer selection Bill through Bill No. 31. The president of the Manitoba Federation of Labour, Ms. Susan Hart-Kulbaba, just the other day had a press release when she once again asked the Government to give up this attempt on their part to placate big business and to finally act in a responsible manner and allow final offer selection to continue in this province so we can have a full test to determine how it can benefit Manitobans.

There are others as well, most of whom have already been commented upon in this Chamber, who have lent their support to final offer selection. I think it is important to acknowledge them. The Manitoba Women's Agenda, which is made up of 36 women's organizations from across the province, in their economic development resolution No. 7 said the following, and I quote: Whereas many women who work in the service sector and need alternatives to solving disputes with their employers; and whereas first contract legislation has helped women unionize without forcing strike action; and whereas most of the service sector employees would hire strikebreakers to replace striking employees, allowing those employers to continue business operations without incentive to bargain fairly and settle dispute; and whereas final offer selection has proven to facilitate settlements as a bargaining tool by allowing employers and unions to reach an agreement that causes least strain on both parties and the public. Therefore be it resolved that the Government of Manitoba live up to its commitment in the preamble

of The Labour Relations Act to encourage collective bargaining between the employer and the unions as freely designated representatives of these employees and withdraw the Bill repealing final offer selection."

Thirty-six women's organizations are part of the Manitoba Women's Agenda, and the Manitoba Women's Agenda has said to the Conservatives and has said to the Liberals both, because they know that both of them side up with big business on this issue, do not take it away. Do not take away the opportunity for women who work in the service sector to solve their disputes without having to resort to strikes with employers.

Do help women in the service sector unionize without forcing strike action. Do keep final offer selection in place because, and they say, it has proven to facilitate settlements as a bargaining tool by allowing employers and unions to reach an agreement that causes least strain on both parties and the public, which is what the New Democratic Party said when it brought it in and what the New Democratic Party has been saying throughout this debate and now the Manitoba Women's Agenda is saying the same thing.

\* (20 10)

When the Member for St. James (Mr. Edwards) stands on his feet and attempts to take that right to organize and to bargain without having to resort to strikes away from Manitobans, he is directly attacking the 36 organizations that are part of the Manitoba Women's Agenda. When the Member for Inkster (Mr. Lamoureux) sits in his seat and does not rise, does not have the courage to stand and speak in this House, along with the Member for Kildonan (Mr. Cheema) or the Member for Transcona (Mr. Kozak), he is betraying all those women represented by the national Women's Agenda, by not speaking out on their behalf.

We can understand that, but when the Minister responsible for the Status of Women (Mrs. Hammond) brings forward the Bill itself, that calls for the repeal of final offer selection, she has slapped in the face all the women of this province who are represented by the Manitoba Women's Agenda. She has said to them that the Conservatives and Liberals would rather have you strike and be locked out of your workplace than to be able to provide you with a meaningful way to solve your disputes without having to resort to economic force.

You know why the Manitoba Women's Agenda put forward this resolution, among many other reasons. They, in many instances, are the most vulnerable in our society. They know that when it comes to the matter of a strike in an industry that is staffed primarily by women, and there are a large number of industries of that sort in this province, that those people on strike have a much more difficult time in winning their strikes than do larger, more organized unions that have been around for a longer time and that can afford to pay strike pay and undertake the type of necessary action to sustain a strike.

The women know that it is the most vulnerable that are hurt by the powerful interests of big business, the Conservatives and the Liberals together. That is why

Monday, February 12, 1990

they put forward this resolution asking them to reconsider their ways. That is why we find it especially despicable and disgusting that the Minister responsible for the Status of Women (Mrs. Hammond) would bring forward legislation that is going to have such a harmful effect and detrimental effect on women across this province.

If they do not want to listen to us, we understand that. If they do not want to listen to what they consider to be their enemy, labour, because that is obviously what they consider, given by their stance in this House, that is fine. But not to listen to women in this province, who have no direct vested interest with respect to this legislation, to turn their back on those women, to slap them in the face, is the worst form of economic brutality. It is the worst thing that a Minister responsible for the Status of Women could possibly do in their tenure, and I will tell you, the legacy of this Minister responsible for the Status of Women is going to be exactly this: that she was the one who pioneered and fought hard to take away from women in this province, the most vulnerable in this province, some of their opportunity and ability to negotiate fair working conditions without having to resort to brute economic force. Standing right alongside the Minister of Labour (Mrs. Hammond) is going to be the Member for St. James (Mr. Edwards). So that is one group that has made their comments known.

Here is another group that has made their comments known, and I direct these comments directly to the Member for Kildonan (Mr. Cheema) because he shares an interest with the authors of this letter, and perhaps he finds it difficult that he, in his caucus now, is pitted against his own union, his own peer group, his own organization when he stands up and supports repeal of final offer selection, because this is a letter from Mr. Martin Thornington, who is the president of the Manitoba Medical Association,

**An Honourable Member:** Was.

**Mr. Cowan:** Or was the president, excuse me, you are right. This letter is addressed to the Honourable Ed Connery, Minister of Labour, Legislative Building.

Dear Mr. Connery: This is further to your letter of December 23, 1988—excuse me, December 23, 1988, advising us of your Government's determination to—(interjection)— You know what, that slip was probably somewhat Freudian, in that I believe that the former Minister of Labour's mentality is still back in the early '20s, and I apologize for that, but he is a rather outdated individual when it comes to reflecting any progressive attitudes towards working people or labour organizations wherever they may be or however they might be structured. We can understand why it is the (former) Minister of Labour may not take to heart the appeal by the Manitoba Women's Agenda not to repeal final offer selection. It makes a lot of sense to us given his comments in this House and given his general approach to issues. We cannot understand why the Minister responsible for the Status of Women (Mrs. Hammond) does, but I do not want to be sidetracked again, I want to address my comments back to the Member for Kildonan (Mr. Cheema).

\* (2015)

"This is further to your letter of December 23, 1988, advising us of your Government's determination to repeal final offer selection as provided for in The Labour Relations Act. The gist of your response can be summarized clearly, I believe, by saying that the Government's labour relations and collective bargaining philosophy has no room for dispute resolution mechanisms such as FOS. I find this position disturbing for several reasons, not the least of which is that it inevitably leads one to conclude that the Government is prepared to live with employee-employer confrontation and strikes in general."

While given the fact that the Minister of Health (Mr. Orchard) has called doctors "liars" as part of their negotiations with them, not only are they prepared to live with that confrontation, they are prepared to generate and create that confrontation.—(interjection)— Well, I am sorry, the Minister of Labour has something that she might want to say.

**Hon. Gerrie Hammond (Minister of Labour):** I will say it later.

**Mr. Cowan:** Oh, she says she will say it later. Is that not interesting? Now in all of the things that the Liberals say together, we have to add one more thing and that is they will say it later, whatever it is they have to say. I tell them they will have an opportunity to say it, time and time again, in this House before this Bill is finished with its review by this Legislature.

Going back to the letter by Mr. Thornington: however, what is even more disturbing is your response does not deal with the association's central concern, the maintenance of health care services in a wider public interest. Physicians do not think it is acceptable to permit the health care system which, in the words of Premier Filmon, is the most vital and critical service, which all Manitobans depend upon, to be disrupted when practical alternatives to settle impasses are available. It is evident that the Government has chosen to adopt a narrow view of the collective bargaining outcomes and the Government has not fully considered the wider public interest respecting maintenance of health care services. We ask you to reconsider it and a reply would be appreciated. A carbon copy went to the Minister of Health (Mr. Orchard), the First Minister (Mr. Filmon), and to the Leaders of the Oppositions (Mrs. Carstairs and Mr. Doer).

So, the Member for Kildonan (Mr. Cheema), does he not support this statement?

**An Honourable Member:** No.

**Mr. Cowan:** No. Wait a second. The Member for Thompson (Mr. Ashton) says, no. I believe that the Member for Kildonan does support the following statement that—

**An Honourable Member:** Well, he is being talked to by the Member for St. James (Mr. Edwards).

**Mr. Cowan:** Well, I ask the Member for Kildonan, do you accept this statement out of this letter? Physicians

do not think it is acceptable to permit the health care system, which in the words of Premier Filmon, is the most vital and critical service which all Manitobans depend upon, to be disrupted when practical alternatives to settle impasses are available.

Now, I ask him to shake his head, does he not agree with that statement?

**An Honourable Member:** No, he does not.

**Mr. Cowan:** Because it would be very foolish for him to agree with that statement given how he stands in this House every day and does a fairly effective job of bringing to the attention of the Government inadequacies in the health care system. I do not believe that he wants to be forced into the position of being on strike as a doctor. If he did, again, I think he would be foolish. I do not think he wants to see health care in this province deteriorate even more for the—and let me quote from the letter: for the lack of practical alternatives to settle impasses.

What he is telling me by his silence, that he is too ashamed and too embarrassed to stand and either suggest to the past president of the Manitoba Medical Association that he was wrong in attempting to protect health care service in this province, in attempting to protect it against labour-management disputes, or he believes that his own Leader and his own Labour Critic are right when they say that alternatives should not be available to the doctors. In either instance—(interjection)—

Well, the Member for St. James (Mr. Edwards) says, get real. The fact is that if he had done even a modicum of research or if he had a nit of intelligence with which to review this matter, he would have seen that he is totally wrong, wrong, wrong, and that he has made a very bad decision when he has decided to jump into bed with the Conservative Government to work against the interests of doctors, women, and working people in this province. He will pay for that decision time and time and time again.

