

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS**  
**Thursday, March 8, 1990**

**TIME — 8 p.m.**

**LOCATION — Winnipeg, Manitoba**

**CHAIRMAN — Mr. Edward Helwer (Gimli)**

**ATTENDANCE - 11 — QUORUM - 6**

*Members of the Committee present:*

Hon. Mr. Enns, Hon. Mmes. Hammond,  
Oleson

Messrs. Ashton, Burrell, Cowan, Driedger  
(Niakwa), Gaudry, Harapiak, Helwer, Minenko

**WITNESSES:**

Mr. John Pullen, Private Citizen  
Mr. Len Sawatsky, Private Citizen

**MATTERS UNDER DISCUSSION:**

Bill No. 31—The Labour Relations  
Amendment Act

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\* (2005)

**Clerk of Committees (Ms. Patricia Chaychuk-Fitzpatrick):** Order, please. I call the Standing Committee on Industrial Relations to order. I have before me the resignation of Mr. Burrell as Chairperson of the committee.— (interjection)— I am sorry, yes. Therefore, we must elect a committee Member to be Chairperson for this committee. Are there any nominations? The Honourable Mrs. Oleson.

**Hon. Charlotte Oleson (Minister of Family Services):** I nominate Ed Helwer.

**Madam Clerk:** Ed Helwer has been nominated. Are there any other nominations? Mr. Cowan.

**Mr. Jay Cowan (Churchill):** Yes, I nominate Mark.

**Madam Clerk:** Mark Minenko has been nominated.

**Mr. Mark Minenko (Seven Oaks):** I do not accept.

**Madam Clerk:** Mr. Minenko refuses the nomination, therefore, Mr. Helwer has been nominated. Are there any further nominations? If not, Mr. Helwer, you are the Chairperson.

**Mr. Chairman:** Okay, I call the Standing Committee on Industrial Relations to order. This evening the committee will resume hearing public presentations on Bill 31, The Labour Relations Amendment Act.

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

If we have any out-of-town presenters or any presenters who are unable to return for subsequent meetings, although I believe this is the last one for public presentations, please identify yourself to the Clerk of Committees, and she will see that your names are brought before the committee as soon as possible.

Just prior to resuming public presentations, did the committee wish to indicate to members of the public how long the committee will be sitting this evening?

**An Honourable Member:** What has been the practice?

**An Honourable Member:** Ten o'clock.

**Mr. Chairman:** Ten o'clock has been the practice. Mr. Ashton.

**An Honourable Member:** Let us change that, 9:30.

\* (2010)

**Mr. Steve Ashton (Thompson):** I was going to suggest, and I know you have referenced this might be the last meeting, depending of course if we complete, we set that as a target, but we would be flexible to meet all the needs of the people here tonight.

**Mr. Chairman:** 9:30 then, you say.

**An Honourable Member:** 9:30; if we have to, go till ten o'clock.

**Mr. Chairman:** Okay, if that is the will of the committee that is fine.

Okay, we have one member that was on the list of presenters. His name was No. 53 on the list, Mr. John Pullen. Is he here? Mr. John Pullen, would you please take the stand, please come forward and take the stand, or make your presentation—I am sorry. Mr. Pullen, do you have a written presentation?

**Mr. John Pullen (Private Citizen):** No, Mr. Chairman, I do not.

**Mr. Chairman:** Just please proceed then.

**Mr. Pullen:** Something quickly drawn up—Mr. Chairman, and Members of the committee, I thank you

for the opportunity to appear before this committee. That is a plus, but, however, the minus is that I am ashamed and disgusted with the politicians for allowing final offer selection legislation to be a matter for repeal. I have spent my whole life in one position or another serving or working on behalf of workers. Many of those years have been in the labour relations field in Manitoba, therefore, I am totally amazed at the hypocritical position you are taking on final offer selection. You cannot treat labour legislation or labour relations as if you were casually turning a tap on and off. Remember, you are dealing with a bread and butter issue here, not some bureaucratic role of the Legislature.

Opinion polls show today that the public are very cynical of politicians and hold them in low esteem. This is very sad because I believe very strongly in the democratic process and that no call is greater or exacting than to serve on behalf of the public in the service of the public. When you talk to workers and investigate this further you find they are cynical because in their view politicians are hypocrites and speak on two sides of their face and on this particular issue, they are absolutely right.

\* (2015)

Where does this Government and the Liberals stand on fair labour legislation? I have heard many of you say they believe in The Labour Relations Act and its preamble, which states for your information if you have not seen it lately, whereas it is in the public interest of the Province of Manitoba to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and unions as the freely designated representatives of employees. With this in mind, I suggest you put your money where your mouth is because FOS is a process within the collective bargaining structure, no more, no less.

I do not believe in living in the past because our responsibility for the future of our children and their children is becoming so demanding and arduous and it is the duty of their politicians to lead from the front when it comes to matters dealing with employers and employees. That is why we have to review what has taken place previously. Even though we do not want to keep looking at the past, one has to be aware of what took place.

Labour organizations have striven for years for the rights of workers, both through collective agreements and labour legislation which includes court battles as well, for freedom of association, right to strike, right to grievance procedure, and arbitration rights, et cetera. This has not been achieved easily or overnight. As the labour history teachings show, any attempt to take away rights that have been won fairly and placed in legislation is unforgivable by any Government.

Suffice to say, I do not have the time to go into the tragedies of strikes and lockouts tonight. I venture to say very few of you have been involved in this arena. I was not always involved directly, but this has happened, but in many instances I have been involved directly, either through picket lines or some of the

hardships and sorrow that has taken place in these situations.

I can remember after the Brandon Packers strike in 1960 which was one of the most confrontational strikes that took place in this province, and there have been others since. I would urge you to get a copy of a recent pamphlet and booklet on the Brandon Packers strike. It is very informational.

There were many people that wondered if there was a better way to avoid the bitterness and hardships that took place during such a labour dispute. As you are aware, the Manitoba Federation of Labour has submitted proposals for changes to The Labour Relations Act for many years to provide a more equitable relationship through The Labour Relations Act.

Whenever this was done, there was always an outcry, an obstructionism from the Chambers of Commerce. This was even so many years ago, even when Duff Roblin was Premier. Harry, you may remember when Jack Carroll was Minister of Labour and when Obie Baizley was Minister of Labour. Even in those days, the Chamber of Commerce came forward and did not necessarily want to see what they felt was too progressive labour legislation.

The funny part is, you talk about progressive legislation. It was generally legislation that had been enacted in other areas either federally or provincially in other jurisdictions. We were not necessarily making new ground, breaking barriers, but we wanted fairness for the workers of Manitoba.

\* (2020)

In spite of major changes to The Labour Relations Act, particularly in 1972 when Russ Paulty was Minister of Labour, the labour relations climate in Manitoba got better and continued that way. In spite of all the negative criticism by anti-labour groups and employers, this province can hold its head up when it comes to the relationship in regard to the labour relations that were enacted and how it has stood this province in good stead.

You see, during that time, while pieces of legislation were being brought forward, there were also meetings of the minds if that is what you would call it, or at least there was an attempt to go through a process. There was also the Labour Management Review Committee. It was not known as that then, but that is what it is now. It is still in progress. It was called the old Woods Committee. It was formed in 1964. It has served this province well. