

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS

Tuesday, February 27, 1990

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Edward Helwer (Gimli)

ATTENDANCE - 10 — QUORUM - 6

Members of the Committee present:

Hon. Mrs. Hammond

Messrs. Ashton, Burrell, Herold Driedger,
Gilleshammer, Harapiak, Helwer, Lamoureux,
Pankratz, Patterson

WITNESSES:

Ms. Jennifer Little, Private Citizen

Ms. Janice Briggs, Private Citizen

Written Presentation Submitted:

Association of Employees Supporting
Education Services

MATTERS UNDER DISCUSSION:

Bill No. 31 — The Labour Relations
Amendment Act

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Mr. Chairman: I call the Standing Committee on Industrial Relations to order. This morning the committee will resume hearing public presentations on Bill No. 31, The Labour Relations Amendment Act. I will shortly read off the names of the presenters from where we left off on Monday.

* (1005)

If there are any members of the public who wish to check and see if they are registered to speak to the Bill, the list of presenters is posted outside the committee room. If members of the public would like to be added to the list to give a presentation to the committee, they can contact the Clerk of Committees and she will see that they are added to the list.

If we have any out-of-town presenters who have to leave shortly or any presenters who are unable to return for subsequent meetings, please identify yourselves to the Committee Clerk and she will see that your names are brought forward to the committee as soon as possible.

Just prior to resuming public presentations, did the committee wish to indicate to members of the public how long the committee will sit this morning? Sit until 12:30 if there are presenters? Is that agreed, 12:30? (Agreed)

I would also like to inform committee Members that a written brief regarding Bill No. 31 was received from

the Association of Employees Supporting Education Services. This brief will be handed out to Members of the committee.

I will start reading out at No. 62 where we left off yesterday. Ms. Diana Leclair, is she here? Ms. Melany Jackson; Ms. Shirley Hamilton; Ms. Melody Cushnie.

An Honourable Member: What number are we at?

Mr. Chairman: Number 66. Ms. Colleen Pearce; Ms. Sandra Cwik. Mr. Lamoureux.

Mr. Kevin Lamoureux (Inkster): Mr. Chairperson, I am wondering if maybe we could just have someone that might be here ready and willing, instead of having to read through all the names.

Mr. Chairman: Thank you for your comments, but I believe I have to read out every name here that we have left on this list. Mr. Ralph Conia; Ms. Jennifer Little. Ms. Jennifer Little is here. Please come forward, Ms. Little. Do you have a written presentation?

Ms. Jennifer Little (Private Citizen): No.

Mr. Chairman: Very good, please proceed then, Ms. Little.

Ms. Little: I am Jennifer Little. I am a voter. I am an employee of Selkirk IGA. I am a member of a union but first and foremost I am a wife and mother of three children. I do not work for a company and I do not work for a union, I work for the money, just like most of the people I work with. I am very nervous standing here talking in front of a lot of people I do not know, but I am more nervous about the fact that you are even considering taking away final offer selection. I have never had to use it, I may never have to use it, but it is a comfort to know it is there for me.

Final offer selection does not mean the company or the union will get everything they want in a contract. It means I will not have to have a devastating interruption of my income. It is there for my protection. I was here on Thursday evening, I heard a few people mention that it is bad for both company and union, but they never mentioned the people who make both sides work, us little people who work for the money. Thank you.

Mr. Chairman: Thank you, Ms. Little. Are there any questions for the presenter? Mr. Ashton.

Mr. Steve Ashton (Thompson): I thank you for coming forward. I am sure you can relax. We have seen a lot of people come forward during these committee hearings and I am sure for a lot of people it was the first time they had made a presentation like this. I know

it must be a bit intimidating here to a certain extent, but you are the kind of person we want to be hearing from because it is a Bill that affects you and whatever happens, whether FOS is kept or not, obviously is going to impact on you directly.

I just want to ask you, in terms of your own workplace, you work at the IGA as you had indicated. I know you had indicated that you might never have to use it, but what is the feeling of people you work with? Are they in support of final offer selection or do they feel it should be repealed because that is really the bottom-line issue we are dealing with?

