

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS

Wednesday, February 28, 1990.

TIME — 8 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Edward Helwer (Gimli)

ATTENDANCE - 10 — QUORUM - 6

Members of the Committee present:

Hon. Mr. Enns, Hon. Mmes. Hammond,
Mitchelson

Messrs. Ashton, Burrell, Cowan, Edwards,
Helwer, Rose, Ms. Wasylicia-Leis

WITNESSES:

Mr. John Doyle, Private Citizen

Mr. Bernard Christophe, Manitoba Food and
Commercial Workers Union, Local 832

Ms. Shirley Diakowich, Private Citizen

Ms. Debbie Enstedt, Private Citizen

MATTERS UNDER DISCUSSION:

Bill No. 31—The Labour Relations
Amendment Act

* * * *

Mr. Chairman: I call the Standing Committee on Industrial Relations to order. This evening the committee will resume public presentations on Bill 31, The Labour Relations Amendment Act. I will shortly read off the names of the presenters from where we left off yesterday.

If there are any members of the public who wish to check to 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 here, and she will see that they are added to the list.

If we have any out-of-town presenters or anyone who has to leave shortly, or any presenters who are unable to return at another time, please identify yourself to the 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 the public how long the committee will be sitting this evening?

An Honourable Member: Ten o'clock.

An Honourable Member: Eleven o'clock.

Mr. Chairman: Eleven o'clock. Is the will of the committee? Okay, or if we are done sooner, or if there are no more presentations, whenever, 10:30. Okay.

Okay, we will start with No. 72, Mr. Robert McGregor. Is he here? Mr. Kenneth Emberley, Mr. John Doyle. He is here.

Mr. Doyle, do you have a written presentation?

Mr. John Doyle (Private Citizen): No, I am sorry. I do not.

* (2005)

Mr. Chairman: Okay, then you can just proceed any time you are ready.

Mr. Doyle: Good evening, I would like to thank the Members of the Industrial Relations Committee here tonight for the opportunity to share some of my thoughts on the repeal of final offer selection with you. You have already heard a great deal about the statistics related to final offer selection and how it has performed exceedingly well since it was proclaimed in January 1988. I believe the statistics speak for themselves in this matter and demonstrate that FOS performs a valuable function, insofar as it is an encouragement for both sides at the bargaining table to bargain in good faith.

The labour relations climate in Manitoba is improved by worker access to final offer selection. It represents an opportunity for workers to play a larger role in the collective bargaining process than has been traditional in Canada. It does not create the legendary level playing field as the jock set likes to refer to it. It simply brings greater fairness to the owner/worker relationship. In no way could that relationship be characterized as equal, even with FOS in the mix. The majority of power remains with the employer.

The dire warnings from lawyers who make their living representing employers in the labour relations field notwithstanding, the overwhelming majority of collective agreements in Manitoba are renewed with the spirit of co-operation and good-faith bargaining. In a small number of cases, when that good-faith atmosphere is absent, the presence of FOS has brought it back to the relationship. In less than 1 percent of the collective agreements negotiated since January 1988, FOS resulted in a collective agreement without a strike or a lockout. The Manitoba Chamber of Commerce and individuals opposed to final offer selection find this troublesome. Fairness for workers seems to be the antithesis of a healthy economy. I do not subscribe to that feeling, and I am sure none of you do.

Mr. David Newman, President of the Manitoba Chamber of Commerce, made two suggestions to this committee. One, that the passion of strikes, walkouts, lost jobs, broken families and sometimes injury and death be left out of this discussion, that you focus on the fact that this is a question of values, not passion.

I have to say that I disagree with Mr. Newman on this first suggestion.

While I am fortunate enough not to have experienced the agonies of a strike and lockout directly, I have seen them up close. I could not begin to estimate the number of tragic disputes I have covered as a reporter for 13 years. I can recall the results of many of those disputes though. The quiet desperation that flows from a long-term employer campaign to limit employment costs in order to maximize profit or perhaps to break the union in order to operate in a union-free environment and the resulting flash point of strike or lockout is something I will never forget. To suggest the human face of strikes and lockouts be removed from this discussion is to ask us to forget the tears, lost hopes and the tragedies they involve.

Labour relations and the economic environment they exist in are far more than numbers on the corporate balance sheet. Labour relations and the collective bargaining process determines how workers live, the quality of their life, their self-perception, their ability to participate fully in the wealth they generate. As the work force goes, so goes the community. On the other hand I must agree with Mr. Newman when he describes this discussion as a question of values. He views it as simply a question of allowing management to manage, to adopt whatever measure is necessary to ensure maximum profits are generated by an enterprise. This is where Mr. Newman and I part company.

* (2010)

I view final offer selection as an opportunity for workers to have more say in their life and what happens to them in the workplace. It enables workers to have a greater say in the employer/employee relationship. It cannot be described as equality, but it can be called a fairer relationship. To subscribe to Mr. Newman's philosophy is to view workers, society, the environment as faceless factors to be manipulated to improve the balance sheet and maximize the quality of life for investors.

I view things differently. A healthy economy is a factor to be used to benefit society and to maximize the quality of life for everyone. Management should not be unfettered, to be allowed to do what it wants to to attain its goals. The quality of life for workers, for society, must be a key factor taken into account. Fortunately, many employers are sensitive to the needs of their workers and of society. However, for the minority who victimize their workers and society at large, there must be rules applied. One of those rules in Manitoba today is final offer selection. FOS discourages bad faith bargaining.

An individual who appeared before this committee last night posed the question of why an employer would locate in Manitoba when they have to face FOS? I think that question should have been, why would an employer bent on union busting and exploitation locate here? I hope they do not; we do not need them. There are many potential new investors who would not be troubled by the idea of fairness in their dealings with workers. They would not ignore the potential gain to be made

in Manitoba simply because they have to bargain in good faith. If an employer wants to avoid final offer selection, then it is for a reason. Those employers we do not need.

Much has been said about the fact that Manitoba is the only major jurisdiction in North America to enact final offer selection for its workers. I do not believe that is a valid reason to repeal final offer selection. To carry that argument to its extreme, if no jurisdiction wants to practise breakthrough legislating and breaking social ground, we would still have children cleaning factory chimneys.

The Government of Manitoba made final offer selection a reality for workers because it was the right thing to do; it helped workers find a greater measure of fairness than their parents had. I believe presenters before me have made the case statistically and through personal anecdotes. That supports the continued existence of final offer selection. I think it is clear to all that the Progressive Conservative and Liberal Members of this committee who support repeal are not intent on repealing FOS because it does not work, when it obviously does. In 1988 the Conservative and Liberal Parties clearly spelled out their intentions to repeal FOS prior to any experience or any meaningful experience of FOS. They made this commitment to the business community.

Obviously, the Liberals cannot take legislative action to repay the business community before its financial and political support at that time. The Conservatives are not in a position to pay off its political debts as long as they are in a minority Government situations. What is left that they can co-operate on without expenditure? The repeal of FOS.

I cannot believe that any reasonable person would target this law, because it has proven to be effective as a means to get contract settlements. I cannot believe it is being repealed because it reduces strikes and lockouts. It does not add up.

That leaves us with a proposition that is being repealed by politicians who do not have the best interests of workers at heart, that another agenda is being carried out. Any tool that encourages good faith bargaining and contract settlements is, by its very nature, bad news for union busting. Thanks to free trade and other Conservative policies it is about to become open season on workers as employers, reasonable or not, are forced to compete with the so-called right-to-work legislation within the borders of our neighbour to the south. Final offer selection, even though it is designed for another purposes, is the barrier to predatory bargaining by employers. I believe that is the reason we are all here tonight. I believe that is the reason the Conservatives and some of the Liberals in this Legislature are so eager to join forces and ram this legislation through before another election is held.

The repeal of final offer selection is anti-worker. You can dress it up with all the windowdressing you want to, but it remains anti-worker. I am not surprised Conservatives are taking this action; they have never tried to disguise this aspect of their philosophy. However, I am surprised that some MLAs have the nerve to deny

they are anti-worker but are determined to repeal FOS. Thank you for your attention.

Mr. Chairman: Thank you, Mr. Doyle. Are there any questions for Mr. Doyle? Mr. Ashton.

* (2015)

Mr. Steve Ashton (Thompson): I just wanted to ask a few questions. Yesterday we had a presenter, Mr. Watson I believe it was, who was quite clear in terms of his agenda for Manitoba. He said he spoke for the Human Resource Management Association and talked this being a global economy and he talked about how we might have to compete with countries, and he mentioned two in particular, Peru and China. I am still puzzled, actually, 24 hours later, as to why he selected those two countries, but he had suggested that the rollback of labour legislation should go a great deal further. You had mentioned, in the case of the United States, some of the types of legislation, and you mentioned right-to-work legislation in particular. I wonder if you could perhaps elaborate on what you are suggesting. You are, as I understand, suggesting that because of free trade and because of some of the pressures that we are now seeing for this "global economy" that we may end up with that kind of pressure here, not just for rolling back final offer selection, but for going a considerable distance further back, rolling back labour legislation by a considerably larger amount than that.

Mr. Doyle: Yes, I think the trend that we are seeing today is descending to the lowest possible common level, as opposed to protecting and enhancing the quality of life for workers in this country and embarking on economic and political initiatives at the international level that would improve the quality of life and improve the situation that many other peoples around the world face today. I think the economic forces that drive this trend are substantial. I think a country the size of Canada is very vulnerable to the suggestion that other countries will crack the economic whip unless we fall into line. I fear that is what our legislators in Ottawa specifically have succumbed to.

Mr. Ashton: I want to deal with a number of other points that you have raised as well, because the suggestion was made last night that somehow we have an unstable climate of labour relations in Manitoba, presumably because of final offer selection. This was made by someone purporting to speak from the management's side. There were suggestions that we are uncompetitive, with high wages in Manitoba, high costs, when in fact I quoted to the committee something from the Minister of Industry, Trade and Tourism (Mr. Ernst) a Minister in this province, of the current Government, that has indicated that is not the case.

I would just like to ask you, since you had addressed the comparative situation in Manitoba to other provinces and to the United States, whether you believe that we have an unstable labour relations climate or in any way we are unable to compete. I know that you said that perhaps in some cases you would rather not have the type of employers, the union-busting employers, but

do you believe we are uncompetitive because of our labour relations climate?

Mr. Doyle: Over the years that I have lived in Manitoba I have heard the forecast from the business community that unless the New Democratic Government of the Day did something to the labour relations climate or to the investment climate or to various aspects over which a provincial Government normally has control, that business would head down the highway, that new investors would not come to Manitoba.

Now, certainly in the early half of the 1980s this proved not to be the case in spite of those predictions. Manitoba was fortunate enough through the economic management policies of the day to escape the worst effects of the recession that had such a devastating effect on some parts of this country in the early '80s. I think that once a corporation or the human resources managers within a corporation become familiar with new initiatives taken in any jurisdiction when it comes to labour legislation, that they come to the realization that good-faith bargaining finds a way to arrive at a fair and reasonable settlement, that the labour legislation that exists is generally designed to address those exceptional cases, those most unusual cases, in an effort to restore some order to the relationship and to get good-faith bargaining back as a principal component of any kind of negotiating series. I feel that is what FOS was designed to do, and I believe that is the effect that we have seen it have since 1988.

* (2020)

Mr. Ashton: I just want to deal—you mention in terms of the years you have been in Manitoba; obviously, you have been in other provinces. I am just wondering if you could compare Manitoba's climate in labour relations to other provinces. I know last night we had an individual who talked about the situation. He had lived in Alberta as a matter of fact, of course with the Gainers' strike. We have heard other people who have been in other provinces, in Ontario where there have been some fairly bitter strikes.

Do you feel that we compare favourably or not? I am asking that question in the context of final offer selection. Do you feel we have a better climate of labour relations with final offer selection in comparison with other provinces?

Mr. Doyle: I must admit that I cannot base my answer, having reviewed statistics to support it. I can only pass on my impressions, gained through reading newspapers, watching television newscasts, listening to radio newscasts, that the climate established in British Columbia and Alberta specifically since in the last five to 10 years those provinces have had some rather high profile, notorious and very violent strikes. I believe that atmosphere of confrontation was brought on and fostered by generally anti-labour legislation that was passed as amendments to The Labour Relations Act in those two provinces.

Mr. Ashton: It is interesting, I know you had mentioned in terms of Alberta, because once again some

presenters have used the example of the Gainers' strike and the difficulties it ran into there. Of course we have had situations in Manitoba. We have had people before this committee who have been through some lengthy strikes. We had a number of people . . . over the last couple of days in particular who went through—

Mr. Chairman: I wonder, Mr. Ashton, if you could speak into the mike so we can hear you please.

Mr. Ashton: I am sorry, Mr. Chairman, I am trying to talk directly to the presenter, and I will try—

Mr. Chairman: I would appreciate it if you would address your remarks to me, and I will make sure that they get to the presenter.

Mr. Ashton: That is right. It is rather difficult to be talking to someone behind your back. That is the problem. I am not trying in any way to make it more difficult for you, Mr. Chairperson.

What I want to deal with and this was raised from people who had been through the strike at SuperValu, 125 days. They saw people crossing the picket lines, dealing with an employer that was not only hostile at the time, but has continued to be hostile. The point was made that with final offer selection there would be another way. Of course in Alberta there is no final offer selection provision.

I am just wondering, based on your observations, I am not asking for statistical analysis obviously, that is a job for the statisticians, but what do you think will happen if we lose final offer selection? Do you feel we will end up with the type of climate you are talking about in Alberta and British Columbia, the type of climate that led to the Gainers' strike, for example. It went, I understand, about 120 days. It was one of those bitter strikes . . . in memory. Is that what you are suggesting, that without final offer selection, we are going to be headed towards that direction in terms of labour relations in Manitoba?

Mr. Doyle: Certainly the potential for that exists, given no other factors changing. There are employers in any jurisdiction who quite frankly are not comfortable and would prefer not to work with the union representing workers in their shop. That dynamic I think would continue to exist, whether or not FOS continued to exist here in Manitoba.

I think the coming pressures that we have not seen unfold fully at this point in time because of pressures brought on by free trade, because of pressures that we are yet to experience as we slip further and further into a recession in this country. Some economic analysts believe we are already in a recession. Others believe that it is imminent. I certainly hope that both groups are wrong, that we will find some way to work ourselves out of this situation.

However, should that recession or near recession come to pass, the pressures on an employer to wrestle under control or improve that portion of the balance sheet would become greater. I fear that would increase the level of concessionary demands, the level of rollback

demands, the level of basically confrontation-type demands that employees and their representatives would run into at the bargaining table.

Of course any group of employers and any group of unions when faced with hard times will quite naturally find a way to work out a reasonable solution to that particular challenge. There are many examples of that. One that springs to mind was the situation that Chrysler found itself in a number of years ago. It embarked on fairly frank and open discussions with the auto workers, and they reached an agreement that saw conditions prevail that enabled the company to recover and recover quite strongly. Bargaining carried on in any event.

* (2025)

I think reasonable people will find a reasonable solution to virtually any problem that faces the workplace. It is in a union's best interest to have a healthy workplace. It is in a union's best interest to have job security for its members. It is not in a union's best interest to make unreasonable demands either at the bargaining table without FOS or under the shelter of FOS. It is not in their interest to weaken the employer to the point that workers will suffer. I fear that with these increasing challenges facing employers, the seduction of confrontation bargaining will increase and in some cases will convince the employer and their negotiators that is the way to go. More so than just simply removing FOS and having a return to pre-FOS days, beyond that, I think the more important dynamic to look at is the coming economic challenge.

Mr. Ashton: It is interesting you talked about it, because one of the presenters pointed, for example, to an article just recently in the Free Press which pointed quite accurately the fact that we have a large number of contracts coming up this year. It is going to be a difficult year in terms of bargaining, not just in terms of the numbers of contracts and workers affected but such issues as the GST, for example, going on the table.

I just want to deal with your comment in terms of reasonableness though, because this has been something that has come up repeatedly in terms of the presenters before the committee, the whole question of reasonableness. Many presenters have said that final offer selection makes both sides be reasonable. In fact, even the Winnipeg Chamber of Commerce which opposes final offer selection, the presenter had said his real concern was not that the offers were reasonable or the process itself was reasonable, because in fact it is right in the Act, but that it was more in terms of the possibility of a contract that had to be decided by a selector being imposed, although that has only happened in five of 72 cases.

I particularly want to deal with one of the more extreme suggestions that has been made, and I want to ask you directly on this. It is the argument that has been put forward about the 60-day clause, that somehow people are going to sit out and strike for 60 days strike pay, which results in a major loss of income, that they are going to wait for 60 days so they can come back in and take advantage of a procedure that is already in place, if they wish, prior to the strike. The

suggestion has been made by both the Minister of Labour (Mrs. Hammond) and the Liberal Labour Critic (Mr. Edwards).

I would just like to ask you what your view of that is. Do you believe people will sit out for 60 days so they can access final offer selection? This argument, by the way, has been used to suggest that final offer selection lengthens strikes, so I would like to ask you if you feel that is a reasonable proposition?

Mr. Doyle: Actually, of all the justifications and arguments I have heard that support the repeal of FOS, that particular argument I find the most spurious and the most difficult to understand as being put forward as a reasonable reason for the repeal of FOS.

In my experience, both as a reporter and as a union negotiator, the idea of seriously proposing to any group of people that they go on strike for 60 days simply as an exercise to get themselves to an FOS application window, is simply incomprehensible. The privation, the anxiety, the tension that develops during a strike is simply intolerable in a very short period of time. It is an incredible range of emotions and mood changes a group of people goes through when it is on strike, and to seriously propose one would endure this for 60 days when good faith bargaining is the option is simply incredible.

* (2030)

Mr. Ashton: Thank you for your response on that. The reason I am getting at that is because of your comments on reasonableness. There was concern, to be quite frank, when final offer selection was introduced, that somehow people might not take reasonable bargaining positions. But you are saying that your opinion and your position to this committee essentially is that that is not the case, whether it be in terms of the 60-day window when there were other provisions of final offer selection, it does result in reasonable and responsible bargaining.

Mr. Doyle: In normal circumstances when negotiating a collective agreement on behalf of a group of people you work with and represent, their families, their children, their spouses, the objective is of course to arrive at a mutually acceptable collective agreement without resorting to strike action, without experience of lockout. It is in the negotiator's best interest to negotiate in good faith, to reach reasonable agreements on clauses contained in that agreement.

If one were to anticipate the eventuality of having a dispute referred to a final offer selector for resolution, it is in the negotiator's best interest to reach mutual agreement on as many clauses as possible, to get as many variables out of the mix as possible, and on those clauses that you cannot reach agreement on to present as reasonable a proposal as possible with possibly a couple of exceptions.

I would believe that a survey of the proposals that have been put forward to final offer selectors in this province would turn up the relationship of being very, very close, when you compare the union final position

with the company's final position, that both parties are working in that regard even on those items that they cannot reach agreement on. It is my understanding that in one of the cases referred to a selector for a decision, the monetary spread was less than 1 percent, probably about .5 percent.

Mr. Ashton: I would just like to indicate, I know the presenter talked in terms of the positions of members in the committee, but it certainly is our hope of supporting the retention of final offer selection, that this committee will have an impact and people will listen on this committee to the presentations. I really believe there is still some hope to salvage what I think is a very positive development in the labour relations, so I thank you for your presentation.

Mr. Chairman: Thank you, Mr. Ashton. Are there any further questions? If not, Mr. Doyle, thank you very much for your presentation this evening.

Mr. Doyle: Thank you very much for your attention.

Mr. Chairman: Is there leave to skip a couple in the numbers and move to Mr. Bernie Christophe because he has to leave early? Is that the will of the committee? Mr. Christophe.

Mr. Bernard Christophe (Manitoba Food and Commercial Workers Union, Local 832): Thank you very much.

Mr. Chairman: Do you have a written presentation?

Mr. Christophe: Yes, I have.

Mr. Chairman: Please proceed.

Mr. Christophe: Thank you. The Manitoba Food and Commercial Workers, Local 832, represents 9,000 employees in the Province of Manitoba and has been in existence since May, 1932.

I have personally been negotiating collective bargaining agreements in the Province of Manitoba for some 31 years and have negotiated literally hundreds of collective bargaining agreements during that period of time. I have been involved in strikes and lockouts in several instances, both with large companies and small employers.

I have been a supporter of the final offer selection from its inception because it is a viable alternative to strikes and lockouts in the collective bargaining process. The employer wins by not losing revenue. The employees do not lose wages and the public is not caught in the middle. There are no logical reasons to eliminate final offer selection from The Manitoba Labour Relations Act. The doom and gloom predicted by employers when it was introduced and now echoed by the Manitoba Chamber of Commerce never materialized.

There is not one single example of an employer being put out of business, or suffering in any way, as a result of final offer selection existing in the Province of

Manitoba. There is not one single example of an employer being compelled to accept a selector's decision which detrimentally affected his business.

Our experience, in at least 17 different instances a strike would have occurred in most cases, as noted in Appendix A, and I have attached at the very back those 17 examples where we applied for FOS when it was resolved and what the main issues were, which you can look at at your leisure. As I was saying, in most of these 17 cases a strike would have taken place had it not been for final offer selection. It should be noted that is not the only collective bargaining agreement we negotiated. We negotiated some 88 different collective bargaining agreements, and these are the ones that we felt were potential for strikes and that is why we have listed them. We say this with absolute knowledge because each and every time that this union has recommended to its membership to vote in favour of strike action, our members have accepted our recommendations.

Therefore, we are saying it is not a maybe, perhaps; we know, based on the issue, that they would have resulted in strikes. The issues faced in many of those 17 instances included refusal to meet inflation costs or, in many instances, demand for concessions which were totally unacceptable. We know that many of those would have resulted in long, protracted strikes.

I will deal with some of the issues in more detail. An example of this, before the availability of final offer selection, was the Blackwoods Beverages strike in Dauphin, Manitoba, which lasted more than a year, and where more than 15 people lost their jobs.

A further example is the 125-day strike against Westfair Foods, which was totally unnecessary, but which was forced by an employer who wanted concessions, if not the elimination of the trade union.

The strike, as a means of settling labour disputes, is out-dated, inhumane, and leaves long-lasting effects in the relationship between the employees and the employer, as in the event of the Westfair company. We are still doing battle today, either in grievances, in servicing the stores, or in some other ways; the battle goes on. It is, however, the only means left to parties to resolve their disputes, unless final offer selection exists or the first collective bargaining agreement and position exist.

The strike, as in the case of Westfair, often turns into a war. Why is this the case? It is really very simple, there is a confrontation between the employees and the employer which is not equal or fair. The employer replaces the workers who are on strike and continues to operate with far less of an economic impact or suffering than the individual employee who is on strike. When the employer operates his business during the strike and customers are invited to continue to do business with the employer, they must cross picket lines. When strikers see their jobs taken by other employees, when the employer invites customers in with the help of security guards and police, which has the net effect of prolonging the strike indefinitely, this is a recipe for confrontation, violence, assaults and all of these unfortunate, sometimes irreparable, damages that then occur.

If the business were closed completely during a strike, then it would be a fair fight. The employer would not make any money and the workers would not make any money either.

But that is not the case. Is it not better, instead of this recipe for a bloody conflict, to have a peaceful way of resolving a dispute which is also known as FOS? Police are often involved in strikes. This itself is a cost to the taxpayers, probably thousands of dollars. Arrests are frequent; injury, vandalism, assault are the order of the day. The courts are involved, hundreds of hours are being taken by judges, court reporters, lawyers. This is a lot more expensive to the taxpayers than the Department of Labour administering the FOS process.

* (2040)

In the Westfair strike, customers had to run the gauntlets before they entered the stores because, very simply put, they were taking sides in the dispute and prolonged the strike by going and shopping and thus crossing picket lines.

Employees, naturally, were attempting to dissuade customers from entering the stores and when they failed, unfortunately, tempers ran high. Incidents were provoked or created by various sides or factions. Some customers came and used their cigarette butts on the necks of some of the strikers as a way of showing their displeasure; there were many others.

In the Westfair strike the employer lost some \$50 million in sales. Their net profit went down by \$4.4 million, according to their report to their shareholders. In the grocery supermarket industry this is a substantial amount, when one considers the relatively small margin of profit.

An innocent bystander was shot by a fearful, Westfair management, strike-breaking employee, who was working behind the picket lines. This innocent bystander is now paralyzed for life. He had nothing to do with the strike, nothing to do whatsoever. He was minding his own business, it was at night, and that produce manager shot him. He believed he was going to tamper with his car, and he was running away from him. He shot him in the back; he is paralyzed for life.

Negotiations with Westfair will just begin in a few weeks, by the way. You should know that; we are going back into negotiations. Without FOS, quite frankly, the same situation may occur if any of your friends or relatives attempt to cross the picket lines if there is a strike at Westfair, or any other location. If you, as legislators, remove this option, then you will be responsible, in my opinion, to returning to the law of the jungle on the picket line, with all its consequences and inconveniences to the public, to the employees and to the employers.

There are many other instances outside of this union of similar violence erupting on the picket lines, when workers are trying to take other workers' jobs, when the employer attempts to operate its plant or unit, when customers take sides. It is not just with us.

The Chamber of Commerce, no doubt, finds nothing wrong with this procedure and believes that strikes and

lockouts are to be maintained, as opposed to a peaceful resolution of disputes in front of a selector. The evidence, therefore, in these 17 instances where strikes would have most certainly occurred, clearly demonstrates that final offer selection has worked in this province. It should be noted that in 15 of those cases I have mentioned, the parties reached an agreement without the selector ever having to make a decision, so I think it has a very beneficial effect.

When the selector made a decision, in all instances his decision in no way was harmful to the employers or to the employees. In fact, the negotiation process was speeded up and an agreement was reached more quickly with the employer because of the possibility of the matter being decided by FOS. Both sides agreed that it was a fair and satisfactory settlement, because both signed it.

Now I would like to deal with some of the various arguments that have been advanced to you by those who are seeking the repeal of the final offer selection. The Chamber of Commerce and others speaking on behalf of the Chamber of Commerce have cast a gloom and doom scenario in regard to the FOS which have never come to pass. There is not one single example of a selector, I repeat, making a decision which has been detrimental to the employer—there has not been one—or the employees.

Another one suggests that employers and unions are forced to accept a settlement by a third party which is detrimental to either of them, or both of them. Again, the facts simply are not substantiated here, or it does not prove that. Now this was due to one simple reason. Each side, in making their presentation, attempted to convince the selector to choose their position. They utilized common sense and reasonableness in making their final position to the selector. I was involved in one of those. I obviously wanted the selector to choose my side. I knew that if our proposal was unreasonable and outrageous, he would not take mine. So as a result of that we lower our demands, our expectation.

Some said that the final offer selection process is undemocratic. The final offer selection process is democratic because employees, by secret ballot, vote on whether or not to have their dispute or negotiation settled through the final offer selection process. But you know, what mattered to employees is that they get a just settlement and that they are not put out on strike and eventually lose their job.

In my opinion as dealing with negotiations, democracy has never fed stomachs. Democracy has never paid bills, and democracy has never guaranteed jobs. The final offer selection precludes the effective use, some say, of the strike or walkouts, says an employer representative. I believe Mr. Newman said that.