The reality of the situation is that when it came time for Liberals and Conservatives to make the choice as to whose side they are on, they chose not the side of Manitobans who need medical care that is uninterrupted, they chose not the side of the Manitoba Women's Agenda, they chose not the side of the Manitoba Federation of Labour, they chose the side of big business.

**An Honourable Member:** The side of the public.

\* (2020)

**Mr. Cowan:** Well, the Member for Kildonan (Mr. Cheema) says, the side of the public. Is he now saying the side of the doctors who want final offer selection and the side of the public are not the same? Whose side are they on? What public are they on? Do they consider the Chamber of Commerce to be more of the public than they consider the Manitoba Women's Agenda to be the public? Do they consider the Manitoba Medical Association to be less the public than the Winnipeg Chamber of Commerce?

Do they consider the MFL to be less the public than the corporate interests of this province? You know, Mr. Speaker, there was an article on January 10, 1990, in the Free Press, Frances Russell, "Odd alliances forged to do battle on labour dispute." It talks about the fact that—and I quote—Premier Gary Filmon made the repeal of FOS a plank in his election platform, calling it a disincentive to business investment. The NDP has threatened to flat out fight, using every procedural delaying tactic at its disposal. The debate between the two sides is both philosophical and practical.

What it says in the article is that we have Susan Hart-Kulbaba, president of the Manitoba Federation of Labour, arguing for final offer selection because, as she says, it empowers people. It makes it more difficult for management to use strikes to smash unions.

**An Honourable Member:** How does Paul Moist feel about this?

**Mr. Cowan:** Well, the Member for Brandon West (Mr. McCrae) says, how does Paul Moist feel about it? He will find out in the very near future how many unions feel about it. There will be committee hearings and there will be opportunities for unions to speak out.

If by that comment he is inferring that if certain people ask them not to repeal final offer selection, they will not repeal final offer selection, then let him put that explicitly on the record by standing in his place and saying it in the House today. I do not believe he has the courage to do that. I will tell you who has not changed his mind, and that is David Newman. Whose side is the Member for St. James (Mr. Edwards) on? The Member for St. James is on the side of Mr. David Newman, according to the article of Frances Russell, at least we can infer that.

He says, and I quote: Manitoba Chamber of Commerce President David Newman's case against FOS is a mirror image of Hart-Kulbaba's argument in favour. Free collective bargaining is an important part of a free and democratic society, Newman says, and as such is designed to reflect what marketplace deems to be appropriate. It is interesting that Mr. David Newman makes this comment as well. Mr. David Newman says: what is wrong with strikes and lockouts? What is wrong with labour and management having to face reality at some point?

Well, obviously he has never been on the receiving end of a lockout or involved in a strike by walking a picket line. Had he, he would know what is wrong with strikes and lockouts. That is a really stupid question, Mr. Speaker. What is wrong with strikes and lockouts is they affect the most vulnerable like the Manitoba Women's Agenda groups and the people they represent, and those working in the smaller plants and those trying to eke out a quality of life we all enjoy by defending their rights to a fair wage and to a decent workplace.

Strikes and lockouts from time to time will be necessary, and I think they are an important part of the process. But I think they should not be used in every instance. I think every effort should be made to avoid them whenever that is possible. But, having read

**Monday, February 12, 1990**

that article about the Chamber of Commerce, I found it quite strange when I read that the Winnipeg Chamber of Commerce has asked that final offer arbitration be used to settle the problems with VIA under the National Transportation Act.

\* (2025)

I indicated earlier, when the Member for Transcona (Mr. Kozak), who represents an area with a large number of CNR and railway employees, said, what about CNR? Of course he is as opposed to final offer selection as is the Winnipeg Chamber of Commerce. However, it seems that opposition is somewhat limited, because when they think they can use final offer selection to their advantage, they are very quick to suggest that final offer selection be utilized in that way.

Let me just outline what it is the Winnipeg Chamber of Commerce is asking for when they ask for final offer arbitration to be used in order to resolve the problems with VIA Rail. I am reading from A New Framework for Conflict Management, Mr. Speaker, which is a publication put out by the Secretary of the National Transportation Agency in Ottawa. It outlines how the federal Government, through the National Transportation Act and some changes to it, has put together a new frame work for conflict management. The reason they felt it was required was that they know that conflict with respect to our national transportation system disadvantages the general public, disadvantages workers and disadvantages those who are responsible for maintaining the system.

They start out their document by talking about the new National Transportation Act which reflects the federal Government's commitment to safe, competitive, efficient, viable transportation services in Canada. They also talk about the problem with disputes. They say that the new National Transportation Agency will offer dispute resolution services to shippers and carriers, which are more open and assessable. They will also be less costly and time consuming than in the past.

These services include mediation, final offer arbitration and a streamlined, more effective public interest investigation procedure. Disputes between carriers and shippers or among carriers of railroad freight, northern marine freight and domestic air freight under the agency's jurisdiction are eligible for dispute resolution services.

Then they talk about mediation. Then they talk about final offer arbitration. This is the same final offer arbitration the Winnipeg Chamber of Commerce has recommended be used to resolve the problems we are having with the cutbacks by a Conservative Government with VIA. They very specifically request that it be used.

Let me read from the National Transportation Agency's document on final offer arbitration. Final offer arbitration is designed to deal with disputes between a shipper and a carrier in matters of private rather than public interest. Disputes consider a final offer arbitration to include the rate charges to a shipper or a term and/or condition of carriage attached to a specific traffic to which the rate applies.

The arbitration process is more formal than mediation, with the decision of the arbitrator being both

final and binding. How does that relate to what we have in the legislation in Manitoba for final offer selection? It is indeed more formal. It is indeed a decision by the arbitrator that is binding and final. The parties, therefore, are encouraged to engage in serious negotiation prior to submitting their final offers.

What have we been saying all along despite what the Member for St. James (Mr. Edwards) would have you believe or the Conservatives would have you believe? We have been saying that final offer solution does not create more strikes, it does not create more unrest, it does not create more disruption. As a matter of fact, it creates an environment in which more serious negotiations should take place. The federal Government, a federal Conservative Government, through the transportation agency, is saying exactly the same thing.

Let me reiterate that. They are saying, the parties therefore are encouraged to engage in serious negotiation prior to submitting their final offers, and that is why they want it.

Now, Mr. Speaker, that is what the Manitoba Women's Agenda said. That is what the Manitoba Federation of Labour said. That is what the New Democratic Party has been saying. That is what the Manitoba Medical Association has said, is that it will create more serious bargaining because of the risk element which I spoke to earlier which came out of an article by Mr. Clifford Donn from Industrial Relations magazine. That is what the federal Conservatives are saying.

\* (2030)

So who seems to be out of step with everybody but the Chamber of Commerce? The Liberals and the Conservatives. What else does this article have to say? It says, the process, however, may be terminated prior to the rendering of the arbitrator's decision should parties reach agreement. You will recall that earlier in the day, I spoke as to how that part of the process had been put specifically in our legislation so as to encourage serious bargaining right up to the time that the selector had to receive and decide upon one of the final offers. We did that because it does have a risk element to it which encourages serious bargaining.

It is not only the women and the labour organizations and the others who are agreeing with us, but it is the National Transportation Agency, an arm of the federal Conservative government, that is saying the very same thing. Their process works the very same way that the process here in Manitoba works with respect to the arbitrator being able to take some time to deliberate upon the questions before him or her and allowing the parties to negotiate right up to the time that an arbitration award is presented.

It goes on to say then, that the agency will maintain a list of arbitrators. The arbitrator will be chosen from this list by agreement between the shipper and carrier or appointed from the list by the agency. Within 90 days of the start of the proceedings, the arbitrator must select the final offer of either party with no modifications or alterations. The arbitrator must accept the final offer with no modifications or changes.

Now, the Conservatives, along with the Liberals, tell us that is wrong when we allow the opportunity for that to happen for working people, but the National Transportation Agency has it included in their final offer arbitration process which, they say, is a way of resolving disputes without strikes or lockouts.

Who is right? Is it the Conservatives in Manitoba, or is it the Conservatives in Ottawa? Is it the Chamber of Commerce, or is it the Manitoba Women's Agenda, the Manitoba Federation of Labour, other unions, the Manitoba Medical Association? You know, if I was a Liberal or a Conservative, even though I had each other to hug around this issue, I would begin to feel very isolated. I would also wonder what the Chamber of Commerce was doing to me when I was hugging each other, by suggesting that final offer arbitration is a way to solve the dispute with VIA, but saying that workers in this province should not have the same right to that same process. It seems to me as if the Chamber of Commerce has undercut the argument of the Conservatives and the Liberals by that very action.

Then the article goes on and says: the decision may be binding on the parties for a term up to one year. No reasons for the arbitrator's decision are given except when requested by both parties. The cost of the procedure is shared by parties to the dispute. That is much the same as to—except for the prohibition on a one-year agreement and the decision. The costs can also be shared with respect to the Manitoba legislation. It follows pretty closely what we have here in Manitoba.

**An Honourable Member:** Is that with agreement of both parties?

**Mr. Cowan:** I am sorry—

**An Honourable Member:** That both parties agree?

**Mr. Cowan:** No, I am sorry; it is not required that both parties agree.—(interjection)—No. In the National Transportation Agency, it is not necessary for both parties to agree. There is one final offer that is presented and picked, one final offer. Cannot mix, cannot match, cannot modify, cannot alter. One final offer. Once a dispute has been resolved by an arbitrator's decision, there can be no further agency investigation in the matter under the public interest provisions of the Act.