* (1010)

Ms. Little: They are definitely in support of it. We have just gone through negotiations and there were a few things on the negotiating table that the company wanted to bring in, lower people at lower wages to do anything in the store. We could not allow something like that to happen, so if it had to be, we had it there for our protection.

Mr. Ashton: I wonder if you could give us a bit of an idea of the store and the working conditions, how many people are working there, to give a bit of a backdrop because what you are talking about in terms of the store is not unusual. We have heard this from people who work, for example, with SuperValu that one of the major problems is, really two problems, people who have been working a considerable period of time who are having a problem keeping any reasonable number of hours, and the second being what you are talking about here, which is people having their jobs indirectly threatened by people being hired at a lower rate of pay or a lower category. I was just wondering if you could give us some idea of how many people work at the store you are in, how many are full time, how many are part time and what the working conditions are.

Ms. Little: We have about 30 to 40 employees. About eight of them are full time, and most of them have been there—I have been there for eight years, and there are not that many that are below me. I am working for about 20 hours a week, and so are most of the other girls who are working.

Mr. Ashton: That seems to be something that is fairly common nowadays is part-time employment. I realize in some cases it is because that is the type of employment people can afford in terms of their own time. I mean, obviously, a lot of people have families to raise.

I am just wondering what the breakdown is, for example, between men and women in the store, and how many of the women would be parents, either married or single parents.

Ms. Little: A little more than half are women. I think just about all of them have children. There are, I think, about five people in the store that do not have kids—five of the women in the store do not have children.

Mr. Ashton: The reason I am asking that is because, for example, there has been support from the Women's

Agenda, which represents 35 groups—more than two-thirds of the women's groups are a part of that—have supported final offer selection because of the fact it directly deals with the kind of situation that obviously many of the people that you work with, or yourself, have run into. That is, when a company is seeking concessions, you are not in a position to go on strike, you do not want to go on strike, and yet if there is no alternative, that is the route that may happen.

I just want to ask you, in terms of that, is that essentially what you are saying to the committee, that you want an alternative, some other way of resolving disputes without necessarily having to go on strike?

* (1015)

Ms. Little: Yes, that is basically what it is. Like Westfair, we do not have a guarantee of hours, and if they started bringing in a lot of younger, part-time people at \$5 an hour, we just could not compete. So we need some kind of guarantee somewhere.

Mr. Ashton: That is something I know that has been generally the concern. There have been other suggestions. It seems that at times throughout the committee you mentioned you were here Thursday, so I am sure you heard some of the discussions. It seems that some people are suggesting that we should not have final offer selection, because it in some way weakens unions and the accountability of unions to the employees. You said you are a member of the union, but you are not here on behalf of the union. You are here on behalf of yourself. What is your view? Does it in any way weaken the accountability of your union to yourself in a contract situation that you can think of?

Ms. Little: No, definitely not. It speeds up the process of negotiating, because we have to say what we really want, and they have to say what they can really give.

Mr. Ashton: It is an interesting comment, because what you are essentially saying is that final offer selection improves collective bargaining. The reason I ask this question is because some of the people who say we should get rid of it say it destroys collective bargaining, but you are saying in essence it speeds up the negotiating process, because people are moving more quickly to what they feel is a fair offer and a final offer.

Ms. Little: Yes, it gets to the bottom line a lot faster. The people who were making the comments are what really inspired me to speak today. I really did not know if I wanted to or not, but final offer selection does not interrupt their earnings, one way or the other. The few people that were speaking on behalf, it does not affect them. If it is there or if it is not, they do not need it, I do.

Mr. Ashton: Well, I think that is a very good observation. I have been frustrated to a certain extent that people are talking in this debate for other people, when really it does not affect them. As you say, they are not going to be out there. Even Members of this Legislature are not going to be out there faced with a loss of income

for a considerable period of time if there is no alternative to the strike mechanism.

I wanted to ask a question too, because this has come up and I am sure you have heard me ask this question. I asked it on Thursday. It is about the 60-day window. There has been the suggestion that people are going to go out on strike for 60 days so that they can access the 60-day window which is the second opportunity to use final offer selection. Having been through two strikes, I do not claim to be any expert. A lot of people have a lot more experience in terms of that sort of situation than I do.