What the Chamber of Commerce or one of its previous speakers really meant is that the company or employer wanted to be totally free to force the workers on strike by recommending unjustified concession and by proposing unjustified concession of proposal and force the employee, after a long and protracted strike, to be without a union and without a job. Blackwood Beverages was one case. East-West Packers was another; many others.

This is the real intent and objective. I mean, let us make no bone about it. There are many employers in this country who still consider unions in their enterprise or the potential organizing of their workers as evil and as a disaster, and they want to have the right unilaterally to eliminate unions one way or another.

What would happen, on the other hand, if unions would have the same objectives, that is to try to eliminate the employer's business, if you were taking that position? We know and you know that this is a fact. Now who are those employers? Unicity Taxi is a good example, and let me tell you why the strike took place.

This was their proposal documented before the strike began. They wanted to reduce the work week from 40 to 36 hours without any compensation. They wanted to eliminate seniority for part-time employees, have the right to have shareholders replace our members and work for free. Eliminate lunch breaks, eliminate three statutory holidays with pay. Finally, reserve the right to lower wages and an unspecified amount in the next three years. Now that is what precipitated the strikes. No employees, no unions would have possibly accepted those terms, those settlements.

Westfair Foods in 1987, before the strike began, wanted to eliminate the . . . education and trust fund. No wage increase for part-time employees in the first year. No wage increase for part-time employees in the second year. Westfair wanted a two-tier wage. Westfair wanted the progression rates for part-time employees who worked a few hours a week to get the next raise at the top rate to be increased to 5,000 hours. It would have taken them 10 years to reach top rate. Westfair wanted to delete the precious guarantee of hours for all new employees. That is what precipitated the strike.

Other strikes, the Griffin Steel strike, some of you may remember, lasted a long time. Police were involved many times. The Parkhill Bedding strike lasted two or three years. The East-West Packers strike lasted a long time. Workers lost their jobs. Souris Cheese identical.

Some say it supports the concept of forced relationships and third-party authorship of the terms of that relationship without agreement between the parties to the relationship. This is simply not true. In fact again, in all five instances where the selector made a decision, the decision did not affect the party adversely. In one instance out of three, we had the experience where they ruled against us. We were not terribly happy about it, but at least it did not have a detrimental effect on the employees. You should also know that in each and every instance, substantial progress was made in a few areas of importance. In the case of Dominion Stores it was a severance pay. We knew the store would close. It was important we got severance pay, and indeed that is what happened in the final analysis although they selected the management position.

* (2050)

This idea of a third party imposing settlement on two other parties really does not make sense—there are so many other examples of that. What about minimum

wage? What about health and safety standards? What about pay equity? Surely those were not negotiated by the employers and unions, but were legislated by a third party. This in no way hampered or affected adversely the employers I submitted to you or the people of Manitoba, but it was not negotiated between the employers and the employees. This argument is absurd, of allegedly a third party doing this.

Now I heard somebody from the Chamber of Commerce who said, well the FOS is like holding a gun at the employer's head. I mean, this is preposterous. What about the threat of a strike, what about that? The threat of a lockout, the threat of plant closure, the threat of a lay-off? The threat of re-organization of the company's operation and elimination of many jobs? The threat of automation? The threat of hiring more employees, creating more part-time jobs? Is that not a gun to the head of the unions? I mean, it does not make sense.

Then one went as far as saying, FOS is akin to slavery for the employer. And again, what about various legislation they have to comply with? What about the employee having to fill out income tax returns? What about having to settle fairly with their employees with FOS? Is that slavery or is it a minimum standard that society has accepted? I think if they want to speak of slavery—I think it is a total misuse of the word, by the way—I think they should go to South Africa and really find the meaning of what slavery is all about, but not because there is FOS available to settle disputes in a peaceful manner.

The consequence of FOS is that unions are not bargaining realistically, some say, rather relying on a tribunal to bail them out. Where is the evidence to substantiate that? Where is it? In all five instances, where is the evidence to say that the union did not bargain at all, made no attempt whatsoever? I can tell you that in all five cases the opposite was true. I know in our cases the opposite was true. Every effort was made to negotiate other items and we did succeed in some instances to do so. So this simply is not true. How can they say this and not substantiate it with any facts, if they want to be believed?

Then some say, more companies are not locating in Manitoba because of labour laws and in particular FOS. I think it was Mr. Watson, the lawyer, who said that the other day—who is also the lawyer now for Unicity Taxi by the way.—(interjection)— Yes, he is, yes. They have changed lawyers two or three times, which has not improved labour relations but that is their decision, I suppose. Now where is the evidence to substantiate this ridiculous allegation? Where does it say that if an employer locates in Manitoba that he is going to be unionized automatically? Where does it say that? I do not think there are any laws that say that. Where is the evidence to say that even if the employee is unionized he will not reach an agreement with the union without FOS having been invoked? Where does it say that? It is not automatic that employers who come to Manitoba automatically are unionized. It does not happen that way. Maybe we wish it would happen, but it does not happen that way.

Manitoba has, as you know, one of the lowest minimum wage and composite industrial wage

provisions in Canada. I am not happy about this and my colleagues are not happy about this, but that from an employer's viewpoint of coming to this province is not a bar. On the contrary, it is probably an incentive for them to come. Why would that be not attractive to employers?

What about the Province of Quebec, I know somebody has mentioned that, which has an anti-scab legislation, which means, and I do not know if you are familiar with it, that if there is a strike, an employer cannot utilize replacement workers and thus must invariably close his plant. Has this stopped the employers from locating in the Province of Quebec? In fact, is it not true that the Quebec economy is more active and successful than many of the provinces in Canada? Yet they have anti-scab legislation. Now, what a bar for an employer to go there, but they still go there.

Then some say, that FOS is a saviour of weak unions. This is a meaningless statement. It really is. There are no weak or strong unions, I submit to you, only employees, a group of employees. No matter which union they belong to, they are often forced out on strike because that is the only avenue available, except to sign the surrender terms, which I submit to you, neither the union or the employers are prepared to do. Employees are forced to walk the picket line for many months or years until the employers have finally gotten rid of the union, or worse yet, in some other instances, if you will, the employer accepts a settlement which he cannot afford for fear of a strike, for fear of losing his business, which would be just as bad, by the way, as employees losing their job after a long protracted strike.

Now FOS, I submit to you, brings reasonableness and fairness to the bargaining table as opposed to the law of the jungle. All unions, I submit to you, are now supporting the final offer selection process. As previous speakers have indicated to you, all major unions are now opposed to the repeal of final offer selection process. Now that should be enough evidence for anyone here and not here to realize that it must be of some benefit. The public, I know, is opposed to strikes as well, but in particular, according to a survey, are in favour of the final offer selection process, because it is a viable alternative to the public becoming directly involved in strike or lockout issues.

All unions, including those who were opposed, the Canadian Union of Public Employees, the Manitoba Organization of Nurses' Association and many others are now unanimous on the benefit of final offer selection. There are no other reasons for the Conservative or Liberal Members of this House, I submit, to repeal final offer selection, except as somebody else has said, for purely political reasons. In regard to the commitment they made to the Manitoba Chamber of Commerce, all other election promises made during the last election, I submit to you, because it is a political process and not based on fact or evidence, that I would like to address the political aspect of it.

Because the issue is political, it is our opinion that the Conservative Party and the Liberal Party in this province, and Members of the House, if you vote in favour of repealing final offer selection, it will increase

your chances of not being re-elected in the next election. I can assure you that this organization, our friends and many others, who support final offer selection, will do everything possible in the next election to defeat any Members who voted for the repeal of this valuable piece of legislation, which is of benefit to all Manitobans.

It would seem, on the eve of an election in this province, or more appropriately so, with the possibility of an election in the near future—I have no inside information; I want you to know that—that Members of this House would attempt to represent the view of approximately 80 percent of Manitobans who support final offer selection and not create even more support for their opposition, giving them even better chances of defeating them in the next election. One should remember that there are many Members in this House, perhaps some sitting here today, who were elected by a very small margin at the polls. A few more voters, a few more dedicated organizers, a few more people knocking on doors would make the difference between them being re-elected and being defeated. It simply does not make sense for those who are in favour to repeal final offer selection to create even more enemies, more opposition than you now have.

I felt it important for me to mention this because many of us have felt appearing before this committee that we are facing the situation like, do not confuse me with the facts, my mind has already been made up.— (applause)— If justice, fair play and logic are to be applied by politicians—

* (2100)

Mr. Chairman: Order, please. I wonder if I could just have your attention please. I want to warn the audience that they are not to break out any applause or make any comments at a committee such as this. Thank you, please proceed, Mr. Christophe.

Mr. Christophe: If justice, fair play and logic are to be applied by politicians of this House, then final offer selection must stay. Evidence has been demonstrated to the Liberal Party in particular that final offer selection works. It is not harmful to employers or employees. It has helped hundreds of employees, as opposed to having them forced out in the street. It has a sunset clause in any case and should be allowed to continue its full term.

Why is it that some Members of this House agree that doctors can settle their labour relations disputes by arbitration, but FOS, which is a form of arbitration, is not acceptable for other segments of working men and women? FOS is supported by an overwhelming majority, if not all of the labour movement, and is in the best interests of the public.

I urge the Liberal and Conservative Members to reconsider their position and allow the final offer selection to continue in the Province of Manitoba.

Mr. Ashton: I just want to indicate that there are some of us on the committee held out some hope that the Liberal and Conservative Members of this committee will listen. We found it frustrating, quite frankly, during

the debate on this Bill because we found for much of the debate, we were the only Party debating the Bill. We had every Member of our caucus speak once. We had Members speak twice. The Member for Churchill (Mr. Cowan) spoke for eight hours trying to get the message across, and the Liberals put up two speakers, the Conservatives put up one.

It seems for two Parties determined to scuttle final offer selection, they are afraid to debate it. I think we have seen from your brief some of the reasons why, because I think you have done a very good job of demolishing some of the arguments put forward by the Chamber of Commerce. It is interesting, because many of the same arguments have been put forward by the Liberals and Conservatives. I do not think that is a coincidence, and also some of the other arguments.

The Liberals and even the Conservatives have another set of arguments they have occasionally trotted out and I want to deal with some of those propositions. It was summarized probably best by the Liberal Leader (Mrs. Carstairs) who suggested that—

Mr. Chairman: Mr. Ashton, I want to just remind you that we are here to question the presenter. If you have any questions for him, please proceed. I do not want you to get into a debate with the presenter. Please proceed with your questioning of—

Mr. Ashton: Mr. Chairperson, all I am doing is giving a background to a question I am going to ask, very directly, about a comment that was made because the presentation it dealt with some of the arguments that had been made to justify Bill 31.

It was a comment made by the Leader of the Liberal Party (Mrs. Carstairs), it has been echoed by the Liberal Labour Critic (Mr. Edwards), and by the Minister of Labour (Mrs. Hammond), and it is that final offer selection is not in the best interests of unions. In fact, they have suggested—once again the Liberals have been the ones that have been suggesting this the most loudly—that it weakens unions and more specifically—and these are direct quotes by the way from the Liberal Labour Critic—that final offer selection erodes the accountability of the leadership of a union with its members.

You have had a fair amount of experience in situations where final offer selection has been applied for, where it has been used, where settlements have been negotiated. Has that been your experience, and in particular, is it your opinion that final offer selection in any way, shape or form has weakened unions and has not been in the interest of unions in the Province of Manitoba?

Mr. Christophe: Absolutely not. I think the decision to utilize final offer selection is a decision that we make with our members, that we explain to them, that we suggest to them, and they make the final decision. They always do in our union, make the final decision by secret ballot, always have, including my election or re-election every four years. I think they have that right. If there is evidence to substantiate what I am saying, I am happy to report that I have been re-elected last

December, and I have made several recommendations, as you can see, to go final offer selection.

I never thought this was eroding the leadership's ability or credibility, only perhaps for those who have little credibility with their members, if there is any, if that exists. Those who are not comfortable in their role or before their members may feel somewhat concerned perhaps. I always felt comfortable to recommend to my members what I considered the best way for them to go.

Mr. Ashton: I will go further because you talked about the position of other unions. We have had people before this committee, we have had people say they were opposed to final offer selection when it was initially introduced and then changed their mind after seeing it in practice. I want to ask this question based on what you were talking about in terms of other unions. Are you seeing any evidence from not just your union but from other unions or anyone who in any way, shape or form accepts the suggestion by the Liberals and by the Conservatives that we should rid of final offer selection because it weakens unions and weakens the accountability of the union leadership to its members?

Mr. Christophe: Mr. Chairperson, I have not seen that. I am, as you can imagine, fairly close to the labour movement in this province, have been for years. I have never seen this to be the case. There is a choice now to utilize or not to utilize final offer selection. Other leaders in the labour movement, some of them have decided to utilize it, others not. None of them have suffered as a result of that.

Mr. Ashton: The reason I have been raising these questions is because we had addressed them with the Chamber of Commerce's position. Perhaps I expect that, but I found it very patronizing and insulting when I heard suggestions by the members of this committee that somehow they are doing something they feel is in the best interests of workers and of the labour movement, when you are saying very clearly that the position of the labour movement, the position of working people in this province is they want to keep final offer selection.

Mr. Christophe: Mr. Chairman, if I may add something with your permission, I would say the opposite is true. Let me use a scenario. Let us say people go out on strike for a year or two, and the strike is lost. I would say the leadership of the union then has a lot to worry about. Members may go back to them and say, how come? Why is it we have been there two years and we are not back at work yet? I think in this instance their leadership may be jeopardized.

If instead of that they utilize final offer selection and get a settlement as opposed to being out on strike for a long period of time and having to accept concessions which will reduce their standard of living, put some of them out of work, obviously final offer selection is a very viable alternative to them.

Mr. Ashton: In other words, it has, if anything, had the reverse effect.

Mr. Christophe: Yes, that is right.