What we have here is—and I quote the National Transportation Agency—a new framework for conflict management. That is a federal Conservative agency. What we have in Manitoba is a new framework for conflict management as well, and it is working. But we do not have the Conservatives on side as they are in Ottawa. We do not have the Liberals on side as they should be if they were really true to the people who send them to this Legislature.

**An Honourable Member:** David Newman said no.

**Mr. Cowan:** Well, David Newman indeed has said no, and a lot of people are listening to Mr. Newman, some directly, some indirectly. The fact is that while we have the Conservatives and the Liberals in Manitoba on side

against working people, we have the Conservatives at the Ottawa level using final offer selection as a way to avoid disputes.

I want to read another letter into the record from the Manitoba Medical Association, December 9, 1988. The previous letter that I read, Mr. Speaker, was on February 1, 1989, just to put them in the appropriate order. This one is to the Honourable Ed Connery as well.

Dear Mr. Connery, you will be aware of the Manitoba Medical Association's long-time endorsement of binding arbitration to resolve contract disputes, especially in the health care sector where vital public services often hang in the balance when two parties cannot reach a settlement of their differences. It will come as no surprise to you, therefore, that the association's board of directors was deeply concerned when it learned that the Government of Manitoba introduced Bill No. 41 legislation which, if enacted, will lead to unnecessary and harmful strikes in the health care sector.

Where is the Member for Kildonan (Mr. Cheema) again? Listen to what the president of the Manitoba Medical Association of the day had to say about what will happen if he votes to repeal Bill No. 41. He says, it will lead to unnecessary and harmful strikes in the health care sector.

So let him be very clear as to what it is he is voting for when he stands in his place—and he will be required to stand in his place on a number of different occasions—and votes for the repeal of final offer selection.

According to Mr. Thornington, the past President of the Manitoba Medical Association, the Member for Kildonan (Mr. Cheema), a member of the medical profession, will be voting to eliminate legislation that protects Manitobans against unnecessary and harmful strikes in the health care sector.

Now, I can only ask him, is that what he wants? Does he want unnecessary and harmful strikes? As a doctor, does he want it? More importantly, as a legislator, does he want it? I would think not and I would hope not.

I really think that he does not want harmful and unnecessary strikes, but that he is going to be voting against his conscience when he votes for Bill No. 31, an Act to repeal final offer selection, because the Member for St. James (Mr. Edwards) has whispered in his ear to do so and his Leader and Whip have told him that he must. Do not take the advice of the Member for St. James. He is leading you down the wrong path.

He is leading you down a path that takes you away from support from the Manitoba Women's Agenda, from support from working people in this province, from support from the doctors. He is leading you away from making the decision which works in the interests of the most vulnerable in society to a decision that works in the interest of the Chamber of Commerce and the most privileged in this society. He is telling you to take David Newman's word over that of 36 organizations in the Manitoba Women's Agenda. He is telling you to take the word of David Newman against the word of Susan Hart-Kulbaba, who is President of the Manitoba

Federation of Labour, which represents over 80,000 working people in this province.

He is telling you to take the word of the Chamber of Commerce and Mr. David Newman, and all that he represents, against the word of the past president of your own organization. He is feeding you a line. He is leading you astray, and you will pay for his misconceptions, his ignorance, his illogic and his decision to side with big business over the interests of working people. Do not do it. Do not let him take this away from the people that you have been elected here to serve and represent.

**An Honourable Member:** It is your last chance.

\* (2040)

**Mr. Cowan:** Well, the Member for Thompson (Mr. Ashton) says it is his last chance. No, he will have a few more chances. The fact is, on one of those occasions, he is going to have to finally decide whose side is he on.

Is he on the side of the Minister responsible for the Status of Women (Mrs. Hammond), who speaks out against what women want in this province, or is he on the side of women? Is he on the side of the Minister of Health (Mr. Orchard), who calls doctors liars, or is he on the side of the past president of the Manitoba Medical Association? I assume that position still holds. Is he on the side of the Minister of Industry, Trade and Tourism (Mr. Ernst), who talks about union bosses in a derogatory term along with others in his caucus and in his coalition, or is he on the side of working people? That is a decision he is going to have to make.

Let us go back to the letter of December 9, 1988, from the president of the Manitoba Medical Association. The association supports final offer selection as provided for in The Labour Relations Act, as this particular contract dispute resolution mechanism, although imperfect, is a much better alternative than strikes which disrupt the central services that all Manitobans rely upon.

I find myself agreeing with the president of the Manitoba Medical Association and president of the MFL and the National Women's Agenda once again. It is not a perfect dispute resolution mechanism. I said that earlier. But we also said, as does the medical associations and others, it is a much better alternative than strikes, knowing that strikes, from time to time, will be necessary. Now, what else?

I am certain that the president of the Manitoba Medical Association—yes, he did copy this to Sharon Carstairs, the Leader of the Liberal Party, and I would imagine that she shared it with her caucus Members. The Member for Kildonan (Mr. Cheema) should have had some time to reflect upon this already. It is probably not news to him, but I do want to make certain that others understand what it is the president of his association is recommending to him. He says in the article, the president says, we have considered the arguments in your news release, November 17, 1988, in support of Bill 41—and that was the first Bill to try

to repeal final offer selection—and can only conclude that the Government has not adequately considered what is in the greater public interest.

Well, if the Government has not adequately considered what is in the greater public interest, then neither has the Member for St. James (Mr. Edwards) because they both find themselves together, fighting against what has been recommended in this letter.

For example, you state by its nature final offer selection is an all or nothing proposition that creates a winner and a loser. Well, who else said that? The Member for St. James said that. The Minister of Labour (Mrs. Hammond) said that. The Conservatives said that. David Newman has probably said that. He goes on to say, this can lead to animosity between the parties and certainly lessens the commitment of one side to the contract. Who said that? Well, the Member for St. James (Mr. Edwards) said that. The Liberals said that. The Conservatives said that. Perhaps, even David Newman said that. Bitter strikes also create winners and losers and, worst of all, it is the public who loses the most.

Well, now wait a second. We have got the Member for St. James, the Government, and David Newman et al. saying that it creates animosity and creates winners and losers, and we have the president of the organization to which the Member for Kildonan (Mr. Cheema) belongs saying that bitter strikes also create winners and losers, and worst of all it is the public who loses the most. Moreover, bitter strikes invariably breed hostility as well as animosity between the parties and destroy relationships as well as mutual commitment to civilized negotiation.

So what the Member for St. James (Mr. Edwards) is against is civilized negotiations when he sidles up to Mr. David Newman and the big business corporations that they represent together. That is what he is against. He is for bitter strikes, and he is against a more civilized process in negotiations. He is for the corporations, and he is against the Manitoba Women's Agenda. He is for big business, and he is against the working people in this province. That is not me who says that, Mr. Speaker. That is the president of the Manitoba Medical Association who says that; that is the president of the Manitoba Federation of Labour who says that; that is the Manitoba Women's Agenda who says that, when they say that final offer selection has proven to facilitate settlements as a bargaining tool by allowing employers and unions to reach an agreement that causes less strain on both parties and the public than strikes.

Do not listen to me if he feels that my opinion is biased, or not of value or worth, but listen to those people in the general public and those people in positions of influence when they tell him that what he is doing works against the interests of Manitobans whether they be health care patients, women in small shops, or the working force generally. Let him listen to the 36 organizations. Let him listen to the hundreds of unions that are affiliated with the labour organizations in this province. Let him listen -(interjection)- as the Member for Logan (Ms. Hemphill) says, let him listen to those men and women who have avoided strikes in this province or cut short labour disputes by the use of final offer selection. Let him talk to them, and I can

guarantee him he will have an opportunity to listen to some of them during the committee hearing. Let them tell him the story, because obviously he has never lived through a strike and does not know the hardship and the bitterness and the acrimony and the animosity that it creates. Let him listen to those people.

If he has a conscience, which I believe he does, because he is an Honourable Member, if he has a mind, which I believe he does even though he has not shown much evidence of using it lately, and if he can develop a logical thought, then he must be moved by those individual Manitobans who will come forward night after night, one by one, to tell legislators how final offer selection has saved them from the economic hardship, from the economic destruction that comes when bargaining parties find the only alternative open to them is brute economic force and let the most powerful one drive the other to its knees. Those people have stayed off their knees because of final offer selection. By taking it away, he might as well kick the feet out right from under them and put them back down to their knees groveling before brute economic force.

What does Dr. Thornington say?

**An Honourable Member:** Who?

**Mr. Cowan:** The President of the Manitoba Medical Association. In his March 16, 1988, letter to the association Mr. Filmon said, the health care system is the most vital and critical system which all Manitobans depend upon. Under no circumstances should the delivery of health care services be threatened in the midst of an election campaign. It is reasonable to infer from your introduction of Bill 41 that the Government is unconcerned about the occurrence of strikes in the health care sector, provided the province is not in the midst of an election campaign.