I cannot imagine anyone voting to go out on strike for 60 days with a loss of income and the potential loss of a lot more than just income. It can be your savings. It can be your house. It can be a lot of pressure. We heard yesterday in terms of what happened in the Westfair strike a couple of years ago and people almost losing their kids because of the fact they were without an income. People had custody of their children and there were threats from the other spouse that the children would be taken away.

I want to ask you, since you could be faced with that sort of situation, do you think it is reasonable, would you in any way, shape or form go out on strike for 60 days so that you could use final offer selection after the 60-day period?

Ms. Little: No, I cannot afford to go off. I cannot afford to lose two months worth of wages. Two months is a long time.

Mr. Ashton: I am glad to bring that perspective to the committee. That is what we are hoping, that this committee will give people a better idea of what decisions people are faced with, why final offer selection is a better way in some cases, not in every case. I am not saying that there is not a scenario in which people are still going to have to go out and fight for their rights. This gives you a way of doing it without having to go that route.

I just want to ask a couple more questions. I just want to ask you in terms of your perspective, when this was introduced in 1987, I am just wondering if you were aware of it at the time and, if not, when you first really learned about final offer selection?

Ms. Little: I do not think I was aware of it right away, but we have gone through negotiations since then and I knew of it after that.

Mr. Ashton: It is really from your exposure to what has been happening in terms of negotiations and exposure to what final offer selection is all about that you are here today recommending that we keep final offer selection?

Ms. Little: Definitely.

* (1020)

Mr. Ashton: Has anyone asked you, or anyone in your workplace that you are aware of, for their opinions on

final offer selection? When I ask anyone, I am particularly interested in whether the Minister of Labour (Mrs. Hammond), the Department of Labour which are trying to take away final offer selection have asked, or for that matter the Liberal Party. They are supporting taking away final offer selection. Has anyone gone to you or people in your workplace and said, what is your view on final offer selection; do you think it should be kept or not?

Ms. Little: No.

Mr. Ashton: I think that is unfortunate. In fact, throughout these committee hearings I have not run into one person yet who has been asked. We look at this committee hearing as a chance, if the initiative was not taken, to ask people before this Bill was being introduced to have them exposed to what you are going through.

I just want to conclude in terms of my questioning by really thanking you for coming forward. I think you have done really well, by the way, in terms of that; a lot of people have, coming here speaking from the heart, letting people on this committee know what it is like when you are out there in the real world, as you said; it is your livelihood that is at stake.

I am not saying final offer selection is a panacea, but I think your presentation at the committee today, pointing out that it is a far better thing to have in place as an alternative than not to have at all, I think really gets that message home. I appreciate your coming and representing your views and what obviously from your own comments, is also the views of the people in your workplace. By the way I do not think you are alone. There are a lot of people out there, I know what it is like, for every one person that comes forward to say something, there are 100 other people who would love to do it, but just cannot quite get to this sort of stage.

Thank you very much.

Mr. Chairman: Just a minute, Ms. Little, Mr. Patterson has a question for you.

Ms. Little: Sure.

Mr. Allan Patterson (Radisson): Ms. Little, Mr. Ashton has just asked you if you had been approached by anybody about your views on final offer selection or to your knowledge had been approached. I might ask her, are you a member of your local union executive, a shop steward, or local president or anything?

Ms. Little: I am a shop steward.

Mr. Patterson: Is it possible that someone could have spoken to your union president, either in—were you in Selkirk, I believe?

Ms. Little: Yes, I am in Selkirk.

Mr. Patterson: In Selkirk or headquarters in Winnipeg or whatever, would you necessarily be aware if the president had been questioned about it?

Ms. Little: No, it was presented to me as, this is final offer selection. Do you think they should take it away or do you think we should keep it, and that is how it was presented to me when I was approached about it at all.

Mr. Patterson: My question was, if any individual had asked your union president about what your union thought about final offer selection regardless of what that answer might be, would you necessarily be informed that the president had been asked about it?

Ms. Little: I do not have a clue. I do not know.