Mr. Ashton: I would like to ask you further, because it has been suggested, and this once again has been put forward by both the Liberals and Conservatives that somehow final offer selection causes disruptions. The suggestion has been made for example that if final offer selection prevented a strike or resolved a strike that was in progress, then it might end the strike, but what you would end up with would be a workplace, workers who would be more divided, and divided not necessarily because of the strike or the negotiations but because of the use of final offer selection.

You have outlined a number of cases you have had direct involvement with. Has that, in your opinion, happened? Has final offer selection caused disruption or has it led to the opposite in fact?

Mr. Christophe: There is not a shred of evidence to point out that workers have been divided as a result of the decision made by the selector in the instances that we have had, absolutely none to this day.

Mr. Ashton: I want to deal with another argument that has been put forward, ostensibly to justify getting rid of final offer selection. It is in regard to the 60-day window and I have asked many of the presenters before the committee on it. I would like to ask you, because you have had experience with a number of situations. You have mentioned the Westfair strike which went 125 days, and we have had many workers come forward outlining their own personal experience. I want to ask you very directly, in the position of the person that would be recommending to your membership what would happen, and we could use a hypothetical case, it could be Westfair, it could be any of the bargaining units. The suggestion has been made, and once again by the Liberal Labour Critic (Mr. Edwards), that the 60-day window increases the length of strikes because somehow people are going to sit out on strike for 60 days and then access the final offer selection process after 60 days, something that they can do prior to the 60-day window.

I just want to put yourself in the position, you are going to your membership at the beginning of a strike, do you under any circumstances see that you would be standing before your membership and saying: Go out on strike for 60 days, lose your pay, put your savings at risk, put your house at risk so that you can access final offer selection mechanism that is available anyway prior to a strike ever taking place.

Mr. Christophe: I think this is a ludicrous suggestion. I can tell you that it had shortened strikes. We have had two previous strikes with Unicity Taxi before the one mentioned. I can tell you that the strike at Unicity Taxi would have lasted at least four, six months, maybe it could still be lasting today, had it not been for this particular case, so it did not lengthen it. No union leader, including me, recommends to people to go on strike very lightly because their livelihood is at stake, is involved, and if we do it is because that is the only means. As I say, if you resolve disputes, if final offer selection does not exist.

So I think there is no evidence whatsoever. Because there are two windows on FOS, in particular, that people would say: well, let us have a go and 60 days is nothing. Sixty days is everything without full pay. To many of our members, if not all of them, nobody takes it lightly to walk the picket line for 60 days, so there is no evidence that it lengthens strikes, none whatsoever; it is that simple.

* (2110)

Mr. Ashton: I appreciate your comments because of the fact that we have had individual workers here saying that this suggestion is absurd, the people that are making the decision, the fact that yourself in the position has only been making the recommendation, if unanimously people are saying this is one of the most preposterous and ridiculous suggestions that have been made, it really makes me wonder why people are clinging to their position and I only hope you are right, that people do not have their minds made up already and do not want to be confused by the facts, because the facts, I think, are fairly clear.

What I just want to ask is, going through some of these particular cases, you outline some of them in terms of the specific examples. How many of these cases—I am just looking through it here, the cases that you have referenced—how many of them were settled prior to award being given by a selector, and how many of them went to the final stage with a selector

Mr. Christophe: All of them were settled before the selector made an award except three. The point I want to make in regard to FOS lengthening strikes, or creating strikes, if this was true then the number of strikes would have increased and the number of unions utilizing the second window would have been far greater than those utilizing the first window. I think the records show that they utilize the first window and not the second window. So there would have been many more strikes. I am sorry; I deviated. Three out of 17 and two were in our favour and one they took the employer's position and in all those instances there were just a few issues left. We did not, as some allege, forfeit our right to bargain or not bargain at all and just sit on our hands and wait until somebody else makes the decision for us, we did not do that at all.

Mr. Ashton: Out of the 17 situations, in 14 of them final offer selection got people to the bargaining table, got a successful contract without going to the final selector stage. These are 14 situations where you believe a strike would have taken place if final offer selection had not been the spark, the reason for getting people back to the bargaining table?

Mr. Christophe: I think this is true. I indicated in most of them, if not all of them, that is absolutely correct.

Mr. Ashton: I just want to focus in on the three out of the 17. You mention that two had gone in favour of the employees and one in favour of the employer. What was the situation in terms of the acceptance of those

contracts? You referenced the fact that in most cases it was only a remaining few items that were really at dispute. Was there a great deal of disruption in the workplace following that in comparison to what existed in the workplace previously, or did it improve the situation? I am just trying to get some sense of what kind of impact the selector's decision had in the workplace.

Mr. Christophe: In the case of Dominion Store—

Mr. Chairman: Mr. Christophe.

Mr. Christophe: I am sorry. I am going to get used to the procedure eventually to wait for you—

Mr. Chairman: In order to get the mikes turned on for you, I have to recognize you.

Mr. Christophe: Of course you do. In the case of Dominion stores, the store intended to go out of business and went out of business anyway. The issue was severance pay. We knew in these negotiations that the last Dominion store in Kildonan Place would close. We were aware of that. The main issue was severance pay, and the selector did not accept our severance pay package; they accepted the employer's severance pay package. There was no disruption after that. As I say, the store was closing after.

In the case of Vista Park Lodge, it has to do with the introduction of the employee to a pension plan, to the Canadian Commercial Workers Industry Pension Plan. They had no pension plan before, and it was very critical for them to have one, obviously. It is a basic need now, a necessity for people who are of retirement age to have a half decent pension. They were prepared to strike for it. We had known that from the proposal meeting we had with them before. It was a key issue. It was a major issue. All the other issues were resolved except that one. We went before the selector and they accepted our position. The employer is doing very well today, thank you. He is business. The employees are happy and there certainly has not been any disruption.

In regard to the last one, which is Unicity Taxi, Unicity Taxi is a kind of employer, I think, you write textbooks about in terms of labour relations problems and what have you. The net effect of them was to continue to fight the process as such. You should know the employees have had a battle with Unicity Taxi to keep their job, not to be replaced by shareholders. In my opinion, they have mismanaged their company in many instances. They have changed lawyers, managers, almost every year. It is not a very good example because there was a battle before, there is a battle now, there will be a battle tomorrow regardless of the decision of the selector. So I have been quite candid and frank with you on that one. There was disruption before. There is disruption now. There will be disruption tomorrow. I mean that is the nature of that particular employer.

Mr. Ashton: The big difference you are suggesting is that, regardless whether it is disruption before or after in that particular case, the strike that took place could have gone on considerably longer if it had not been for final offer selection.

Mr. Christophe: There was no question. Yes, I am absolutely certain, absolutely convinced and there are some employees here, Unicity Taxi here tonight, I am absolutely convinced that it would have lasted on six months, a year, perhaps until today.

Mr. Ashton: I appreciate your bringing these facts before the committee because I think part of the problem is sometimes people have not had the exposure to what happens in a strike situation. I have been through two myself, one which went three months. It is very easy for a strike that people anticipate to go one or two weeks or a month or two months to end up in a very lengthy situation if the employer is unwilling to really get back to the bargaining table.

So we have looked at 17 situations that you have outlined in detail. I appreciate that information for the committee. Some which went all the way, three, 14 that did not.

I just want to look ahead, you mentioned about the contract coming up at SuperValu. I understand that it is coming up in May of this year.

Mr. Christophe: It is expiring in May, we have sent proposals and the same depending I have no idea of what the outcome will be. I cannot guess. Perhaps we will reach a settlement this time. I certainly hope so. That certainly will be our aim and objective. We may not. If FOS is not available we will only have one other alternative, if there are demands by the employers that our concessions are totally unacceptable, to have a repeat performance.

Mr. Ashton: We have had employees from SuperValu who have been here and their concern was that if it is not this contract it would be an upcoming contract and they could be out back on the picket lines again. I just want to look at the magnitude of what that is going to mean to this province. How many workers are employed approximately with Westfair in Manitoba?

Mr. Christophe: 1,400 employees.

* (2120)

Mr. Ashton: So if there is an impasse in bargaining in May or if negotiations continue past that point and FOS is not available we could theoretically and I am not trying to obviously get into the specifics of bargaining. Obviously that is underway and I realize you cannot really comment further than you have. We could end up potentially with 1,400 workers back out on the street again with no other option really than either a strike or settlement according to the terms that they may feel are absolutely unacceptable.

Mr. Christophe: Obviously that is correct. Obviously in this province with the exception of FOS if you cannot resolve your dispute and reach an agreement on the issues as such that the employees would lose substantially if they were accepting the employer's position without any justified reason. The only way is to go back to the streets and fight it out. I mean, there is no other. It is like a brawl in a bar and people saying

well, you know, let them fight it out, and even if people get hurt or what have you, that is the only way left so why not have it out, let them fight it out. Except other, as I say, innocent people are involved, the public is, and then sometime tragically as in the case of the Westfair strike.

Mr. Ashton: I appreciate your outlining some of the instances that did occur. How many other contracts, just approximately are you likely to be dealing with this year, just in terms of your union alone?

Mr. Christophe: Roughly speaking probably about 30 or so, 30 to 35.

Mr. Ashton: You know that in the situation of this year alone you are looking at the potential of 30, 35 contracts. I am not suggesting that each and every one of them will not be settled amicably but a number of them could end up in a potential strike situation. I guess you are telling this committee there could be a number of strikes this year, strikes that would otherwise not have taken place if final offer selection is repealed and particularly if it is repealed as quickly as some in the Conservative and Liberal Parties have indicated they would like.

Mr. Christophe: True, certainly that would be the case, certainly if FOS is not there, and I am only repeating myself, the only means available would be a strike situation, the result of a dispute or as I say accept terms that are surrender terms and people usually do not want to do that. I mean it is that simple.

Mr. Ashton: I just want to focus in on the process that has been followed because you talk about members of the committee, some members of the committee potentially not wanting to be confused by the facts. I am just wondering to go one step further and I have asked this to other people throughout this process. Has the Minister of Labour ever asked you for your experience of final offer selection, particularly the experience in the 17 situations that occurred, or would the Liberal Labour Critic? Have they asked you for your opinions? Obviously, one of our concerns in the New Democratic Party is: here is a law that is put in place for a five-year period; you recognize it is new and innovative; you are supposed to be looking whether it is working or not; and every presenter who has come before the committee has basically been saying no one has really asked them whether it is working or not.

You probably, especially the large number of contracts you have had to deal with in the last couple of years, have dealt with as many contracts as anyone in this province, some of which have gone to final offer selection. Has the Minister of Labour (Mrs. Hammond) in particular made any effort to really find out what has been going on at the level of the individual contract with final offer selection?

Mr. Christophe: No, she has not nor had any member or members of her department contacted me in regard to that specific issue. No.

Mr. Ashton: So there has really, after two years with the evidence that you are suggesting showing final offer

selection working, been no real commitment at all on the part of either the Conservatives or Liberals. I reference them in my question as well to find out from someone such as yourself, and we have heard it by the way from individual members as well of the MFCW. They have not been contacted either. The suggestion all the way along was that perhaps if they had not been contacted the union leadership has. Not only have they not been contacted, you have not been contacted either.

Mr. Christophe: That is correct.

Mr. Ashton: Well, Mr. Chairperson, it is interesting, you know, Mr. Christophe said—

Mr. Christophe: I am sorry, wait a minute. Maybe I misunderstood your question. Was the question a repeat of the previous question, or was it about the Liberal Party or other—

Mr. Ashton: Well, we can deal with the Liberal Party.

Mr. Christophe: I see. If you will repeat the question, I will be very happy to answer. Thank you very much.

Mr. Ashton: Mr. Chairperson, I had been very interested particularly in the Minister of Labour. You have answered that. I will be interested to see what you told the Liberal Labour Critic because if it is anything like you have been telling him and other Members of this committee today, obviously, he was not listening, but I will be glad to give you the opportunity to indicate what you told Mr. Edwards if he really wants that put on the record.

Mr. Christophe: Mr. Edwards never contacted me personally at my office at any time in regard to FOS. We indeed made a presentation at which he was present in this building. There was a discussion in that regard and we indeed attempted to convince them, as we are today, that it was working. That part is correct. We have met with them. We requested the meeting and they met with us. That is true.

Mr. Ashton: What we are finding out that there were several people who talked. We had heard reference from the Member for Radisson (Mr. Patterson) yesterday. I guess in this particular case the Minister of Labour (Mrs. Hammond) was not even interested in hearing what you had to say. In the case of the Liberal Labour Critic he just did not want to listen. So we are seeing on either case they have come to the same conclusion.

I just want to go a bit further.

Mr. Chairman: I wonder, Mr. Ashton, before you go any further I want to bring to your attention that we have some presenters here tonight that cannot come back another night. It is only fair that we would hear these, so I would ask if you would try to keep these questions to the presenter's brief so that we can get through as many presenters as possible this evening. Mr. Ashton.

Mr. Ashton: Mr. Chairperson, I am very close to concluding my questions and would be more than glad

to accommodate the people. We have been requesting this from our caucus from the beginning of the hearings of the committee. We would be more than glad to accommodate anyone that cannot return tonight. I was just on my final question, as a matter of fact, to Mr. Christophe.

I just want to give you the chance once again as I know you expressed a great deal of concern as to whether members of this committee would listen. What is your recommendation on Bill 31, the attempt to repeal final offer selection? Very, very simply, straightforwardly, what do you think this committee should do based on your presentation and the presentation of the many others who have come before this committee thus far?

Mr. Christophe: I think this committee should not repeal final offer selection. Allow it to continue its full term for one simple reason. There is no evidence that it has been detrimental to the employer or the employee or the public. In fact, there is evidence to the contrary, and I have attempted to give you the evidence that it has worked. I am speaking from personal knowledge about this. So if it works, if it is not broken, why fix it? It works, it is in the best interest of the public and Manitoba, and I urge you to look at the evidence. If you do that, I am confident that the right decision will be made.