Well, does not that unfold a bit more the hidden agenda of the Conservatives and Liberals combined? It is okay to have a strike as long as you are not in the midst of an election campaign. Tell me, do people not get sick during the middle of an election campaign? Do they not have to use the hospitals, do they not have to use the clinics, do they not have to use the doctors' offices, and do they not have to take medication during the midst of an election campaign? They do. They do have to in the midst of an election campaign. It is hypocritical, if not downright politically deceitful for the Premier (Mr. Filmon) of this province to suggest that strikes are not okay during an election campaign, but by repealing Bill 41 afterwards it is okay for the doctors to go on to strike.

**An Honourable Member:** When did you settle?

**Mr. Cowan:** When did we settle with the doctors? We settled with the doctors on numerous occasions. Let me tell you how we settled with the doctors. I am going to give you some unsolicited advice, and you can take it for what it is worth. If you want to settle with a party with whom you are negotiating, you treat them with respect and you do not call them liars. That is what you have to tell -(interjection)- because you are Minister

of Labour, you should know something about negotiation. You should know something about win-win negotiation. You should know something about building relationships. You should know something about no-fault negotiations even if you do not know anything about what the women in this province want and need. You should know that as Minister of Labour, and if you do not know, you are not a good Minister of Labour. You should know that the best way to stall a strike and to throw negotiations off the track is to call the other party negotiators liars like your Minister of Health (Mr. Orchard) did.

So if you want to spend your time chirping from your seat, chirp at your Minister of Health when he stands up and alienates the doctors in this province, whom we rely upon to provide good medical care, by calling them liars. Spend some time trying to change his mind, because that is the mind that is trapped in the ideology of old and needs a bit of updating.

To continue on with the letter. Your policy, Mr. Minister—and this is to Mr. Connery (Minister of Co-operative, Consumer and Corporate Affairs)—is wrong for health care generally and bad for patients in particular—

**An Honourable Member:** Who said this again? Was this a . . . .

\* (2050)

**Mr. Cowan:** That is the past president of the Manitoba Medical Association. What he does say is, the MMA, the Manitoba Medical Association calls upon the Premier, the Leader of the official Opposition, the Leader of the New Democratic Party, as well as you, to withdraw Bill No. 41 which is quite clearly contrary to the public interest. Your early reply would be appreciated.

Well, they got an early reply. The early reply was for them to bring back Bill 41 in the guise of Bill No. 31 to continue on with the repeal, and it is only the New Democratic Party that has stood for the withdrawal of that Bill which the MMA says is in the public interest -(interjection)- Well, the Member for Thompson (Mr. Ashton) makes a good point. We have stood alone in this House, but we have not stood alone outside of this House. It will not be long before Members on the committee will find that what we say in this House is also being said outside of this House by hundreds and hundreds of individuals.

Mr. Speaker, I started off my comments by talking about a number of issues which the Liberals and Conservatives, along with David Newman and others, had put forward respecting final offer selection, and they said was the reason that it should be repealed.

I called up—or actually I should not say that. I had staff call up individuals in this province who had been involved with final offer selection and had a decision brought down by the arbitrator. Now, tonight I am going to tell you what the union representatives had to say with respect to final offer selection when asked the very specific questions that were outlined as criticisms by the Liberals and Conservatives.



There are five agreements in the province, I believe, that have been reached by final offer selection, by the final offer selector actually deciding which package to take. Out of more than 70, only five reached that stage, which proves our first point, that final offer selection does in fact encourage people, as the Manitoba Medical Association, the Women's Agenda and others have said, to negotiate seriously. Where the issues were not easily resolvable, there was a need for the selector to choose one of the packages.

One of those operations is no longer in business. It is no longer in business, not because of final offer selection, but because final offer selection was used to determine one of the last issues that could not be resolved. It was a severance-pay issue. We have not talked to those individuals, but we have talked to individuals of three of the other operations, and we are trying to get hold of others.

One was a union representative and another was a member of the workforce. They represented three different parties that had final offer selection used and had the selector choose one of the packages. I asked them these questions. The first question the staff asked them, did you feel that the final offer selection decision was a winner-take-all situation? Because that is what David Newman says, that is what the Minister of Labour (Mrs. Hammond) says, that is what the Member for St. James (Mr. Edwards) says, and we say that is not the case, as well as James Stern, an industrial relations lawyer, as well as Mr. S.A. Bellan, who wrote the article, as well as other learned authorities. They said, no.

Now, who do the people in Manitoba who actually use final offer selection agree with? Not the Liberals, not big business, not the Conservatives, because when they were asked that question, their blanket answer in both instances representing three different organizations, was no.

So, I said, all right, well, that is interesting. So far, so good. We are batting 100 with respect to our analysis, which is based on research, versus their analysis, which is based on propaganda fed to them by big business. Actual case studies. In Manitoba. Results. You are the first to have heard them publicly today. They have not been heard before.

Then I asked staff to say, if the decision was in their favour, ask them if they felt they got everything they were asking for throughout the negotiations, because the other argument that we heard Conservatives and big business and Liberals put forward is that one party gets everything it asks for and the other party does not, and that creates animosity. Well, the one party said, we got a contract we could live with and resolve the problems we had, but did not get everything we asked for; the other party, they got some and agreed to many beforehand, and only a few items went to final offer selection, which is what the researchers who conduct studies on this in other jurisdictions say and it is what we have been saying as a Party, and it is in opposition to what the Liberals and the Conservatives and big business would have you believe if you listened to them.

I then asked the question, has final offer selection decision resulted in ongoing animosity between

management and labour, or are the parties working together to make the contract work? Well, the fact is that it has not resulted in ongoing animosity and, in the other instance, the parties are working together. There is the other argument that we heard from the Member for St. James (Mr. Edwards), and that is why I said that if the Member for St. James would listen to labour, and listen to people who actually used final offer selection, and listen to women and working people, and read the research on this, instead of listening just to big business and Chambers of Commerce and David Newman, he would know that his arguments are wrong. He would then hopefully have the courage to retract them and to vote with the New Democratic Party not to repeal final offer selection.

I asked them—because one of the things we learn by reading Mr. Bellan's article on Final Offer Selection, Two Canadian Case Studies and an American Digression, which was written in the '70s, he said that both parties would use final offer selection again, both parties being management and labour—so I asked, in the future would you be prepared to use final offer selection process to avoid a strike or lockout? Both parties said, yes, they would be prepared to use it. Now that tells me that it was not a negative experience, it tells me that there was not animosity, and it tells me that they found it productive in the first instance and they do want to use it again if it is required, although they hope it is not required.

Now, we heard the Conservatives and we heard the Liberals and we heard big business say that what happens with final offer selection is you get less commitment to the agreement because it was arrived at under arbitration. We say that it is not the case, as does Mr. Bellan, as does Mr. Stern.

We asked the question directly and these questions are written down in the way they were asked: do you feel less commitment to your agreement because it was arrived at under final offer selection? That is a very fair, unbiased, neutral question. Do you feel less commitment to your agreement, because the Member for St. James (Mr. Edwards) said you should be less committed? The (former) Minister of Labour, the Member for Portage (Mr. Connery) said, you will be less committed. In both instances they said, no, they do not feel less commitment.

Where is the Member for St. James getting his facts? Is it only from David Newman? Is it only from the Chamber of Commerce? Where is the (former) Minister of Labour getting his facts? Is it only from the consultant in the elevator? Is it only from big business? Where and why is the Member for Lac du Bonnet (Mr. Praznik) listening to them? Why is he not listening to working people? Why does he take the word of the Minister responsible for the Status of Women (Mrs. Hammond) when she leads him into a trap of voting against the Manitoba Women's Agenda? Why does he take the word of the Member for St. James (Mr. Edwards), when he says there will be less commitment to the agreement on a final offer selection when any article he reads that is unbiased from final offer selection will lead him to the opposite conclusion, will state that it is categorically not so? The two people, who we talked to, involving

three settlements of final offer selection in this province in the past year said it was not the fact.

Why does he refuse to believe the ordinary people and continue to puppet the words of the Chamber of Commerce and David Newman? Why does the Member for Lac du Bonnet (Mr. Praznik) do that? I know he is an intelligent Member. I know he likes to believe that he thinks for himself. I believe he does. I know that he sometimes rankles at the caucus discipline that forces him to take positions that he would not normally take.

\* (2100)

For goodness' sake, when he has so many people telling him that he is wrong, why does he not listen to them and have the courage of his convictions rather than kowtowing to the Whip and falling into line behind the Member for St. James, David Newman, the Chambers of Commerce and the Minister of Labour, who does not care about the status of women?

Why does the Member for Lac du Bonnet (Mr. Praznik) do that? Does he want his tenure in this Chamber to be so short? Does he want to destroy his political future because he refuses to listen to ordinary Manitobans? I do not believe that to be the case, because I know he worked very hard to get here. I know he is working very hard to stay here. It would be, I think, from his perspective, not from mine but from his perspective, a very serious mistake to alienate all those groups that he has worked to get support from, because he listened to the Member for St. James and David Newman.

Mr. Speaker, I also asked the question of these—or had staff ask—did the Member for Lac du Bonnet catch the introduction to this, what—who we asked these questions, because I know he is interested and just to reinforce it—and the Minister of Industry, Trade and Tourism (Mr. Ernst)? What I had staff do is call people who were directly involved in final offer selection arbitration decisions. I am now referencing what the union representatives, one staff representative and one union member, not a representative, a worker at one of the organizations where a final offer selection contract was imposed. Ask them how they felt about the contract that was developed as a result of final arbitration, the process, and whether or not they agree with the criticisms that have been put forward of the process by the Conservatives, the Liberals and big business.