Mr. Patterson: Thank you.

Mr. Chairman: Are there any further questions for the presenter?

Mr. Helmut Pankratz (La Verendrye): Ms. Little you indicated that, if I understand you correctly, that you were a part-time employee. Is that correct?

Ms. Little: I am a part-time employee.

Mr. Pankratz: Ms. Little, do you have any guarantee of the number of hours a week that you may work, or shall work?

Ms. Little: No, there is no guarantee in our store.

Mr. Pankratz: I would like you to just elaborate a little more, Ms. Little, as to how final offer selection would guarantee you a certain number of hours.

* (1025)

Ms. Little: It would not necessarily guarantee me any hours. What came up in the negotiations like I said this time, is right now I am working an average of 20 to 24 hours after eight years working. What they wanted to do, is bring in younger people and newer stock at \$5 an hour, who could basically do any job in the store. That could wipe out my hours down to four hours a week, no problem. If they cut everybody that is below me down to four hours a week, they could cut me down to four hours a week. I was there at one time. I worked for two years, four hours a week.

Mr. Pankratz: What you are telling me at the present time, it is not possible for them to cut you down in your number of hours.

Ms. Little: Not without cutting everybody below me. The only guarantee of hours I have is in the contract that says a preference of hours which means that nobody that is hired after me can get more hours than me, and if they are getting the same number of hours, they cannot have more days off. I have to have better shifts than what they have. That is the only guarantee I have right now as far as hours go. If they hired 20 more people at 15 hours, I would be cut down to 15 hours.

Mr. Chairman: Thank you, Ms. Little. Any further questions?

Mr. Patterson: Just another question. Were you aware, Ms. Little, back in 1987 when this final offer Bill was passed, were you aware that the union movement was not unanimous on its desirability?

Ms. Little: I was not aware in 1987 that they were or were not. I understand right now there is no union that is voting to withdraw or supporting the withdrawal of final offer selection, including the ones that were opposed in 1987.

Mr. Patterson: I understand you are saying you were not aware in 1987 that some unions were for it and some against it. Were you aware of the issue at all in 1987?

Ms. Little: In 1987 I really did not know that final offer selection was available.

Mr. Chairman: Any further questions for the presenter?

Mr. Patterson: No, thank you, Mr. Chairman. Thank you, Ms. Little.

Mr. Chairman: Thank you very much for your presentation, Ms. Little.

We will continue on. No. 70 on our list, Ms. Rita Mogg, Mr. Eric Jaspersaud, Mr. Remi Serraton, Ms. Juliette MacDougall, Ms. Anita Trudeau, Mr. Norman Dube, Mr. Mersla Chorney, Mr. Les Lutz, Mr. Allan Webber, Ms. Shelley Spak, Judy Wickens, Mr. Ed Ste Marie, Mr. Pat McDonnell, Mr. Robert McGregor, Mr. Robert Watson, Mr. Kenneth Emberley. Is it the will of the committee that we—rather than me read out the list now, we have a No. 36 on our list here this morning. Would it be the will of the committee that we move to No. 36, Ms. Janice Briggs? (Agreed) Ms. Briggs, please.

Ms. Janice Briggs (Private Citizen): Good morning, my name is Janice Briggs.

Mr. Chairman: Excuse me, Ms. Briggs. Do you have a written presentation?

Ms. Briggs: No, I do not.

Mr. Chairman: Okay. Please proceed then. Thank you.

Ms. Briggs: I work for Shoppers Drug Mart at Kildonan Place. I am the shop steward for the store. I have been the shop steward for over a year now. I would like to tell you what final offer selection has meant to me. We have used final offer selection.

In 1985 our store was on strike. Our employer had offered the store half a percent wage increase, which the members felt was unacceptable and they moved to strike. They felt they had no alternative. At the time final offer selection, as you know, was not available to them as an option. They were out on a rather lengthy strike and they returned, accepting an additional half a percent, which is far below the cost of living. The store, I might add, was doing very well at the time, was not in any financial problem. The employer simply chose not to give the members any more.