Mr. Chairman: Thank you. Mr. Enns first.

Hon. Harry Enns (Minister of Natural Resources): Mr. Christophe, just a few questions. I am intrigued—

Mr. Chairman: Can you move your mike a little closer, please?

Mr. Enns: I am intrigued, Mr. Christophe, with your statement on page 10, kind of headlined with the fact that political enemies are now being made by the Liberal and Conservative Parties in the Province of Manitoba. I of course, will not speak for the Liberals; I speak as a Conservative, but Bernie, since when have you and I not been political enemies? I recall that you and organized labour were instrumental in throwing me out of office in 1969, and I know for sure that you were instrumental in throwing me out of office in 1981 when I was part of Sterling Lyon's administration. In fact, I can recall reading it in some of the union publications about—and I think correctly and fairly so—about the credit that organized labour took in bringing about the defeat of the Conservative administration in 1981 and the election of Mr. Howard Pawley and the New Democrats.

My question is, what can I do, or what are you suggesting I can do—should I be able to convince the Minister of Labour (Mrs. Hammond) or indeed Premier Filmon that we should withdraw the Bill to appeal final offer selection—are you suggesting that you would stop funding the New Democrats, become a Conservative and assure me of the 60 or 70 or 80 highly paid, organized, very capable workers that I know that organized labour is prepared to throw into an election? I am a representative of a minority Government, and quite frankly, we are always looking for help, Bernie.

Quite frankly, we need it, but is that not a case. I mean, maybe you want to separate us from the Liberals in that statement. I think we are political enemies, friendly as we may be from time to time, but is that not a fact?

* (2130)

Mr. Christophe: Well, Harry, I tell you this. I will do a lot for my members, but so far as joining the Conservative Party, that is perhaps going a little too far, Harry, but I will tell you this, I understand your question perfectly. Although it is part serious, part tongue in cheek, I think it is true that we are a political enemy in a sense of disagreeing -(interjection)- Philosophically, you are absolutely right.

What I am suggesting to you, and the reason I mention this is because clearly so far there has been no change, and I hope there is a change; the Conservative Party is saying, we are proceeding to remove final offer selection, the Leader of the Liberal Party (Mrs. Carstairs) has said the same thing, unless evidence can be shown to her that it should not be the case. What I am saying to you, Harry, is very simply this: If you repeal a legislation that is very important to many people in Manitoba, it may be true that people like me, in the next election, may not do anything different than we did before, except this, there are other people where it will be a lot easier, where they will have a greater incentive, where they walk the extra mile, the extra door—I mean that is what I am saying. You are giving them an issue to fight for, which they may not have.

I mean, even this fellow, when he was in office, which you know very well, did not tamper with The Labour Relations Act. Again, I did not necessarily agree with some of the things he said or did, but at least he did not tamper with it. The decision is yours. Obviously, politicians take chances and union leaders take chances. I am saying you are giving a ready-made election for a more militant to come forward, to knock on doors in the next election on a marginal seat. They will have something to fight for. You are giving them ammunition.

Mr. Enns: Just one more question, Mr. Chairman. I thank Bernie for the answer. I think we understand each other. Bernie, you, I think correctly again, indicated that the matter is before us because of political promises made. In suggesting that, you seem to indicate that political Parties ought not to carry out election promises made.

Would it not be fair to suggest to you, sir—you are a prominent organized labour leader—that in the course of your long association with the political Party of your choice, the Party that you support, that you have either at conventions or otherwise worked for, indeed perhaps extracted promises made from the Party that you have supported, and then when indeed they have become elected and become Government—as I am all too painfully aware that 15 out of the last 20 years, a New Democratic Party has indeed been Government in Manitoba—that it is not unfair for, in this case, organized labour to expect a Government to carry out those promises? I am simply asking you to reflect on, is it

any less unfair for the Conservative Party to carry out an election promise?

Mr. Christophe: If there were any promises that were ever extracted by me or anybody else from the New Democratic Party, if there were any, and I do not remember necessarily of any at this time, our position, my position has always been through the presentation and brief that we made to the Manitoba Federation of Labour, and of course the participation within the political Party.

Let me say this, I never expected any Party who made any promises, including the Party that I have supported for many years, to fulfill a promise, no matter what that promise is, that would be detrimental to the people of Manitoba, or that the evidence would show that whatever promise was made should not be implemented, whatever that may be. I have not always agreed with the political Party I support on some issues. I am saying to you, whatever promises are made, surely they have to be in the best interest of the people of Manitoba. If the evidence is that it is not, then promises should not be kept, because it is obviously detrimental. It is that simple.

Mr. Paul Edwards (St. James): Mr. Christophe, with respect to page 10 of your brief, suffice it to say that in the last election which was the first one I had ever run in, I looked across the street from my campaign office every day -(interjection)- it will not be the last one I run in, looked across the street at your head office, Mr. Christophe. There were big signs all over it, big New Democrat signs. I think her name was Myrna Phillips; I have kind of forgotten her name. You were certainly present in my last campaign, and I have no doubt that you will make your presence felt in my next one. I am sure we will see you soon.

With respect to the evidence which you suggest is so compelling, you make the comment that the committee Members should take the facts as they are, and you suggest there is some willingness to be confused perhaps by the facts. You in 1987, I believe, spoke in favour of this Bill when it came into the House at that time, and I think you made the comment that it would reduce the incidence of strikes. Yet in 1988 in the first year of final offer selection we had more strikes. Is that one of the facts that we should not be confused by?

Mr. Christophe: I think whenever a piece of legislation comes into effect it takes a while for people to know that it is there and that it exists, but I think my personal experience with the organization I represent shows that there would have been more strikes than there is now. I have seen some figures which show the number of days lost in Manitoba has in fact been reduced since the pre-FOS enactment. In 1989, for example, I think figures will show that the incidence of strikes had decreased. I can speak from personal knowledge on the example I have given you, and I can tell you that many of those, most of those would have resulted in strikes.

Mr. Edwards: As well with respect to 1989. The majority of other provinces experienced significant declines in

strikes and strike days lost as well as Manitoba. I am sure you will agree with that as well. Also, whereas we rank second place in Canada in terms of the number of days lost—when I say second, I mean we are the second lowest which is an extremely good position to be in and one we should want to be in—we have in fact been in that position six times since 1975. You have been around long enough I am sure to know that as well. I just want to ask you, you are suggesting that is a fact that we should also take cognizance of, is it not?

* (2140)

Mr. Christophe: Yes, I do, but I think you have to understand, and I know you do, that if final offer selection saves one person from being shot, as was the case in Westfair, if it avoids 15 people losing their jobs or spending it on the picket line, I think it is a very worthwhile thing. I think you can use statistics if you will, but I think what matters most is real people, flesh and blood out there, who go to work every day, who have a family to support, who democratically joined the union of their choice, who were put out on the picket line and because that is the only avenue left for them, have to walk day in and day out. Then, when the employers can, with the help of police, security guards, replace workers, it is not a fair fight. Maybe it was, years ago in the 1800s where there were small employers, where strikes had a different aspect or concept or what have you, but nowadays it is very destructive and very damaging. I am absolutely certain in my case that it avoided those strikes.

I say you cannot put statistics to people, to human beings. It works. Employers have not suffered. Name me one who has suffered because of final offer selection? Name me one who has gone out of business? Name me one who has been forced to accept a decision from the selector that was detrimental to his business or her business, just one.

Mr. Edwards: Mr. Christophe, it astounds me that you make that comment and others make that comment and we have not heard yet from any of these employers who have gone through final offer selection saying what a wonderful thing it was. Now that may yet happen, but we are not there yet. With respect to your suggestion on page 11 that some Members of this House have suggested that doctors should settle their labour relations disputes by arbitration, but that FOS, which is a form of arbitration, is not acceptable for other segments of working men and women, are you suggesting by that the working men and women you represent would be willing to give up the right to strike in order to preserve final offer selection?

Mr. Christophe: No, I do not think they will be prepared to give up the right to strike as a basic right forever and a day in favour of final offer selection, but I can tell you this, I know that if final offer selection remains, many of them will select final offer selection, will take final offer selection, as opposed to going on strike and the damage it does, longlasting damage it does, to the employer, to the public and to the employees. A very good case is the Westfair situation where we are still

doing the battle today, it has not stopped. There are divisions, and in those areas or units we had a selector there is no division, peaceful.

Mr. Edwards: Just one other question, Mr. Christophe. In what circumstances would you recommend use of the second window with respect to final offer selection; that is, recommend the use of going on strike and in what circumstances would you, as well, down the road recommend the use of the second window in final offer selection.

Mr. Christophe: Well, I would recommend it in the event that obviously the parties have not reached an agreement by the time the 60 days comes by. I would recommend it in the event that the employer makes no effort to settle the strike or the parties have not reached an agreement. I really do not think that to prolong a strike beyond 90 days serves any purpose really, except to knock one of the parties out completely and totally.

I mean, it is going for the kill, if you will, beyond that length of time and therefore some say 60 days might even be too long, but I think in those instances it would be appropriate. I think no strike at all, reaching a settlement obviously is the most desirable, and I think we all agree with that.

As I say, I give you an example of employers, one in particular, who wants to eliminate lunch breaks, coffee breaks, reduce wages anytime he wants. I mean, is that reasonable, is that fair? We have no chance against this; we can plead with him, we can say anything we want, and the only thing is they want us is to walk out there and stay there forever and a day, get rid of the union. Once you are faced with this, what do you do? I mean, you either stay out there and you try to stop them doing business the best way you can and that is where all the problems start.

Mr. Edwards: The one incident in which FOS was used, and you have mentioned it already, the Unicity Taxi case, you indicate I think that Unicity Taxi is one of the employers you would list as wanting to get rid of the union.

Mr. Christophe: Yes.

Mr. Edwards: You go into some detail about the very hostile relationship. It is interesting that the selector in that case, Mr. Chapman, specifically states that both of the final offers put forward by the two sides were unreasonable. In other words, not just the employer's, but also the union's position was unreasonable and, in speaking with Mr. Chapman and reading his decision, he has indicated to me that is really the one case he thought it did not work. The parties were so entrenched and hostile to each other that it simply did not serve the process well and I think his decision reflects that.

I guess I put that in a context of your eloquent comments about the Westfair strike which was another strike where the parties were very bitter and very hostile and had a long history of that. I wonder what lesson we can take from the Unicity case when in fact the selector has said it did not really work in that case.

Mr. Christophe: I am sorry, Mr. Chairperson, is it my turn? Thank you. I am glad you brought this up because I think you should also mention the other part of the decision which I have here. He also said that if the employer's final offer was chosen, such action would cause the bargaining unit to cease to exist, no union. He said in his opinion that the union was the fairest and most reasonable of the offer that was presented.

I mean, Mr. Chapman is entitled to his opinion. He may have thought that both offers were not the fairest, but he chose ours because he believed that ours was the fairest. I think that should also be said, but I can tell you this, Unicity Taxi is still in business today. Unicity Taxi has not suffered in any way that I know of because of that decision, because of selecting our decision. We went to great pain in our proposal to make it reasonable. There is mismanagement at Unicity Taxi, I can tell you that. It is unfortunate, but there is. Working men and women suffer as a result of that. I can tell you that his decision did not affect the business adversely and he also said that ours was the most reasonable of the two. I think the record stands for itself.

Mr. Edwards: I do not have the case in front of me and I do recall certainly the quotes you have given. He found that the union's offer was the least unreasonable in that earlier on in that decision—I do not think you will find that I am incorrect in saying that he does indicate that both of the offers were unreasonable, at least in some part.

I have had the pleasure of speaking with him at length about the many cases he has done, because he has done many of them and you have used them many times. I think it is interesting, and I am very pleased that you are here tonight. You have used this possibly more than any other, or have more experience than any other union leader in this province, with the use of final offer selection. Between the Manitoba Food and Commercial Workers and the United Food and Commercial Workers, I think combined they have used it far more than any other unions. Again, I do not have the numbers exactly, but I do not think that is particularly in dispute, it has been used a lot.

My question I guess is, how many times since final offer selection came into being in January 1, '88, have you negotiated contracts where you did not use it? In what circumstances, aside from reaching a settlement, would you not take the first window of final offer selection?

* (2150)

Mr. Christophe: Since the inception of final offer selection we—I do not know, it is hard to say, how many contracts we have negotiated without final offer selection, but I will venture a guess, 20, 30 or what have you, probably that number. The second part of your question was how often did you not select the first window?

Mr. Edwards: I guess what I would like to know is, are we to take it that 17 out of the 20 or 30 times that you have used final offer selection you have negotiated

20 or 30 agreements since it came in and of those 17 times you have used it? Let me just finish off the second part of my question which was, in what circumstances would you not use the first window of final offer selection assuming that you had not reached agreement with the employer?

Mr. Christophe: First of all, I just want you to know that the number of times we have negotiated versus the number of times we have—it is not as you said. We have negotiated, in addition to those 17 times, probably 30 or 35 times without FOS. So, if you combine the two, you are close to 45, 47 all together. The point I am making is that we have not used it 50 percent of the time. That is my first point.

When would you not use the first window? When you have expectations of reaching an agreement without any strike whatsoever, and suddenly after you pass your first window's opportunity, the employer pulls a fast one on you and make a proposal on the table out of the blue that is totally unacceptable, unexpectedly, and then you are faced with that. Then the only thing you have left is recommend strike action. If the people accept that by secret ballot, then you are faced with a situation where you go on strike and use the second window. I think if you do not use the first window because either by history—history of the collective bargaining has been such that you have reasonable chances of reaching agreement.