I have outlined five of them today, and in all five the individuals told us their experience in Manitoba matched that of what happened in other jurisdictions and what we see in the research.

Here is an interesting one. Do you believe, we asked him, the union is less accountable or responsible to its membership because final offer selection was used to resolve issues and to reach an agreement? Now, if you believe the Minister of Labour (Mrs. Hammond), and I say this to the Member for Lac du Bonnet (Mr. Praznik), you will say, yes, that did happen. If you believe the Member for St. James (Mr. Edwards), you will say, yes, that did happen. But if you believe the literature and the New Democratic Party, you will say, no, that should not happen. What actually happened? Well, in Manitoba both individuals, one a rank and file member,

one a staff member, three different contracts where final arbitration was imposed, said, no, it did not lessen the accountability, it was not in any way diminishing the responsibility the union had to its membership.

Who are you going to believe? Whose side are you on? Depending on who you believe, you will pick a side on this issue. The side can be that of big business or it can be that of working people; it can be that of the Chambers of Commerce or it can be of the Manitoba Women's Agenda. It can be that of the corporations or it can be that of the Manitoba Federation of Labour; it can be that of the Minister of Health or it can be that of the MMA. You will pick a side, and we will know a great deal about what you believe about the side you picked.

The Member for St. James (Mr. Edwards) and the Minister of Labour (Mrs. Hammond) said that they thought where final offer selection was used, it was going to make the union weaker. That is what they said. So we asked. We said, do you think that the union is weaker because final offer selection was used in your negotiations? Both answered no. They did not agree with the Minister of Labour; they did not agree with the Chamber of Commerce; they did not agree with the Member for St. James. That group has not been right once. They did agree with the researchers, they did agree with what we have been saying, they did agree with the Manitoba Federation of Labour and others.

Who are you going to listen to? To the Member for Lac du Bonnet (Mr. Praznik)? Every time they have struck out. They have not been right yet. We asked them—and we did this today. This is about as recent as it can get. We asked them, do you think that final offer selection creates a more peaceful or less peaceful labour relations climate in your workplace? We asked them that question because the Member for St. James would want you to believe that final offer selection and its use in Manitoba creates unrest in the workplace and disrupts the workplace, and Conservatives want you to believe that it diminishes labour peace because it creates an imbalance.

What did both of them say? One said, more peaceful, and the other said, more peaceful, you know that it forces both sides to be more reasonable. -(interjection)- Well, that does not sound like it creates unrest; that does not sound like it stifles negotiations; that does not sound like it diminishes the ability for people to negotiate in good faith.-(interjection)- As the Member for Logan (Ms. Hemphill) says, it makes them put reasonable offers on the table because there is a risk element, as I outlined earlier in the article by Clifford Donn.

Then I asked them the question with respect to Manitoba generally. I asked them, or I had them asked, do you think that final offer selection creates a more peaceful or less peaceful labour relations climate in Manitoba generally? What was their answer in both instances? Both Members said, more peaceful.

(Mr. Parker Burrell, Acting Speaker, in the Chair)

Liberals, Conservatives, big business saying it is going to create labour unrest, disrupt the workplace; the

Monday, February 12, 1990

researchers, the New Democratic Party, the Manitoba Federation of Labour, the Manitoba Women's Agenda, the MMA saying it is going to avoid labour unrest and make it more peaceful, as did two people who were involved directly in final offer selection.

Then I asked them, even though final offer selection was used to reach a final agreement in your own situation, do you feel you have participated in developing the contract? One of the complaints from the Member for St. James (Mr. Edwards) and others was that because the contract is imposed, people will not feel that they have participated in it, will not have a sense of ownership and will not have a commitment to it.

One said yes, just a blanket yes. The other said yes, we had very bad management at the time. They would have destroyed the union otherwise. They had 45 proposals, all takeaways. We had six proposals. It forced them to be reasonable. It saved the union 45 takeaway requests, and it forced the employer to be reasonable.—(interjection)— Well, yes, as the Member for Logan (Ms. Hemphill) says, of course both sides should be reasonable. I do not know what the 45 proposals were, but I do know on the weight of it that when a party comes in with 45 takeaway proposals, and the other comes in with six proposals, there is a balance of reasonableness, there is a test of reasonableness that can be very quickly judged on the weight of the matter if not the content—the quantity if not the quality.

The fact is, both sides want to be reasonable because they are going to throw open their future to a third party. The third party can only take one of the agreements, and not mix and match.

Okay, so then we asked the question, do you think final offer selection creates unrest in the workplace? Well, the one party answered, absolutely not. It forces a settlement, not necessarily what you want. Again, it forces reasonableness. It is not a winner-take-all circumstance. The other party said no, it does not create unrest in the workplace.

So then we asked, do you feel that it creates disruption in the workplace? When we listen to the Member for St. James (Mr. Edwards), he said that it was going to create—he knew, I do not know how he knew, maybe it was from listening to David Newman, maybe it was from personal experience, but I do not think he has much experience in this area, on the shop floor. He knew that it was going to disrupt the workplace. He knew that it was going to create unrest in the workplace.

What do the people who actually use it say? What do the researchers say? No, it does not. What one person said, we prefer to have collective bargaining; no chance they could have settled it without final offer selection. It ends disputes; it does not start them.

It ends disputes; it does not start them. If you take that opportunity away, what you are taking away is the option that allows employees and employers to work out their differences, to end disputes. You force them to start disputes. Had final offer selection not been available to these parties, there would have been a longer dispute.

\* (2110)

I have asked on the first page—and there are two full pages of questions, 12 questions. In all those questions where I outlined to the participants in this survey the criticisms which have been put forward by either the Conservatives or the Liberals or big business, but in most cases all three of them, and I asked them did they believe that certain statement. Did this happen in their own instance? In all 12 instances the respondents to this survey today said that they agreed with what we have been saying, they agreed with what the researchers have been saying, they agreed with what the literature on this has been saying, and they disagreed with what the Conservatives and the Liberals and big business have been saying.

If nothing else our friends, that alliance of big business, Liberals and Conservatives, have been consistent.

**An Honourable Member:** Consistently wrong.

**Mr. Cowan:** Consistently wrong since 1972 and beyond that even, and wrong today.

I asked, because I wanted to get some sense from these individuals if they knew about labour disputes that were not solved by final offer selection so they can make some comparisons: have you ever been involved in a strike or a lockout at either your present workplace or another one? Both had. How long did it last? Three weeks. How many employees were involved? In one, 25-30, in the other 20.

I had staff ask: do you feel you won or lost the dispute? The one party said they felt they lost, the other party said they felt they won. In both instances I asked: did it create ongoing animosity after it was settled, and whether they felt they won the strike or lost the strike. They said, yes, it did create ongoing animosity after it was settled.

If you believe the Liberals and the Chamber of Commerce and the Conservatives you will believe that final offer selection creates more animosity than do strikes or lockouts. If you believe the research, which has been read into the record, and if you believe what Manitobans are telling you about their own experiences you will know that the Liberals, Conservatives and big business are wrong, wrong, wrong.

I then asked them, in that same question: in similar circumstances today, would you prefer the use of the strike or lockout or final offer selection as a way of reaching agreement where negotiations are failing to do so? The one party said, clear out, we would prefer final offer selection; the other party said, yes, it resolved problems we had, gave us a contract we could live with, and they felt that they will be using it again in the future.

So if you give them the choice between the strike or a lockout and final offer selection—these are union people, these are staff reps and rank and file leadership—they say, yes, they would like to see it in place. They like to use it because they know, because of their own personal experience, what strikes do to

them, their families, their friends, their co-workers and their communities. They far prefer to see, as the Manitoba Medical Association said, a more civilized form of negotiations being available to them.

Not that they will never strike or never be involved in a lockout, but that should be the last resort. There should be other ways of settling disputes before they reach that sort of an impasse.

Then I asked them this question, and I prefaced my remarks by saying that these individuals are going to be speaking from their own perspective, and that questions could probably be asked of different people and I would get different answers and they are very subjective judgmental questions, but I want you to know how they think. I said: would the fact that Manitoba has final offer selection legislation have any effect on your decision, if you had to make the decision, to start a business in Manitoba, expand a business in Manitoba or move a business out of Manitoba? They said in all instances, no, they did not think it would.

I understand that you could ask David Newman, if that is who you go to for your advice or your direction, what he would think and he would say, yes. I appreciate that. That is a judgment call on his part and I do not know as if one can prove it, definitively in one way or another, and one is always going to have to balance that decision on some very subjective feelings and a very philosophical approach which differs from individual to individual and Party to Party.

These individuals did not think it would. I wanted you to be aware of that, Mr. Acting Speaker. If you believe the Liberals, and if you believe the Conservatives, and if you believe the David Newmans, you will believe that it will have an impact on business and reduce business opportunities in Manitoba. If you believe working people and the research that has been done elsewhere, you will find that is not the case.

The next question we asked of them was, do you think final offer selection reduces the threat of strikes and lockouts in Manitoba? That is what we have said; that is what the Manitoba Women's Agenda has said; that is what the Manitoba Federation of Labour says; that is what the Manitoba Medical Association says. What do they say? They said, yes. They think absolutely that reasonable people make choices and only use FOS as a last resort.