They returned to their jobs, and in 1989 our contract was due for renewal. This time we had final offer selection as an option to strike. The members voted unanimously for final offer selection. We went through negotiations. I was on the negotiating committee. We used final offer selection, and I feel that it really helped us, that it helped move along the negotiations much more quickly than had there not been final offer selection. What it did was force everybody to be reasonable. It forced us to pare down our demands and it also forced the employer to accept a reasonable offer.

We settled our contract. We received the cost of living which prior to our contract we were behind many of the other Shoppers in the city in pay, but we received the cost-of-living allowance for our raise. The members voted unanimously to accept it. My feelings of final offer selection are that for larger units it gives them an option to strike or lockout, but to the smaller units, one to which I belong, it gives us the only chance we have to get a reasonable settlement. Please do not take this good piece of legislation away from us.

* (1030)

Mr. Chairman: Thank you, Ms. Briggs. Mr. Ashton, do you have a question for the presenter?

Mr. Ashton: Yes, Mr. Chairman. Thank you for coming forward because you have a very interesting perspective on this. We have had people who would have liked to have final offer selection, or would like to have it in the future, but you have gone through both a strike and also a contract that was settled through final offer selection. I just want to run you through what happened, because once again there seems to be a problem sometimes when I think in terms of the committee, people have really never had to go through that situation. I would like to ask you in terms of the strike situation, you basically said people felt there was no alternative. You were faced with a contract that—

Ms. Briggs: The 1985 strike?

Mr. Ashton: 1985.

Ms. Briggs: Yes.

Mr. Ashton: So people felt they had absolutely no alternative. Would you say in 1985 if final offer selection had been available they might have considered using final offer selection instead of going on strike from your experience?

Ms. Briggs: Definitely. Yes, I feel that they definitely would have.

Mr. Ashton: In other words if final offer selection, this legislation in place in 1985, there would not have been a strike. I am just wondering if you could indicate how long the strike went.

Ms. Briggs: The strike I believe was three months. I was not employed at the time, but I believe it was three

and one-half months. That was three and one-half months lost wages to the employees there. They were replaced by scab labour, and many of the employees are cashiers. Cashiering is very quick to train, so in a mall it is very easy to replace the employees, and they did not feel it was fair that they were replaced rather than dealt with.

Mr. Ashton: Final offer selection available in 1985, a three and one-half month strike might have been avoided if people had had other opportunity to deal with it. I am just wondering if you can give me some idea, I know you were not employed there at the time but I assume there probably still are people working there who were, what was their perspective? You mentioned that they had to face the sight of people going across the picket lines, taking their jobs during the strike, the hiring of strike breakers. Have you talked to them, and I am wondering if you can perhaps indicate to this committee what they went through in that three and one-half month period, the type of financial situation they went through, the kind of personal situation?

Ms. Briggs: There were members at the time who had to postpone buying houses and who went through various financial hardships. Fortunately many of them had husbands who were employed; some of them did not and some of them were students who did not know how they were going to finance their school year the following year. There are many different disruptions in your life if you are missing income. Currently if I were to go on strike, my husband is an electrician, he works seasonally, my income equals his during the year, our mortgage depends not only on his income but mine as well. We could lose our house if I did not have an income.

Mr. Ashton: The sad part, as I said, is that the strike occurred in 1985 and if this Bill passes and the final offer selection is taken away, the next time you are faced with a contract you could essentially be left with the choice people had in 1985 which is essentially no choice at all. I just want to run through in a bit more detail what happened when the final offer selection, because there have been suggestions by those who want to get rid of final offer selection that somehow it is bad for the unions, it leads to the unions not being accountable to their membership, it leads to division in the workplace. These are all direct quotes by the way. These arguments have been put forward both by the Conservative Government and also the Liberals in their support of this Bill.

What was your experience with final offer selection? Did it in any way, shape, or form, weaken the accountability of the union leadership to its members. You are a shop steward, obviously you are dealing directly with these type of matters. Did it lead to division in the workplace? What was the general experience in terms of final offer selection within your union?

Ms. Briggs: Our members were very pleased to have this excellent piece of legislation to back them up. It was voted in, as I stated earlier, unanimously. Each and every member who attended the meeting voted in favour of final offer selection. I believe I spoke to almost every

member in our store and everybody I spoke to was in favour of final offer selection because they knew what they had been through in 1985.