A good example was the last Safeway settlement that we negotiated. We did not use final offer selection because the history of negotiation has been good. We did not anticipate not reaching an agreement. In fact, we did reach an agreement.

Ms. Judy Wasylcia-Leis (St. Johns): I want to pursue a line of questioning that relates to your brief, Mr. Christophe, because I think in doing so perhaps there may be some way in which we can move the Members of the Conservative and Liberal Parties off their position of intransigence. It seems, based on tonight's questioning, that those positions are fairly firmly held. I think if you perhaps elaborated a bit upon the impact of final offer selection in terms of the female membership of your union and told us a bit about how collective bargaining has helped women in terms of our struggle for equality and how FOS particularly will be important in terms of that ongoing struggle. Perhaps you could tell us the representation in your union in terms of women and elaborate a bit upon how FOS in fact is a very beneficial tool to representing their concerns.

Mr. Christophe: Well, 50 percent to 55 percent of our membership are female members. In some companies the percentage is probably even greater. The collective bargaining process obviously assists them in bringing in equality in the workplace in terms of wages, benefits, what have you. Everyone in this room knows that a female unfortunately, historically and today, has still not achieved equality with her male counterpart.

The collective bargaining process is indeed a means to achieve this and to stop the exploitation of utilizing

them as cheap labour, because historically this has been the case. If the employers still insist on different wages for women or not allowing them various maternity benefits and others, then the only avenue left is a strike action. Many of them suffer greatly as a result of that. We have many single parents in our union, which is not unusual. Society has many. A strike for them is devastating; it is extremely difficult, extremely traumatic.

The final offer selection gives them, again, an opportunity to still look after their family or their children and continue obviously to work as opposed to having to walk the picket lines in order to have their particular injustice corrected. There is no question that women are affected, perhaps more so than men in that instance.

Ms. Wasylycia-Leis: We have had some very emotional and compassionate statements from individuals before this committee, many of whom are members of your union, many of whom have been through very difficult and prolonged strikes. What I am interpreting from many of their statements is that in fact women are particularly hurt by prolonged strikes, by confrontation, by conflict, by the kind of tension in the traditional tools used in labour disputes. Is that a fair assessment, that in fact women stand particularly to gain by use of this new and innovative technique or tool in terms of labour relations and dispute resolution mechanisms?

Mr. Christophe: I think your statement is correct. I think women mostly, men as well, but I think there is no question that they do. Many women obviously find it difficult to have to stop a truck, or people who are running them over, as it happened in a strike situation—what have you. It is a totally, as I said before, inhumane way to resolve disputes. It is a Neanderthal approach to something that should be resolved in the room, as opposed to a brawl in front of the plant or the store. It is inconceivable almost.

Unless you have that opportunity, that tool, that option—certainly I know we have very many courageous members, women in particular, but courage is one thing, and suffering—the availability of FOS is obviously a better solution.

Ms. Wasylycia-Leis: Just a final question on this whole area. Would it be fair to conclude—I want to focus in on this whole issue of equality for women, because we hear a lot from Liberal Members, we hear a lot from Conservative Members. Even my friend, Harry Enns to my left here, has agreed with me from time to time in terms of—

* (2200)

Mr. Enns: Mr. Chairman, on a point of order, while I wish to acknowledge that it is an honour and a privilege for me to be referred to as the Honourable Member for St. Johns' (Ms. Wasylycia-Leis) friend, I am a little disturbed when she refers to me as "on the left."

Ms. Wasylycia-Leis: You have just taken the words right away from me, Harry, sorry. Given that so much rhetoric, at least in this Legislature, particularly from the Conservative and Liberal Parties takes place with

respect to that equality of women, and that being a very worthwhile objective that we should all be pursuing, is it fair to conclude that final offer selection is a very critical and essential mechanism and tool for pursuing equality for women in the work force?

Mr. Christophe: I do not think there is any question. I think this is part of the collective bargaining process, obviously. If collective bargaining itself is there to advance or remove the inequality that has been existing for a year and still exists, in order to have the means to achieve that, if you cannot reach an agreement, once again it is a strike. It is a lockout. Or it is a final offer selection process which I think brings some sanity in the collective bargaining process as opposed to hitting each other over the head with a baseball bat. I mean that is what it turns out to be, unfortunately. We do not plan it that way, but it happens that way.

Mr. Jay Cowan (Churchill): We have heard a lot this evening from both the Liberals and the Conservatives, and a lot over the last number of days about how they are committed to the repeal of final offer selection, because, in their words, it was an election commitment or an election promise.

Mr. Christophe, that took me back to some of the election literature, to take a look at exactly what had been promised by the different Parties. The reason I bring that up is that there are approximately 20, a little bit more, criticisms that the Conservatives and the Liberals have expressed about final offer selection in the past. In reading back, you find some of that in their literature—if you will excuse me for just one second to find the right document here.

On April 7—I am looking at the Liberal Party's answers to questionnaires and to some interviews they had during the election, so these take place in 1988. On April 7, the Liberal Party's answers to a questionnaire submitted by the Manitoba Organization of Nurses' Association—now I believe the Nurses' Association had some concerns at the time about final offer selection, so it is interesting to note their response. I want to read it into the record—and remember the date is April 7, 1988.

The Liberal Party would move to enact changes to Manitoba's Labour Laws. The first law to be changed would be final offer selection Bill. This legislation is not in the best interest of either labour or management—I want you to remember that, because I will come back to that—It constitutes a particular disincentive to a union such as your own—speaking of course about the association of nurses—Government and other large organizations are in a better position to more adequately prepare the final offer than your own organization.

Also, it is simplistic to believe, as final offer selection would assume, that participants submitting offers would act in a common-sense manner. I do not believe that this will hold true—that is a Liberal speaking—thus gains made over a number of years could be lost very quickly in that kind of a final offer selection confrontation.

Now again, the date of that is April 7, early in the campaign, and the comment was made to an

organization which at the time expressed concerns about final offer selection. Later on in the campaign, on April 18, a couple weeks, 11 days later, they were speaking to another group, the Manitoba Organization of Faculty Associations, who have used final offer selection in the past and are in favour of it. Their position at that time was a bit different than it was previously, even although it is later in the campaign.

What they are quoted as saying at that particular time is, labour legislation, the Liberal Party has not addressed the issue of final offer selection and so has no formal policy. The Liberal Party considers the pay equity legislation will be very important and would like to see it applied to the private sector. Now—

An Honourable Member: What?

Mr. Cowan: Yes, would like to see it applied to the private sector. Now, we have seen them backtrack on that election promise in that they would now not like to see it applied to the private sector with respect to pay equity, but the issue is one of final offer selection. On April 18, when speaking to a group that was in favour of it, they said they had no formal policy and they had not addressed the issue. Yet, on April 7, they would have us believe that they had the policy, and they based it on these particular reasons.

I make that point, because I would ask you, if you feel the same way as I, that perhaps that strong commitment and campaign promise they made, which appears on April 7, was weakening throughout the campaign, and by April 18, they had moved away from it, and they should not feel now necessary to be held accountable to it.

Mr. Christophe: Well, yes, Mr. Cowan, you know, I find it somewhat difficult to answer that question. You are asking me how the Liberals feel now, or how they did, or how they will. I hope that the Liberals and any Members of this House feel accountable to the public as a whole, and I certainly hope that they would take a position on this Bill based on the evidence that has been presented to them.

Even if on April 7 they were saying that they would work for the repeal of FOS. I think they themselves will agree on that point, at that time when they made the statement that the legislation had not been given a chance to work. It was doom and gloom or a possible scenario which never came to pass. Strangely enough some employer's representatives are still holding that terrible things will happen if FOS stays, but there is no evidence so far to substantiate that it has been detrimental to any unions for that matter, to any employers, to the public. I mean there is nothing there, not even a come-close-to.

Mr. Cowan: Mr. Christophe it is not only the employers that are suggesting doom and gloom, it is the Liberals and the Conservatives who are suggesting doom and gloom. They did so in their speech, one of their few speeches, on this issue in the House. My colleague, Mr. Ashton, has asked you a number of questions with respect to specific criticisms they had, in your opinion, as to whether or not they were accurate.

I want to go back to the specific criticisms first that they outlined in their earlier paper when they were talking to a group which, at that time, had some concerns about final offer selection. They said that this legislation is not in the best interest of either labour or management. I would ask you point blank, do you think that has proven to be the case given the history of the use of that legislation in this province?

Mr. Christophe: Absolutely not. Sorry, Mr. Chairperson. This has not proven to be the case whatsoever. The opposite is true. The legislation has proven to be in the best interest of labour and management. I think the facts speak for themselves. The evidence that at least I have presented, the evidence based on all the unions utilizing it, has avoided a loss to the employers, loss to the employees, loss to the public. As one would say, what more do you want? I mean, that is it. That is really what this has done.

* (2210)

Mr. Cowan: This may be an unfair question; I certainly do not want you to date yourself, Mr. Christophe, but how many contracts do you believe you have negotiated in Manitoba in your history?

Mr. Christophe: In my 31 years? Many, I do not know, a thousand, 800. It is very difficult to say.

Mr. Cowan: Most of them settled without strikes.

Mr. Christophe: The answer is yes, most definitely. As the records show 95 percent, 98 percent. The percentage is extremely high.

Mr. Cowan: So the actual potential in a normal bargaining environment for the use of final offer selection would be limited to the extent that in most instances in the past you have been able to negotiate settlements without strikes, but when strikes occur they have created animosity, bitterness, division, sometimes violence, that has lingered on long after the strike itself has been settled. Is that not the case?

Mr. Christophe: I think this is absolutely true. Again it is true to say that it has been used in, obviously, fewer cases than the number of times that an agreement has been reached, but as I said previously, if it avoids pain and suffering to many people, I think it is worthwhile. I mean if it avoids pain and suffering to 10, to 20, to whatever, it fulfills its purpose.

Mr. Cowan: You have been negotiating contracts for 31 years now, when you started at age 12. Over the years you have seen labour legislation of many different types come forward from many different Governments. From that experience you indicated in the last instance that you heard the doom and gloom of the employers with respect to final offer selection. I believe we heard the doom and gloom of the employers with respect to first contract legislation. Certainly there was doom and gloom expressed by the employers with respect to the 72 amendments to The Labour Relations Act Amendments in the 70s.

Would it be fair to say that on every instance when a New Democratic Party Government has brought forward progressive labour legislation there was a familiar chorus from the Conservatives and business—big business community, particularly—and now the Liberals, that warned of impending doom and gloom with respect to the implementation of that legislation and how it would destroy the business environment in the Province of Manitoba. Second to that, have you seen that happen in any of those instances, from your perspective as one who is very much interested in ensuring your members have jobs as employees of the business community?

Mr. Christophe: Again, this doom and gloom scenario has never materialized. My experience has been, in dealing with the Chamber of Commerce and the various labour-management review committees I have been on, that it has almost been sort of an automatic reaction from the employers community on any piece of labour legislation. Their position has been doom and gloom, and the province, we are going to turn off the lights, the province is going to be the end of the business community. They said that when the minimum wage was raised; they said that almost in every instance. It is almost like a defence mechanism to them, it is automatic. They always say that, but the evidence does not show that, has not shown that.

Mr. Cowan: Well, what is very interesting is that argument goes one step further, Mr. Christophe. I would like your comments, your insights on this as well. Not only do they say that there is doom and gloom impending that will result from progressive changes to the labour legislation, but we also hear a constant refrain at the time of the change in the labour legislation that in their minds, the minds of the corporations and the Conservatives and now the Liberals, we have the best possible labour relations climate in the Province of Manitoba right now, that doing anything at all to change it would upset that delicate balance, which is a bit of a contradiction.

They are saying it is the best labour relations climate in the world every time a change is proposed of a progressive nature, but they are also saying that progressive change will destroy it. Then the next time a progressive change comes forward they say: Oh no, it did not destroy it; it is the best labour relations climate in the country, and this change will destroy it. In your opinion, how many times do we have to listen to them cry wolf before we realize their interests are not the interests of the business environment generally but the interests of the Chamber of Commerce and those employers who would like to see the impact of unions reduced in this province?

Mr. Christophe: Well, I think you have already answered the question, posed the question and answered the question at the same time.

Mr. Cowan: It is a bad habit of mine.

Mr. Christophe: In the sense that, as you said, if it is one of the best labour relations climate in the province, then obviously it should stay as is, meaning the final

offer selection should stay as is, first contract and the rest of it. Let me say this. If final offer selection is removed, try to tell the Westfair people who are on strike, or those who are going to go on strike and stay our there for a year or two, that this is the best labour relations climate in the province. They are going to find that hard to believe while they are out there and would have preferred to have another avenue to settle their dispute. It is not going to be very meaningful to them to keep saying that. As I said, obviously if that is the case, I submit to you that delicate balance can be affected if final offer selection is removed because, as I said, there is only one other avenue left to resolve labour relations disputes, which is lockout or strikes.

Mr. Cowan: Going back to the Liberal position paper of April 7, 1988, I quote from what they say: It, meaning final offer selection, constitutes a particular disincentive to the unions such as your own. Government and other large organizations are in a better position to more adequately prepare the final offer than your own organization.

You negotiate in some very large multinational corporations which probably have very extensive labour relations and research departments available to them to prepare such briefs.

You have limited access. Your quality of the brief and your staff is probably as high, but you do not have the same quantity that the multinational corporations may have or the same access to resource persons that they may have. Do you feel that you are at a disadvantage or do you think that it is more a matter of the fairness of the brief and the fairness of the position, rather than the time spent researching the material going into it?

Mr. Christophe: I do not think we are at a disadvantage at all. I do not think any union is at a disadvantage. I do not think any employers, even small employers, are at a disadvantage to present a brief at all.