The other parties said, yes, definitely; it does reduce the threat of strikes and lockouts in Manitoba. Definitely. So what we have is those two parties reinforcing what the literature shows us and what others have been telling us all along. That is that final offer selection is used only as a last resort and that it does reduce the threat of strikes and lockouts. Now, I had the members that were being questioned ask the following question: do you think that unions or management have purposely struck or locked out their employees and then extended the length of time they are on strike or involved in a lockout so that they can apply for final offer selection? If you listen to the Minister of Labour (Mrs. Hammond), you will hear her say time and time again that the reason they are repealing this legislation is because it has increased the length of time of strikes in the Province of Manitoba.

She shakes her head yes now. She does not shake her head yes when we mention that the Manitoba Women's Agenda would like her not to come forward with this legislation because it attacks the most vulnerable and the people she is supposed to protect. But she shakes her head yes; she does and she has said that it extends the length of time. We have asked these two people who were involved, and they were involved in strike situations in at least one instance. They said, no, they do not believe that either unions or management have purposely struck or locked out their employees or extended the length of time they are on strike or involved in a lockout just so they could apply for final offer selection.

It has not had that impact. It would be silly for anyone to suggest that a union or an employer would shut down their operation and lose either their profits or their wages for a period of time just to get to a final offer selection window. Anyone who suggests that is the case, has had no, absolutely none, nil, experience on a strike line or in a lockout situation, either as an employer or an employee. They just plain out do not know what they are talking about. It is a stupid excuse that does not hold water on the basis of theory or in practice. They should be ashamed that they would sink so low as to try to manipulate the statistics in such a manner to try to provide foundation to their action when such foundation does not exist, nor should it exist.

\* (2120)

That is why the Manitoba Federation of Labour put out a press release the other day saying that they felt the Minister of Labour (Mrs. Hammond) had manipulated the figures so as to paint a bleak picture respecting the use of final offer selection in this province. I believe they are right. I believe she has attempted to manipulate the figures. I believe she has done so because the real figures do not in any way bear out her argument.

They have not talked about the real figures, the real figures that only five out of over 70 applications for final offer selection resulted in a final arbitration decision being made, the fact that we have avoided countless strikes and lockouts because of final offer selection. For the Manitoba Federation of Labour to feel that it is necessary to very definitively and categorically state that they feel the Government has manipulated figures in order to justify the unjustifiable is, I think, a very clear statement on just how far it is this Government is prepared to go in order to rationalize a wrong-headed decision, because they have no substance with which to back up their decision.

Let me just tell you what Susan Hart-Kulbaba, President of the Manitoba Federation of Labour, said on the 8th, which is just four days ago. She said in an interview, and I am paraphrasing, Mrs. Hammond, the Minister of Labour, said FOS is responsible for increasing the average length of strikes and lockouts here to 77 days. She said that the Minister of Labour is casting a bad light on the final offer selection success story. She said that she thought they were doing so to make it easier—and let me tell you that it is not

going to be easy to repeal the legislation—for her Government to repeal FOS by making it appear that it is having a negative impact on the labour relations climate in Manitoba. She said the problem is that her own department's statistics do not support her argument. She goes on to say, as did the Member for Thompson (Mr. Ashton), the Labour Critic, and the Member for Logan (Ms. Hemphill) and others who have spoken on this, that, in fact, we have had unparalleled labour rest in this province over the last number of years and particularly since final offer selection has been brought in place.

What does Susan Hart-Kulbaba say directly? She says Ms. Hammond is wrong. FOS is not making work stoppages longer. The large discrepancy between fact and Mrs. Hammond's statements tells me, and this is the President of MFL speaking that I am paraphrasing, she either does not know what she is talking about or she is trying to further her Government's anti-worker agenda. I think it may be a bit of both. I think she does not know what she is talking about, and I think she is trying to take away the rights of working people despite the fact that the Manitoba Women's Agenda has suggested that to do so would hurt the most vulnerable in this society. I can tell you, Mr. Acting Speaker, that when I ask those who were involved in the final offer selection process in a direct way in the province, they said, no, they did not believe that either unions or management would call a strike or cause a lockout or extend either one of them just to use final offer selection.

The Member for Logan (Ms. Hemphill) is right. She says that we have gone from over 50,000 to around 2,000 lost person days of work due to work stoppages, the lowest figure in 17 years, one of the lowest in the country. If final offer selection was going to destroy totally the labour climate in here, why is it that we have fewer strikes, shorter strikes and a better labour relations climate under final offer selection than we did previous to it?

It has also been suggested by the Liberals and the Conservatives that final offer selection would leave a bad taste in the mouth of the participants. That is, I think, a direct quote from the previous Minister of Labour. So I asked the question very specifically: has the use of final offer selection in your own instance left a "bad" taste in your mouth? One party said no; the other party said, definitely not. Both no.

Again, people who have actually used final offer selection, who have had an arbitration decision imposed upon them, to use the language of the opponents of final offer selection, have totally rejected the notions of the Liberals and the Conservatives and big business with respect to their own circumstance.—(interjection)—Well, the Member for Logan (Ms. Hemphill) asks, how many times have they been wrong now? I am just going to finish up, because there just a few more questions, and then we will count them up and give an overview.—(interjection)—I am not so certain they have been right. As a matter of fact I know they have not been right in any instance. But let us see what else we have to say here.

I asked them, would you use final offer selection again in the future if you needed to do so to avoid a strike

or lockout when major principal questions were not at stake? Both groups said they would. So if it did leave a bad taste, if it created animosity, if it weakened the union, if it made it more difficult to implement the contract because it was imposed and there was no commitment, why would they want to use it again? That is the same response that industrial relations researchers obtained when they reviewed circumstances in other Canadian jurisdictions and in the States.

Now we have heard the Liberals and the Conservatives and big business say that they consider final offer selection to be an unwarranted intrusion into labour relations. So we asked the question directly of this group: do you consider final offer selection to be an unwarranted intrusion into the labour relations affairs in Manitoba? Who did they agree with? Did the people who have actually used final offer selection agree with the researchers who say it is not an unwarranted intrusion?—the NDP says it is not an unwarranted intrusion—or the Conservatives who say it is, big business which says it is, and the Liberals who say it is. They agreed with us again.

The ones who actually had the experience of using the final offer selection process in the Province of Manitoba agreed with what we have been saying and disagreed with the Liberals, Conservatives and big business. Final question—well, let us just add those questions, because the final question is a general question. So we had 12 questions, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23—23 questions based on all sorts of different ways of phrasing and rephrasing and articulating the criticisms the Conservative Government and their big business friends and the Liberals and their big business friends and the Liberals and their Conservative friends and the Conservatives and their Liberal friends have had to say about final offer selection during the process of the debate of this Bill in this House over the past number of years.

Try to take them all, try to be fair, try to state the questions in as unbiased a manner as possible. I am certain, by the way, that if we asked the questions of others that were involved in the process, from time to time we will get some different opinions. I accept that to be the case. This was two people in three different instances, but there have only been five, one which we cannot really follow. So there have only been four, and this is three out of four. It is one side of the three out of four. In every instance they disagreed with what the Liberals and the Conservatives have been saying, as did the Manitoba Medical Association, as did the Manitoba Women's Agenda, as did the Manitoba Federation of Labour, as have many others.

When are they going to come to realize that if they are relying upon big business for their advice and their research and their recommendations, they are being fed a crock? When are they going to realize that they are being used by big business? Quite frankly, I do not care if they want to be used by big business. It only makes them feel dirty and makes our job that much easier. I do care if by the use of them by big business working people in this province, women in this province, the most vulnerable in this province, people who deserve

quality health care in this province, are going to lose an opportunity to build a province without having to resort to strikes and lockouts when that is not required.

Then I asked, or had staff ask the participants in the questionnaire, what general comments would you like to make, either in favour of or against legislated final offer as it exists in Manitoba, either in favour of or against? Here is what they said. One party said: it forces both sides to be reasonable. I wonder whether management should be able to use it on their own as labour can—one question. The other said: alternative for small bargaining units, otherwise temptation by employer to break strike with replacement workers. It makes both sides bargain better for more realistic positions.

If we were to believe the Conservatives and the Liberals and their big business friends, we would have to not believe Manitoba workers. We talked about choices and, whose side are you on, quite often during this debate, and we will talk about it a lot more before we are through. It seems clear to me that there are sides developing, and even as we delve deeper and deeper into the issue with more and more people, the lines of both sides become more defined and more aptly described. It is in fact ordinary Manitobans on one side of the line, whether they be health care patients, whether they be workers in plants, factories, mills, hospitals, municipalities or wherever, or the forest, or on Limestone, or anywhere where people work in this province.

\* (2130)

They are on one side, women are on one side, and the organizations that represent them, whether it be labour organizations like the Manitoba Federation of Labour or women's organizations like the Manitoba Women's Agenda or physicians' organizations like the Manitoba Medical Association or—they are on one side, and on the other side are the Liberals in this House. I think of all the Liberals outside of this House. Non-elected Liberals are probably on the side of working people.

**An Honourable Member:** Some.

**Mr. Cowan:** Some are, as are some Conservatives out there. But certainly the Liberals to a person in this House are falling in behind the Member for St. James (Mr. Edwards) and the Leader of the Opposition (Mrs. Carstairs) on one side. When they do that, they find themselves in the company of the Premier (Mr. Filmon) and in the company of his colleagues and in the company of big business and in the company of David Newman and in the company of the large corporations. And those are the two sides.