Our Shoppers Drug Mart is the only Shoppers Drug Mart in the city that is unionized. We believe that the company feels that we are a thorn in their side being the only union shop, and they would like to break the union. That is what we felt, and that is what the members felt in 1985 why they were not offered a reasonable settlement. There are a lot of people in the city who can work as cashiers and the members feel that they can be replaced and that they are being taken advantage of. They feel that, especially for the small shop, final offer selection is the only way they can be backed to get a fair settlement. People were unanimously in favour of it. There was not a single member in our shop who had a negative thing to say about final offer selection.

Mr. Ashton: What I find interesting, you mentioned in essence in 1985 and perhaps potentially if final offer selection had not been available what you were faced with was not just a question of a contract, but whether you would continue to have the right to have a union in the workplace. So, in other words, the bottom line was not just the fact of your working conditions but, in your opinion, whether the company could break the union at the only store in Winnipeg that is unionized.

Ms. Briggs: That is how we felt, yes.

Mr. Ashton: Well, as I said, your store and the people in your workplace, people in your union have an interesting perspective, having gone through a lengthy strike and then having used final offer selection. You have indicated to the committee that it was a very positive experience in terms of final offer selection.

Now I will ask you the same question I have been asking everybody else. Did anybody from the Department of Labour, did the Minister of Labour (Mrs. Hammond), did the Liberal Labour Critic, for example, all of whom are suggesting we get rid of final offer selection, ever suggest to you or raise with you any questions, ask you for your opinion or people in your store for their opinion about final offer selection, particularly given the fact that you used it? You were one of the 72 situations in which final offer selection was used. Did anybody ever ask you for your opinions on final offer selection?

Ms. Briggs: No, nobody has asked me for my opinion on it, even after having used it, no.

Mr. Ashton: Well, as I have said before, I just find it amazing that, when we are dealing with something that was put in, by the way, for a five-year period on an experimental basis because it was recognized it was new and innovative, here we are two years into the experience of final offer selection the evidence is pretty clear that final offer selection is working and no one seems to want to ask the people that can give the best indication, that is people such as yourself who have used it.

Now I just want to ask you, it is in place for another three-year period. You indicated that you do not support

this Bill. Is it your view that it should be given at least another few years experience before anyone ever tries to take it out of legislation in Manitoba?

Ms. Briggs: It is my hope that the final offer selection will not be removed at any time.

Mr. Ashton: Well, I certainly appreciate your perspective on this. I am hoping that people will listen in this committee and at least allow it to go for the next three-year period, because that was the full intention when the Act was introduced in that it would be given a five-year period.

I believe personally and I believe very strongly that it is working and it is particularly having an impact on workplaces such as yours, I believe. That is the beauty of final offer selection. It means that people do not have to lose their wages, lose their savings, disrupt their families, do not have to go through a three-and-a-half month strike just to get a fair contract, just to have the right to have a union to work for them in the workplace.

The fact that in 1989 you were able to get a contract, and a fair contract, I think you said it moved things toward a reasonable offer. Do you feel that final offer selection resulted in that, I mean a reasonable process, a fair process?

Ms. Briggs: I feel that final offer selection was a sole reason that we received a reasonable contract. In 1985 our employer was completely unwilling to negotiate with us. He offered us basically nothing.

* (1040)

Mr. Ashton: It is interesting because when you talked about the reasonable contract, we had a presenter earlier, one of the few that suggested we get rid of final offer selection, that said it really did not matter whether it was a reasonable offer or not, they were concerned about the process.

You are saying that what final offer selection did is it made the party, both parties, I think you said both parties, move very quickly toward the provision of a reasonable offer. The previous presenter too, used exactly the same sort of idea that what final offer selection does, it makes people sit down and really negotiate pretty hard, I mean pretty effectively. I just want to ask you, do you feel that final offer selection in and of itself results in a fair process, in a reasonable offer, based on your experience?