When a union, no matter how big or small, advances a demand or a proposition or a viewpoint, they get their information from the people that they work with, and most of them make a pretty good job of it. Small employers have people or lawyers that they utilize, and I go back to Unicity Taxi again. They spent hundreds of thousands of dollars on lawyers fighting us—and that has nothing to do with the preparation for the final offer selection, although they had one of their lawyers make a presentation—which is ten times more spending on lawyers to fight the unions than they could have given their employees, for example. I know I am adding to your question, but the answer is: there is no difficulty in making a brief, there is no difficulty in presenting—we all spend money on lawyers, unfortunately. No offence to the legal profession.

Mr. Cowan: The Liberals in their brief also say, and I quote: "Also it is simplistic to believe, as final offer selection would assume, that participants submitting offers would act in a common-sense manner." You have been involved in a fair number of dispute resolutions where final offer selection was used. I believe that there is a particular disincentive, a great risk to any participant

in the final offer selection process that does not act in a common-sense manner.

* (2220)

The Liberals say there is no reason to believe that would be the case and let us give them the benefit of the doubt by suggesting that they made this statement when there was not much experience in Manitoba with it, the use of final offer selection. Based on that experience, would you find that there has been any case, to your knowledge, where participants submitting offers have not acted in a common-sense manner and, to take it one step further, would you agree that final offer selection, because of the risk involved, if one does not provide a reasonable offer, would pull the parties together more towards developing common-sense proposals than would another type of arbitration process or even the threat of a strike or lockout?

Mr. Christophe: I think that is absolutely true. I think I have indicated to this committee that, in the case of Unicity Taxi, Dominion Stores, Vista Park, we lowered our demand in order to have a better chance to convince the selector to accept our case. I know management did the same thing. We were also involved, by the way, in final offer selection, which was agreed to by the employers, by the co-ops in Viriden, in Carman Co-op, in Dauphin Co-op, what was in the collective agreement and we did not reach an agreement; we went to final offer selection.

I know that they increased their demand somewhat, we lowered our demands. They did not take our position. They selected the employer's position. In my view there is a definite tendency that both sides do want to convince a selector, and they know that if they want to succeed they have to lower their expectations, lower their demands. If you say that, why could they not do it before using final offer selection. Unfortunately, in the real world it does not happen that way. Instead of coming to have that avenue to them, a strike results, a lockout takes place. Unfortunately, if it is not there, that is the only thing left. So, in every instance I know there have not been any parties that have gone way out on a limb, believing that they could make a case because they would know that their position will never be accepted.

Mr. Chairman: Mr. Cowan, before you ask your question here, I want to advise you that we agreed to rise at 10:30, and we have some presenters here that have to present today because they cannot come back another day. I wonder if we could wind up our questioning here as soon as possible.

Mr. Cowan: I will ask one more question, and then I will assume the committee would be prepared to grant leave to sit to hear those two individuals.

Mr. Chairman: Well, we will see. Mr. Cowan.

Mr. Cowan: The last question then is based on another assumption that was made in the Liberal brief of April 7, and they suggest—and I have heard this also suggested by some unions as a concern about final

offer selection when it was first being discussed, before we had the chance to review it from a practical perspective based on the experiences that we have had over the past couple of years. The Liberals at that time said that they did not believe that participants would act in a common-sense manner, thus—and this is the important part—gains made over a number of years—and I am certain they are talking about principal gains rather than wage gains, gains in language—a number of years could be lost very quickly in that kind of final offer selection confrontation.

In all the instances of final offer selection being used by your labour organization and others of which you are aware, has there ever been one case of where a major piece of language or a major principle has either been won or lost by the employer or the employee organizations through the use of final offer selection or has it had, as it was suggested by many in the beginning, an effect of bringing the parties together on basic issues that are outside of the scope of major principles and letting those be resolved in more traditional bargaining methods?

Mr. Christophe: There is no evidence whatsoever that any major issue has been won or lost by either side on any of the decisions made by the selector. None of that exists and indeed, in all the cases I have mentioned, in the 14 out of 17, it has brought us closer together. I think it was a gentle threat, if you will, of the FOS who brought the parties together. There has been no loss whatsoever. I know some unions, who have since changed their mind as you know, believed that would be the case. The seniority would be destroyed, but selectors are a lot wiser than we think and they are not about to go on the limb either way for either side to that extent. I think this is why some unions have changed their mind, because major benefits have not been lost, major gains have not been made.

Mr. Chairman: Okay, thank you very much. Are there any further questions then? If not, I want to thank you.

An Honourable Member: One quick question.

Mr. Chairman: Well, you realize though we have two people. Mr. Edwards.

Mr. Edwards: Mr. Christophe, if we might ask you to use your influence with the third Party, the Party of your choice and that of your unions, to have them get the courage of their convictions and at some point vote against the present Government, which they have not done for a year and a half, and which they did not do again Monday night. I know that final offer selection is an extremely important issue to you and to them. I would suggest that perhaps you canvass that issue with them and ask why they have propped up this Tory Government. We also would like to get rid of them for different reasons, but I would simply make that very simple request to you, Mr. Christophe.

Mr. Christophe: My influence over the New Democratic Party does not extend to telling them when to vote and when not to vote, but I am sure that when the

appropriate time or issue comes up, they will stand and be counted and vote against the Government of the Day, I assure you.

An Honourable Member: They have not yet.

Mr. Christophe: Well, they have not yet, but it may be sooner than you think. It all depends on the issues.

Mr. Bob Rose (St. Vital): It is not a question of "I belong." I think the record should show that the allusion made by the Member for Churchill (Mr. Cowan) is wrong, that statements were made on April 7 and April 18 by the Liberal Party.

Mr. Chairman: Mr. Rose, do you have a question for the presenter?

Mr. Rose: The statement was made not on April 18, but on March 30. Thank you.

Mr. Chairman: Thank you, Mr. Christophe. Mr. Cowan, do you want to correct the point?

Mr. Cowan: No, on that point, we have become used to the vacillations and the rapidly changing positions of the Liberals on many issues. Sometimes it is hard to keep track of any particular issue on any particular date, they change so often.

Mr. Chairman: Thank you, Mr. Christophe, for your presentation this evening.

Order, order. Can I have your attention, please? We have two presenters who walked in who were not on the list this evening, but would like to make a presentation. Is it the will of the committee that we hear these two people? (Agreed) I will call Shirley Diakowich, please.

Ms. Shirley Diakowich (Private Citizen): Hello, my name is Shirley Diakowich. I am a shop steward at SuperValu, Gateway and McLeod, where I have been employed as a cashier by Westfair Foods since April of '81. I have served on the 1987 negotiating committee, and this made me realize how important final offer selection is. I feel FOS is viable because it can be triggered by both parties, in fairness. There is no need for sacrifice by employees or employer—an alternate to strike. If the unresolved outstanding issues can be settled by FOS, both parties would profit. If there was an equal effort at fairness, final offer selection would not be needed, but this is not always the case.

Let me take you back to the Westfair strike of '87. I was a picket captain at that time and saw my share of hardships. Did anyone truly win? In my opinion, no, everyone paid. The customers, they were forced to shop elsewhere. Others got involved in situations that would have never existed if there was not a strike. Some harboured bad feelings for months after. Some did not return at all. The company paid with noticeable loss in sales and business, the loss of regular customers in the area. Many employees that were once dedicated found other jobs or restricted their hours of work, looking for something better, not to mention the bad publicity for Superstores at that time.

* (2230)

The employees also paid with financial obligations and everyday needs that could not be met. The result: many hardships and family break-ups. There were also many hard feelings and tensions created between the employer and the employees, as well as the employees that had worked side by side for years.

In 1987 our backs were against the wall. We walked 125 days and Westfair lost \$4 million. Would FOS not have been the best alternative to this situation? All the money that was spent on lawyers, court cases, drawing white lines in front of the stores, putting up planters, video cameras, security guards to guide people in and out of the stores—in fairness, could not a portion of this expense have been used to settle the contract? I ask you, what does strike accomplish that FOS cannot? With high taxes and rising prices, the GST hanging over our head, bargaining will be tough, as you have seen in the business section of the newspaper yesterday. I do not think I would like to be one of those employees clenched in that fist.

On behalf of my co-workers and myself, I ask you to reconsider your decision that will cause many needless hardships for everyone that is involved. To ensure fairness in hard times, final offer selection is the only answer. Thank you.

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

Mr. Ashton: I appreciate your comments. We have heard from many people who went through the 1987 strike and the difficult situations. You mentioned that you are here tonight—you are a shop steward, you are talking for your fellow workers. There was an interesting comment that was made a couple of days ago by someone that had been through the SuperValu strike, and that was, it was not just the people that walked the picket lines who are saying they want final offer selection. It was even the people who crossed the picket lines, the strikebreakers. I would like to ask you, what are people saying, not just those who went through the strike, not just the strikebreakers? What are people in your workplace, no matter what happened in 1987, saying about final offer selection today?

Ms. Diakowich: People in my workplace do want final offer selection. I find the ones who cross the picket line expect to be treated better than others and they have been represented fairly by their shop stewards because they have gotten into a lot of problems and I think they would also like final offer selection, that is more or less. I have been asked in the staff room about it, if we would be using it. That is the ongoing conversation in the staff room.

Mr. Ashton: It is interesting because, as we have said before, some people have said that final offer selection creates divisions in the workplace, that it leads to difficulties, just the potential availability of it. You are saying in this particular case that ironically final offer selection is one of the few things that really has brought people together, that people, no matter what happened

in 1987 are all in your workplace, talking about—I am not saying using final offer selection, of course you do not have to use it, but saying that you should have the option to use it.

Ms. Diakowich: There are still people at work who have hard feelings against one another. The shop stewards work close together. They oversee the problems that exist, if you know what I mean. It is not to the point any longer where you sit at your table, I sit at mine. It has taken three years for people to sit together. I mean it is still in the back of their minds what happened, but a lot of these people who did cross the picket line now say, well, I would never do that now, never do it again, now I realize—which I guess at that time they did not feel they were hurting anybody. They just wanted to make a living.

Mr. Ashton: As we heard earlier, with contract negotiations beginning almost immediately, a contract that expires in May, what do you think the reaction of people in your workplace is going to be if this committee supports the passage of this Bill, if it goes to the Legislature and is passed and if final offer selection is taken away prior to that contract? How do you think people are going to feel faced with the prospect that they will only have one choice really, whether to accept or reject the contract, in the case of rejection go on strike, whereas currently they do have that other option, final offer selection, which could potentially avoid a strike?

Ms. Diakowich: I think they would be very pleased if final offer selection was passed, but if it was not, and it was a repeat of what we went through the last time where everything was being taken away anyway, I do not think they would have any choice.

Mr. Ashton: We have heard comments before the committee about hopes that Members of the committee will listen, and I certainly agree with that—

Mr. Chairman: I wonder, Mr. Ashton, we cannot hear you, if you would speak into the mike, please.

Mr. Ashton: My apologies, Mr. Chairperson. What you talked about from your experience reminded me of the quote that someone once said, that those who do not learn from history are condemned to repeat it. I just look at May, I really hope for your sake and for the workers at SuperValu that you do have the choice of final offer selection. I can assure you that we, some of us on this committee anyway, are listening and that we are going to take your message throughout this debate. I really hope that there is another choice. I really thank you for your presentation.

Ms. Diakowich: Thank you.

Mr. Chairman: Are there any further questions? Mr. Cowan.

Mr. Cowan: Yes, one brief question. A lot of us over the past number of months and weeks and days have tried to convince more particularly the Liberal Party to

change their mind on this issue. We do not believe that the Conservative Party will change their mind to be quite frank. We do believe that there is a chance that the Liberal Party, given their positions of differing degrees in the past, can be brought back to the position that we think is the important one and that is to continue on with final offer selection, to continue to give it a chance.

I want to ask you what you would say directly to them, having at least two of them sitting here in front of you, on behalf of all the workers at Westfair—the ones who sit in the lunchrooms; the ones who talk about the quality of life in the workplace and the ones who want to make a decent wage; the ones who want to have a healthier workplace; the ones who want just to be able to have some control over their own working lives so that after they have put in their six, seven or eight, or two, or four, whatever hours it is a day, they can go home feeling good about what they have done and feeling good about what they are able to bring to their family.

They see this as being potentially lost unless they have an opportunity to even up the sides a bit so that they do not have to fight it out in the jungle of a strike or lockout every time they go to the bargaining table because they have an employer that does not share the same values that working people share. I want to give you an opportunity to say, because we have said everything we can say, and we spend a lot of hours saying it. We have done it in many different ways. We are hoping your words will have a bit more of an impact. If you would give a message from the workers at Westfair to the Liberal Caucus through these two people sitting here today, what would that message be?

Ms. Diakowich: That message would be that many of our people are women with kids, and they need to earn their dollar. They need it for bread and milk. The prices are going up. Some work very few hours, maybe 4, 8 hours. Some are single moms. If you do not give us this choice, we are going to end up on a picket line where mothers are going to end up on assistance because there is no place for their kids to stay. It is not nice to say, but if you came down to that picket line and had to live 125 days with us, maybe you would not agree with the way you are thinking; maybe you would change to our way of thinking.

Mr. Edwards: Ms. Diakowich, I want to respond to that. I want to thank you very much for coming, certainly on behalf of myself and my colleague from the Liberal Party, to talk to us. You are not the first to have come from people who participated in that strike, and we have appreciated hearing from all of them. I have the personal pleasure of knowing a number of people who were involved in that strike and indeed continue to work at Westfair. I simply want to make sure you know that the issue for us is not—there is no issue between us and the New Democratic Party as to wanting to do what is best for the working people in Manitoba. The issue is how best to achieve that, and you have come today to express your views. I want to thank you for that.

Ms. Diakowich: I do not think there is any better way of helping the people than allowing them the choice.

Mr. Chairman: Mr. Ashton, do you have a final question?