(Mr. Speaker in the Chair)

If you ask the president of the MMA, or you ask a rank-and-file unionist who has had experience with final offer selection on the shop floor, they will tell you that the Conservatives and the Liberals are wrong, that what they are doing today is going to result in more strikes and more labour unrest and is going to create hardship

for Manitobans whether they be patients, or whether they be workers, or whether they be the family of workers, or all three of those groups that they are going to be forced into economic war where they need not be if final offer selection was available to them. They are going to be driven by brute economic force into submission from time to time rather than having, as the MMA says, a more civilized negotiating option available to them.

Now, we have talked about final offer selection in the present context. It is interesting that it has been around for quite some time and it would appear almost that the origins of final offer selection date back to 1860, over 130 years ago, where it was used in the British coal mining industry. I am quoting from an article by John Tremble, T-R-E-M-B-L-E, in *Industrial Relations*, the Winter Edition, Volume 25. In that article entitled *How New is Final Offer Arbitration*, Mr. Tremble says, "In fact, this technique has been used intermittently in several British industries from 1860 on. The conciliation boards used in the heavily unionized coal mining and iron and steel industries during the—

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**Mr. Steve Ashton (Second Opposition House Leader):** Point of order, Mr. Speaker.

I notice the air conditioners were just turned on and it is rather distracting. I am not sure if this is some indication on the part of the Conservatives that they expect this Session to continue into the summer—

**Mr. Speaker:** Order, please; order, please. On the point of order raised by the Honourable Member for Thompson, I had requested that we flipped the air conditioning on because I was finding it quite warm. If it does bother the Honourable Member, we will shut it off.

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**Mr. Cowan:** Mr. Speaker, if you want the air conditioner on and others want the air, please turn it on. I will speak a little bit louder without necessarily speaking a little bit longer. So please, go ahead. We insist. If Members want it on, that is fine. I appreciate the fact that—

**An Honourable Member:** Let us send it to an arbitrator of a final offer selection.

**Mr. Cowan:** Yes, we actually could have a final offer arbitration on it. I think what it will result in would be a more civilized approach to the turning on and turning off of the air conditioner in this Chamber unless, of course, we felt that it was possible to reach a negotiation ourselves without an impasse which we just did. I think that, in a nutshell, is a microcosm of how good negotiations, when both sides want to listen to each other, can work; but in some instances, that is not always possible.

What did Mr. Tremble say? He said the conciliation boards used in the heavily unionized coal mining and iron and steel industries during the two decades prior

to the First World War consisted of equal numbers of negotiators on each side. Their Constitution specified that in the event of a disagreement, an independent chairman would cast the deciding vote between the two final offers of the parties, but the chair was prohibited from splitting the difference. The one or other principal forms the basis for final offer selection or arbitration. From the late 1960s through 1970s, this type of interest arbitration was introduced in the United States, largely in the public sectors, and has resulted in its introduction in other different areas.

So we have a process that goes back to the mid 1800s, where it was used in the British coal industry, but has not seen a large degree of use or a more general application until probably 100 years later, or even more than 100 years later, when it was used in the States and in some other areas. Now, the ordinary individual probably first heard of final offer selection within the context of determining baseball salaries and, from there, it has been used in a number of different instances for labour relations issues to be resolved, both in the public and the private sector.-(interjection)-

Mr. Speaker, the Member for Thompson (Mr. Ashton) asks what it did for baseball. I am going to have to let others answer that question more thoroughly, because I do not want to take up too much time in a digression on an issue that is not entirely relevant to the debate at hand. But, while the Premier (Mr. Filmon) is here, I would like to refer to a statement which I referred to earlier -(interjection)- Well, if the Premier takes offence at any reference to his presence here, then I withdraw it, Mr. Speaker. It is somewhat testy, but we realize the sensitivity and the pressure that the man is under, and do not want in any way to disrupt his attention or his chain of thought in an inappropriate manner.-(interjection)-

Well, and welcome back to some other Members as well. It is good to have them back to their old right-wing rhetoric and their personalization of issues and their ugly little diatribes for which they are so well-known and which will ultimately be to their disadvantage.

You know, you can call the doctors liars, and you will pay for that. You can slander other people and you will pay for that, but all in all you have to live with your own conscience and when you have so little conscience as some, it is much easier to live with it than it would be if you were perhaps a more honourable individual—not that you are not honourable at all, speaking to a particular Member.

The question I want to ask of the First Minister (Mr. Filmon) is one that arises out of a letter to the Minister of Labour from the Manitoba Medical Association, which was copied to the Premier. In that letter the past president of the Manitoba Medical Association addresses this question. He says in his March 16, 1988, letter to the association Mr. Filmon said, the health care system is the most vital and critical service which all Manitobans depend upon. Under no circumstances should the delivery of health care services be threatened in the midst of an election campaign. Now that was the Premier's statement in the letter himself, and that

letter is a letter dated March 16, 1988 from the Premier to Mr. John A. Laplume, who was Executive Director of the Manitoba Medical Association. He said in that letter, as I said, that the health care system is vital and critical and it should not be threatened in the midst of an election campaign. That gave rise to the question from Mr. Thornington.

I do not know if the Premier has had an opportunity to answer directly, but perhaps he will want to take this opportunity now, by leave, or perhaps when he enters into this debate at a later date, but Mr. Thornington says, it is reasonable to infer from your introduction to Bill 41, which is very much the genesis of Bill 31 which we are now debating, that the Government is unconcerned about the occurrence of strikes in the health care system provided that the province is not in the midst of an election campaign. Your policy, Mr. Minister, is wrong for health care generally and bad for patients in particular.

\* (2140)

I want to know from the First Minister (Mr. Filmon) why it is that he would make that sort of statement, why he would infer that it is okay for there to be a health-care strike outside an election campaign, but it is not okay for there to be one during an election campaign. What is it about the health of Manitobans during an election campaign that is so much different from the health of Manitobans outside of an election campaign that Manitoba patients, Manitoba citizens, could undergo the stress and the disruption and the hardship that is created by that work stoppage then, outside of a campaign, and not during a campaign?

As the Member for Logan (Ms. Hemphill) says, are there no babies born during a strike, do children not fall down and cut themselves, do people not have illness, do people not need the services of the hospital for anything from minor to more serious ailments that need to be cured? No car accidents during an election campaign? I can tell you the way many of us drive and our organizers drive during an election campaign there are probably statistically more car accidents during an election campaign than outside of one. But that is a bit of a lighter aside.

The basic question still holds, why is it that the First Minister (Mr. Filmon) would suggest that it is okay to have a strike outside of a campaign, and he is facilitating that by the repeal of Bill 31, while it is not okay to have one inside or during the presence of an election campaign?

Why is it that the First Minister is going ahead with the repeal of a Bill that the Manitoba Medical Association says is wrong for health care generally and bad for patients in particular? Why is he going ahead with that sort of an action that is going to have that sort of result?

It is also important to note what the Premier (Mr. Filmon) wrote in his letter of March 16, 1989, and I read part of it. He says that the position of the Progressive Conservative Party is as follows: (1) we are committed to the free and open collective bargaining process; and (2) we will put all issues on the table, including

Monday, February 12, 1990

arbitration. Why is it that they will put all issues on the table including arbitration for the doctors, but they will not put final offer arbitration on the table for the Manitoba women who are represented by the Manitoba Women's Action, or they will not put final offer selection on the table for the some 80,000 Manitobans who are represented by the Manitoba Federation of Labour?

Obviously, they have certain alliances that, had it not been for the Minister of Health (Mr. Orchard), they would have wanted to have kept. I am certain those alliances have been somewhat broken down by the fact that he called the doctors liars, but maybe the Premier can rebuild them. He is fairly capable at conciliation and consensus building and should be able to undo some of the damage that has been wrought by the more radical right wing element of his Cabinet and caucus. The fact is that he is going to have to do some hard work to undo the damage that has already been wrought by the Member for Pembina (Mr. Orchard) with respect to the negotiations that are ongoing now. They may find themselves forced into some form of arbitration just in order to avoid the impact of the impasse in the negotiations which are created by that somewhat precipitous and certainly unnecessary comment by the Minister of Health (Mr. Orchard).

Mr. Speaker, I just noted that both mikes are on, one on one side and the other, because of my swaying back and forth. I want to thank the staff who have done so because it does make me less anxious about moving away from the mike as I move from side to side. What I really need is one of those Geraldo Rivera mikes that I can walk around with, with the little tail on me. It might be a bit easier.

The Minister of Highways (Mr. Albert Driedger) suggests that we may be losing it over here. Mr. Speaker, if he would speak out just half as hard and half as long as I have on final offer selection for the Port of Churchill, we might get more grain ships through the Port of Churchill. That is off topic, but I just do not want him to forget that he has been the Minister responsible for the Port of Churchill during the period of time when that port has had the worst record that it has ever had in decades and generations. If he would spend as much time addressing that issue as he does trying to cut short the debate in this House and railroad his own Government's agenda through, the Port of Churchill might be in better shape, and working people might be in better shape because we would not have Bill 31, a Bill to repeal final offer selection, under debate right now.

It is interesting how so many Members on the Conservative side and the Liberal side want to make reference to the debate without having the courage to take to their feet and to speak directly to the Bill in the traditional way in which Members of this House speak to legislation in its passage or its course throughout the Legislature.