Ms. Briggs: Yes, I do. When you take a look at the final offer selection Bill it insists that the cost of living be taken into consideration which reflects the needs of the employees, and the employer's ability to pay also be taken into consideration, therefore I feel that the employers needs are also considered. If the employer is in fact broke and it would bankrupt his company, he will not be required to pay, that the selector will take that into consideration in his choice of contracts. I think that both parties' needs are fairly considered. Yes, I do.

Mr. Ashton: I just want to thank you for your presentation again. You offer particularly a unique outlook, having people in your workplace having gone through a strike and having then used final offer selection.

I appreciate your coming forward and I hope that Members of the committee will listen to your presentation and the many others pointing to just how well final offer selection is working. Thank you.

Mr. Chairman: Thank you. Are there any further questions for the presenter?

Mr. Patterson: I believe you mentioned, Ms. Briggs, you are a shop steward.

Ms. Briggs: Yes, I am.

Mr. Patterson: Although my honourable friend, the Member for Thompson (Mr. Ashton) strives mightily to imply otherwise, I would like it on the record that our Labour Critic Mr. Edwards has spoken to several union leaders about final offer selection.

Ms. Briggs, if Mr. Edwards, or anyone else for that matter, had spoken to your union president or any other union president or executive for that matter, would you necessarily be aware of it?

Ms. Briggs: No, not necessarily. I would know if he spoke to me.

Mr. Patterson: Okay, thank you, Ms. Briggs, and thank you very much for your presentation.

Mr. Chairman: Are there any further questions?

Mr. Ashton: Perhaps the Member for Radisson (Mr. Patterson) was not listening. I had asked if she or people in her workplace had been contacted, and the Member for St. James (Mr. Edwards) may have contacted several union leaders, I hope he would talk to more, talk to more people on the shop floor. I think maybe part of the problem is he has not been talking that much and if he has been talking, he has not been listening.

Mr. Chairman: Thank you. Are there any further questions? If not, I want to thank you very much, Ms. Briggs, for your presentation this morning.

Ms. Briggs: Thank you.

Mr. Chairman: Are there any further presenters out there in the audience? If not, what is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairman: Just a minute, before we rise—Mr. Pankratz.

Mr. Pankratz: Is this committee sitting again to hear private representation?

Mr. Chairman: Yes, this committee will sit again at 8 p.m. tonight. We have contacted everyone on the list.

There will be some presenters tonight I believe. Is it the will of the committee if we finish presenters tonight to go into clause by clause, or what is the will of the committee? Mr. Ashton.

Mr. Ashton: Part of the problem we are running into is what we had indicated would happen in terms of our caucus. We said when the scheduling was originally announced that we would be faced with the situation a lot of people could not attend in the day. I think today is evidence of that.

I think it is premature to talk about getting to clause by clause when by my calculations we have 82 presenters left. I do not think we should in any way, shape or form give any signals to the members of the public that somehow they would be cut off, that they cannot get on the list tonight. I am sure there will be people there tonight, because it is an evening. I do not think we will be in a clause by clause for at least another couple of days. I would suggest we not really deal with that until we have a better idea. We have only gone through—we have 82 left out of an original 107. So we are about one-third of the way through. I think we should perhaps indicate here publicly that we will try and accommodate members of the public. I would suggest, by the way, that we may wish to find some alternative to the day sittings to do that. I expressed that concern before, and I think it has been shown by today that people just cannot come during the day.

Mr. Chairman: Mr. Ashton, we will be sitting this evening at 8 p.m. It will give people an opportunity in the evening. We have sat, I believe, some evenings last week. We want to give everyone an opportunity to be able to make their presentations. That is I believe the commitment from the Minister and from the House Leader. Mr. Patterson.

Mr. Patterson: Thank you, Mr. Chairperson. Yes, the Member for Thompson (Mr. Ashton) keeps bringing up alternatives. I see nothing wrong with our morning sittings. Those that can come certainly will and we have had evening sittings, of course, with tonight to come. So I would suggest obviously we will sit tonight, and I think we should look at it tonight after the various presenters have been here. I do not think anyone is being unreasonably precluded from appearing before this committee.