Mr. Ashton: Mr. Chairperson, I would suggest the people that can best speak for the working people of this province are the working people themselves. I believe this presenter just said it all.

Mr. Chairman: Thank you for your presentation, Ms. Diakowich.

The next presenter is Debbie Enstedt.

Ms. Debbie Enstedt (Private Citizen): I do not know if there is anything else to say, following these two.

Mr. Chairman: Please proceed.

Ms. Enstedt: My name is Debbie Enstedt, and I am here tonight to speak in support of retaining the final offer selection legislation. In the Free Press last night, in the Business Section, the headlines read, Tough wage bargaining expected. It goes on to say that Manitoba could be in for some turbulent bargaining sessions and possibly increased work stoppages. This year, according to the Manitoba Labour Department's figures, 396 contracts are up for renegotiation in this province. This affects some 53,000 Manitobans.

* (2240)

I work for Westfair Foods, and I am one of these Manitobans whose collective agreement expires this year. I believe the Free Press is 100 percent accurate when they print that upcoming negotiations will be turbulent. The upcoming GST, 49 percent in personal income tax since 1985 and inflation will only make bargaining more difficult, as employees press for more to keep up.

Final offer selection offers us an alternative if bargaining in good faith fails. Last year Manitoba had the lowest recorded work stoppage in 15 years. I attribute this to final offer selection. As far as I am aware, contract talks have only gone to a selector five times. It is that threat of going to the selector that both sides negotiate seriously.

During the Westfair strike 1987, everyone lost money, friends and families were divided, for some it was even a difficult religious issue. There was also the threat of violence on the picket line. One incident I recall is a car coming through our picket line, backing up and knocking over a little girl. She was luckily unharmed, but it could have turned out much worse.

Final offer selection offers us a much more civilized answer. If our livelihood is threatened I would endure a strike again, but would prefer laws such as final offer selection to protect us from the hardship of a prolonged strike. Final offer selection has a sunset clause so I do not understand the expediting nature of repealing this legislation. Why not give this legislation a chance? When the sunset clause kicks in then examine the pros and cons. I firmly believe that the Westfair strike, one of the most violent and bitter strikes in Manitoba history, could have been avoided if FOS had been a law at the time and I urge you to reconsider.

Mr. Chairman: Thank you Ms. Enstedt. Mr. Ashton.

Mr. Ashton: I thank you for coming forward and we just had a discussion a few minutes ago in terms of people saying that they feel they represent the interests of working people, and I do not want to get into a political debate, I want to ask you. I want to ask you what the people you work with are saying about final offer selection, as other people have come forward, because that is really why we have this committee. What are they saying in terms of final offer selection? Do they wish to see it kept, or do they support those that would for whatever reason—and I really do not believe it is because it is in the interests of working people in this province—do they support that side of the argument, that we should get rid of final offer selection?

Ms. Enstedt: No one I ever talked to at work thinks that we should get rid of it, they all want it, especially those who were on strike last time. Even the people that worked during the strike, the only thing that has brought us together in the stores a little bit is the hope that we will not have to go on strike again and FOS is there.

Mr. Ashton: The more I go through this committee the more I wonder why the Conservatives and the Liberals are so determined to get rid of final offer selection. You are saying that no one in your workplace—and this is a workplace that went through a terrible strike, we have heard all the stories, all the hardships that took place that affected so many people— agrees with the Liberals and Conservatives in saying they want to take away final offer selection?

Ms. Enstedt: No one I have talked to.

Mr. Ashton: Mr. Chairperson, I realize it is late but I just wanted to say very briefly that I appreciate your coming forward and many other people have come forward. As I said just to the presenter before, I think you and the other presenters have got the message through. I just hope people are listening that there is support to keep final offer selection, and particularly from people who have gone through the kind of experience that you have gone through in 1987 and I really hope people are going to listen and you do not have to go through that situation again. I really thank you for coming forward.

Mr. Chairman: Thank you. Are there any further questions? Ms. Wasylycia-Leis.

Ms. Wasylycia-Leis: Just a few short questions. I also want to thank you and all the others who have come forward to give your human stories, much of which has been very painful and it has taken a lot of courage to come forward and tell those stories. I know you may feel that you are repeating some of the previous presentations, but I think the more times that they are said the more chance we have of perhaps getting through to Members around this table, and maybe it is the only chance we have of convincing the Liberal Party and the Conservative Party that their position is

wrong, that they must respect the wishes of the people in the field.

I have a couple of questions. Many of the people that have come forward, like you, are women and you have got a particular story to tell, and it seems to me that what you are saying is that final offer selection is particularly important for women. I think, if I understand what you and others are saying, is that one of the reasons it is particularly important for women is because women are in more difficult economic circumstances generally and primarily have responsibility for the family, which means that going through long, prolonged, confrontational strikes is almost impossible in terms of surviving that kind of situation. Is that a fair assessment of what you and others are saying?

Ms. Enstedt: Yes, it is true; it is very difficult. It is difficult to survive on the wages we make, never mind cutting them and going on strike. It is not only mothers and single parents. We have women who live on that who are not married, so it is their only income. We have one girl here tonight who had to move out of her apartment during the strike and live at a cabin because it was the only way she could make ends meet. She did not have any other financial help at home. There are other women like that in the store, lots of them—and the hours are being cut.

Ms. Wasylycia-Leis: The other thing you and others have been saying, particularly the women presenters who have come forward, is that you have given a clear message about the importance of all of us being more co-operative in our relationships and in our institutions. You have talked about consensus building and about getting rid of conflict and being less confrontational. It seems to me this is particularly important in terms of women, and that in fact women have been the leaders in bringing forward those new values. Is that a fair assessment, and is that something we should focus more on in terms of this debate, a new way of looking at society, a new way of relating to one another, a new way of building a more peaceful, harmonious society?

Ms. Enstedt: Yes, definitely; especially at Westfair, where most of the employees are women, and it is more civilized. I mean, we have laws governing everything. Why not FOS?

Mr. Cowan: I just have a few short questions, given the lateness of the hour. I do not want to take much time, but I would like to find out what work you do at Westfair. What is your job description, and how much do you work during a given pay period or a week?

Ms. Enstedt: I am a cashier, and I work 24 hours a week.

Mr. Cowan: How long have you been employed at Westfair?

Ms. Enstedt: Since 1980.

Mr. Cowan: Would you be involved in the union activities at the shop in a formal way? Are you a steward

or are you involved in committees, negotiations, et cetera?

Ms. Enstedt: I am a shop steward, and I was on the negotiating committee last negotiations and a picket captain during the strike. I am also on the upcoming negotiating committee.

Mr. Cowan: Are you paid directly for the work you do on behalf of the union, or is that primarily a volunteer position?

Ms. Enstedt: It is mostly volunteer. It is just paid lost time.

Mr. Cowan: The reason I ask that question is because the Liberals and the Conservatives have been rather gentle in their language throughout these committees. You do not get a chance to hear what happens in that somewhat more heated environment just down the hall called the Legislative Chamber. One thing that we hear from two Parties, and all three Parties do participate in elevating the rhetoric from time to time in turning the heat on, but there is some language that is particular to two Parties, the Liberals and the Conservatives. That language is—when we talk about final offer selection, they tend to ignore what is being said by people like yourself here today, and they talk about labour bosses wanting this legislation, not the working people who want this legislation, but it is the labour bosses who want this legislation, or the labour brass. I would ask you a simple question first. Do you know any labour bosses?

Ms. Enstedt: I know Mr. Christophe.

Mr. Cowan: Do you think, when he speaks out on behalf of the final offer selection, he is following the direction of the members of the organizations which he has been elected to represent, that if he were to speak out on issues contrary to the wishes of the membership, he would not be in that elected position for very long? Would that be a fair assessment.

Ms. Enstedt: Most definitely. He always listens to what we have to say. We can phone him at any time. He always listens, and if he has done things the members have objected to, they have certainly let him know in the past.

Mr. Cowan: In this particular instance, would you say the membership of not only your union but obviously you have contact with other unions involved in the labour movement through your union activities—they are fully behind not only what Mr. Christophe has said this evening and fully in agreement with his assessment of the situation, but that of many other labour leaders who have come forward to speak out on behalf of their membership?

* (2250)

Ms. Enstedt: Yes, I think that is true.

Mr. Cowan: So you would disagree with the Liberals and the Conservatives when they say this is just a matter of labour bosses trying to impose their will on the NDP.

Ms. Enstedt: I would totally disagree with them. If they really want to know, I think they should come into the workplace and talk to the workers. You are guessing when you think it is a labour boss and that is it.

Mr. Cowan: They are guessing. Are they guessing wrong?

Ms. Enstedt: They are definitely guessing wrong.

Mr. Cowan: I have two final questions then. I asked the presenter before you to speak directly to the Liberals and hopefully, through them to their caucus, with respect to what the workers are saying on the workplace floor. I do not know if you work in the same shop or in the same area or if you work with each other, but I would like you to take the same opportunity if you would, in a few short words, to give a message to this Party that has to make up their mind whether they are with working people or against working people on this issue, and what the people in your workplace who are facing now a year in negotiations which may be—hopefully it is not—a repeat of what happened several years ago if they do not change their minds.

What would you say directly to them on behalf of those people back at Westfair who have to work every day in order, as you have said, to feed their families, to put bread on the table, to buy the things that we all need and to feel to be productive members of society?

Ms. Enstedt: Well, I would say that you have been told this over and over again, and if you do not believe us, I invite you once again into the workplace. Ask us, we will tell you.

Mr. Cowan: One final question. The New Democratic Party has, because they believe strongly in this legislation and because they believe strongly that it will help working people in this province—and that is whom we are elected to represent—have used very many different tactics in order to stop this repeal of final offer selection from proceeding through the Legislature. We have been criticized for wasting the time of the Legislature, wasting the money of the Legislature. We have three of us from the caucus here today. I would like to get some sense from you if you want us to continue on that battle in every way we can, using every tactic we can in the Legislature until the Liberals change their mind, or should we just give up on them and let them have their way at the expense of working people throughout this province.

Ms. Enstedt: No, we do not want you to give up. We want you to keep trying to—as a matter of fact, I had this conversation at work today, because some people said that the hearings would be over because of the negative publicity you were getting about keeping them going. Most of the reaction was good, good; keep it going.

Mr. Edwards: Just one question. I want to thank you as well for coming forward; we certainly appreciate it. With respect to my friend's last question, Mr. Cowan's

last question, do you think this is an issue important enough to you and important enough to the workers whom you work with to stop it, and you have said stop it in any way the third Party, the New Democratic Party could. Do you think it is important enough to vote against the Government on this issue?

Ms. Enstedt: Most definitely, absolutely.

Mr. Edwards: In that regard, do you see this as something that you and the workers in your place of work would be willing to have an election on?

Ms. Enstedt: I would see it as an issue that a lot of people who never ever had any interest in politics have an interest now in.

Mr. Edwards: Just to confirm, do we take from that, that you would want this then to be an election issue, if an election could be forced on this issue, so that final offer selection was not repealed and there was an election? That would be your recommendation to the third Party?

Ms. Enstedt: Yes, I think it would be an issue. Definitely. Like I said, people who really have no interest in politics and probably still have no interest in politics are very interested in this particular issue.

Mr. Edwards: What do you think then of the Party supporting the Government just two nights ago in a confidence vote which would have brought down the Government—

Mr. Chairman: Order. Mr. Edwards, I wonder if you could keep to the presenter's point here and not change the subject.

Mr. Edwards: It is an absolutely valid question. The presenter—

An Honourable Member: Mr. Chairperson, on a point of order.

Some Honourable Members: Oh, oh!

Mr. Chairman: Order, order.

Ms. Enstedt: Could I say something?

Mr. Chairman: No, just a minute, Ms. Enstedt, we have a point of order. Mr. Ashton.

Mr. Ashton: I hope that we will allow the presenter to make her presentation. I would just caution. We do get into political debates in the House. If the Liberal Member wants to get into debates on what happened two nights ago, he can get into that. What I find confusing here is he is asking a whole line of questions to the presenter when his Party and the Government are the ones that are voting together on final offer selection. Let us not try and—

Mr. Chairman: That is not a point of order, Mr. Ashton.

Mr. Chairman: Mr. Edwards, please continue. Complete your question.

Mr. Edwards: Mr. Chairperson, my question is simple. The New Democratic Party is taking a holier than thou attitude towards this, and the fact is that it has been a year and a half that they have propped up this Government. There is one clear way—

Mr. Chairman: Mr. Edwards, I wonder if you would get to your question, please.

Mr. Edwards: I am getting to my question. There is one clear way to make sure that final offer is not repealed for the third Party. They did not take that choice two nights ago, and I encourage you to encourage them to take that choice the next time they have the chance to bring down this Government.

Ms. Enstedt: Your point is made. I know where the NDP stands on this. I am talking to you. We want your support.

An Honourable Member: And we know where you stand.

An Honourable Member: It is worth an election. Is it?

Ms. Enstedt: I do not know. What I think it is worth is, why do you bring up an election? Is it because you cannot make this decision? Is this decision only going to be based if you can get the votes. Do you really not care about us? -(applause)-

Mr. Chairman: Okay. If you two would like to get into a debate you can do that after. I am sorry, I cannot allow you— -(interjection)- Order, please. Mr. Edwards, if you and the presenter would like to get into a debate, you can do that outside the Chamber later.

An Honourable Member: She is winning, by the way.

Mr. Chairman: I want to thank you very much for your presentation this evening, Ms. Enstedt. Thank you.

Just prior to rising for the evening, I would like to remind committee Members and members of the public that the committee will also be sitting tomorrow at 10 a.m. and at 8 p.m. tomorrow night.

The time is now 10:58. Committee rise.

COMMITTEE ROSE AT: 10:58 p.m.