I can tell you, Mr. Speaker, as the Member for Logan (Ms. Hemphill) says, we will listen to their arguments and to their counter-arguments. If they want to go and talk to other people involved in final offer selection in the province and ask them the same set of questions, we will listen patiently, and I appreciate the fact that

so many of them are listening patiently to our comments tonight. We will attempt to understand what it is they are suggesting through their criticisms and their constructive approach. We will do so with an open mind to the extent that, if we can be convinced that what they are suggesting is not an attack on working people and does not remove the rights of working people and does not mean that there will be more strikes and lockouts in this province in the future, we would be prepared to consider it.

But they have to stand and try to provide us with some arguments to that effect if they hope to convince us. The fact that the Liberals have not stood and the fact that the Tories are not standing leads me to believe that they are not out to convince us or anyone else of the reasonableness or the rationale behind their approach. But they would prefer to railroad and ram through this Legislature, Bills that they feel they cannot capably and confidently defend. When they have a choice between reasonableness and rational approach, they choose railroading and ramrodding legislation through the House.

The Member for Logan (Ms. Hemphill) says, that is because of their ideology. In fact, I think this is as large an ideological battle as has been fought in this House since this Government, minority Government albeit, has been in power. It is the one—well, I am sorry, I guess it was an ideological battle, Mr. Speaker, when they wanted to reduce taxes to mining companies and the banks and the railroads. That was an ideological battle as well. The fact is that the Liberals and the Conservatives think that plant closure legislation, another Bill that would protect Manitobans against economic hardship, is too Draconian and too hard on employers. Again it is an ideological difference, but I do not believe, in all deference to the Member for Thompson (Mr. Ashton), that it is an ideological battle just because again the Conservatives and the Liberals have banded together to prevent the debate of that taking place in this House in the same way that this debate is taking place. Because of the way that the Rules are structured, they can more fully prevent debate on Private Members' Bills than they can on a Bill such as Bill No. 31, final offer selection.

\* (2150)

The fact is that this is perhaps the most evident, the most visible, and the most drawn-out ideological battle that we have had in the House. It will probably remain so unless the Conservatives attempt to do as the Member for Lakeside (Mr. Enns) suggested they might be willing to do, and that is to go even further in rolling back workers' rights, rolling back the opportunity for working people to negotiate freely, to bargain responsibly, and to organize themselves into collective entities to protect their rights and to help them live up to their responsibilities in the workplace. So, if that does not happen, and I do not think that they want to put themselves in that position again, then in fact this probably will be the longest and the most hard fought and the most bitter ideological battle that we are going to have.

I just want to go over in conclusion for my remarks tonight—and I expect that I will be able to continue



on tomorrow—some of the main points that I have tried to make throughout the day. I have to tell you, Mr. Speaker, I do not intend to go on at great length. I do not intend to continue forever in this debate. I intend to continue to speak out on this issue in a lot of different ways on a lot of different occasions. I know that some of my colleagues, who have been prevented from speaking out because of actions by Members opposite and Members to my right, also want an opportunity to speak, and they will probably get such an opportunity to speak. There will be a time when I will take my seat and say that I have probably said enough on this issue for the time being, but I know that if it proceeds through the process it will be back here for third reading.

I know that everything that has been said in second reading is again open for discussion and debate in third reading. We have to shape the tone and the tenor of the debate a bit differently, but in fact all these opportunities for all Members of this House to put on the record their thoughts, their concerns, their criticisms, and their hopes and aspirations with respect to labour relations in this province and Bill No. 31, will once again be available to us. I know that we will want to take advantage of them.

I just hope Members do not take too much reassurance to heart when I do finally sit down. I can assure them that there will be others who will stand very quickly to speak on, and to carry on, with this debate. I just hope among those others are the Member for Inkster (Mr. Lamoureux) to explain why it is he is going to vote against the majority of the people who sent him to this Chamber; the Member for Kildonan (Mr. Cheema), so that he can explain why it is he does not believe what the past president of the Manitoba Medical Association has put on the record with respect to final offer selection; the Member for St. James (Mr. Edwards), to again make his comments known and to try to deal with some of the criticisms that not only I have expressed with regard to his comments, but also the criticisms, although they were not directly directed at the Member for St. James, they do apply to his comments that have been put in the public record, by the Manitoba Medical Association or by the Manitoba Women's Agenda, or by those industrial relations experts who have written on this subject.

I hope that the Minister responsible for the Status of Women (Mrs. Hammond) will stand up and say why it is that she would prefer to be on side with the Chamber of Commerce rather than with the Manitoba Women's Agenda; why it is the Member for Lac du Bonnet (Mr. Praznik) is sitting so quietly when he knows in his heart that what is going on here, through the collusion of his Government and the Liberals along with the support of big business, will so badly hurt people in his constituency.

Mr. Speaker, I hope that all Members of this Chamber, outside of yourself who find yourself in a particular position where you do not have the opportunity to debate directly this issue, will take the time to stand and put on the record, so their constituents know why it is they are voting in a particular fashion, and why it is they are ignoring all the facts and all the reality and

all the documentation that we have put on the record with respect to final offer selection.

And what is that? Well, we said today that this debate is a debate about whose side you were on. Are you on the side of big business, and we have looked through what has been said and we are suggesting that the Liberals and the Conservatives are on the side of big business in this debate. They are on the side of the corporations. They are not on the side of other business people, they are not on the side of the women represented by the Manitoba Women's Action Group, they are not on the side of the workers, represented by the Manitoba Federation of Labour, they are not on the side of the doctors and health care patients in this province, they are on the side of big business.

That is a message that we will not let the electorate forget or ignore. There will be a time for us to be very clear as to why we think the Member for Kildonan (Mr. Cheema) would rather side with big business than with working people, the Member for Inkster (Mr. Lamoureux), the Member for Transcona (Mr. Kozak), the Member for Burrows (Mr. Chornopyski), the Member for St. James (Mr. Edwards), and many other Members on the Liberal side and the Conservative side of this House.

So it is a debate about sides and whose side you are on. It is also a debate about the facts of the matter. I have tried to take the 20-some different criticisms—actually there are probably only about 12 or 13 different criticisms—and I have written them in such a fashion so as to try to cover all the different angles. I had staff from the New Democratic Party Caucus call individuals who were actually part of bargaining units that had had a final offer arbitration decision by a selector. There are five such groups in the Province of Manitoba, and I contacted representatives of three of those groups and I outlined a series of about two dozen criticisms, questions that were taken from the comments and criticisms we had heard from the Conservatives and the Liberals, and do you know what? Do you know that in every instance the people who had actually been involved at the shop floor in final offer selection disagreed with what the Conservatives and the Liberals were using as the justification for their supporting the repeal of final offer selection?

**An Honourable Member:** David Newman is running both parties.

**Mr. Cowan:** Every one of them and, as the Member for Concordia (Mr. Doer) says, David Newman is running both parties. I do not know that to be the case in all instances, but if one looks at what is happening here, one would see very clearly that David Newman has a large degree of influence over the Liberal and Conservative thinking on the issue of final offer selection in the Chamber of Commerce.

You know what else we found out today? We found out that the Winnipeg Chamber of Commerce has asked for final offer arbitration to be used under The National Transportation Act, and their final offer arbitration parallels very much the legislation that the Conservatives here are trying to repeal. The Winnipeg

Monday, February 12, 1990

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Chamber of Commerce has asked that that provision in the transportation agency Act be used to resolve the problems that the country is suffering with respect to VIA. That tells me that the Chamber of Commerce and the Liberals and the Conservatives would want to selectively use final offer selection when it suits their purposes.- (interjection)-

If I could count on their absence, I would, but I cannot, so I will not. But the fact is I think one of the Members is off going to call his interest group liars again. However, Mr. Speaker, it is nice to see the Liberals and the Conservatives walking in and out of the Chamber, in harmony, hand in hand, cheek to cheek, jowl to jowl on this issue, and they are probably off to meet David somewhere in the Members' Lounge right now to get their instructions.

Not one criticism that they have put on the record was justified or substantiated by those who have been involved with final offer selection in this province or by those who have done research on the issue, either in the United States or in Canada. Mr. Bellan, Mr. Stern, Mr. Donn—I have quoted from all of them—a student paper on final offer selection, an evaluation in the Manitoba circumstances, the MMA, the Manitoba Women's Agenda, the MFL. They all disagree with what David Newman, the Member for St. James (Mr. Edwards), the Minister of Labour (Mrs. Hammond), and their colleagues, whether they be the Winnipeg Chamber of Commerce or the Manitoba Chamber of Commerce

or the Conservative Party or the Liberal Party have said.

So it truly is an issue of sides and fact, and the fact has abandoned the Liberals and Conservatives, if they ever had it all—I do not think they ever had it so it is not a matter of being abandoned—and the side on which they have allied themselves is the side that is against the public interest and the interest of ordinary Manitobans. We will not see the dire consequences that they have suggested we will see in 1972 which I spoke to earlier, in 1982 which I spoke to earlier, in 1984 which I spoke to earlier, in 1986 which I spoke to earlier. In every instance the Conservatives have been wrong; in some instances the Liberals have been wrong with them, but we now know that when it comes to a matter of choosing sides between working people, women, and the most vulnerable in our society, and the most powerful in our society and the big business corporations, the Liberals and the Conservatives will choose the sides of the powered interest in spite of the facts and the reality of the situation.

**Mr. Speaker:** Order, please. I am interrupting the proceedings according to the Rules. This matter will remain standing in the name of the Honourable Member for Churchill.

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