Mr. Chairman: Thank you, Mr. Patterson. So prior to rising, I would just like to remind committee Members and the members of the public that the committee will be meeting tonight at 8 p.m.

Committee rise.

COMMITTEE ROSE AT: 10:47 a.m.

PRESENTATION SUBMITTED BUT NOT READ.

Written presentation of John W. Urkevich (Association of Employees Supporting Education Services)

The Association of Employees Supporting Education Services (AESES) supports Final Offer Selection (FOS) and therefore is against any attempt to repeal this

innovative piece of legislation. AESES represents approximately 2,000 employees at the Universities of Manitoba and Winnipeg and St. Andrew's College.

AESES supported FOS when it was first being legislated into law by the Government of Manitoba in 1987. At that time we felt that the concept was viable and we indicated that we were willing to see how it worked before coming to any final conclusion. Since 1987 we have monitored its use and, in 1989, we ourselves utilized the process to settle our collective agreement with the University of Manitoba. Having witnessed and, more importantly, having experienced FOS we can only conclude that it is a most efficacious labour relations tool which, when effected, does not subvert but, rather, enhances the collective bargaining process.

In our experience we noted that the most obvious result of introducing FOS into the bargaining environment was the speed with which, in particular the employer, the parties moved to reasonable positions which could be substantiated by facts and figures. This movement did not occur simply because of mere coincidence, but was due to a carefully thought-out strategy, employed by both parties, which was non-traditional and consistent with contemporary labour-management relations. The normal method of bargaining by the employer is to protract the process over a long period of time. Concurrently, the employer holds to extreme positions which cannot be substantiated by facts or figures. Faced with the possibility of having to justify their position to a third party, the employer, naturally, opted to move to a position for which existed an adequate rationale. Since the FOS procedure has a fairly well defined end point, there is no motivation to "stonewall" as it is in the best interest of each party to negotiate an "in house" collective agreement.

Those unions and employers who believe that confrontation and harsh consequences are the only methods of negotiation, obviously would not avail themselves of FOS. Instead, they prefer to settle their differences on the field of honor (strike) and in so doing demonstrate little regard for the working woman/man, and the innocent bystanders whose livelihoods are severely affected by a strike or lockout. A withdrawal of labour by the union, or a lockout by the employer, can and does spark layoffs or reduction of working hours in sectors closely associated with the striking/locked-out organization. This type of union-management relations is synonymous with the "I win-You lose" scenario and benefits no one.

For the many unions who represent small populations with a membership of single parents, and whose leaders have a high degree of responsibility, FOS is a most civilized and sane method for dealing with contractual disputes between union and management. For them, feeding their families and paying their bills are of the utmost importance and the unions must represent their interests. Secondary to that is their feeling of obligation to their employer and to others in the community. These people, unlike certain others, have a high regard for, not only their own suffering, but the suffering of others. FOS avoids work stoppages and the accompanying economic and negative morale which affects both union and management. It promotes the "I win-You win" scenario in collective bargaining and therefore is a most desirable alternative for those who sit on either side of the labour relations fence.

The statistics on the use of FOS, since 1987, speak for themselves. To date FOS has been applied for in 69 cases. In total, only 3 cases have actually had a selector make a decision, and in each of these cases, both parties were able to live with the decision without harbouring any ill-feelings. That was because the selector was able to choose from two reasonable positions. The majority of the cases, 46 in total (67 percent) had collective agreements negotiated, amicably, previous to either a selector being appointed or the submission of final packages.

In our estimation and from our experience, we conclude that FOS works exactly as it was advertised by the Government of Manitoba in 1987. The gloom and doom, that was forecast by the law's opponents, has not become a reality. Repealing this law would be a grave mistake, since there is no evidence to support its opponents' prognostications, nor that the process is operating outside the bounds of justice and fairness. It does not preclude hard collective bargaining, rather, it enhances the process and brings some sanity to the entire labour relations field. We are entering the 21st Century and everyone must be prepared to change and adapt to a changing world. The world of labour relations must also change from the dinosaur mentality to one of mutual respect which will enhance productivity and a better way of life. Educating employees and employers is the way to the future, repealing FOS is the way to the past

John W. Urkevich
Business Agent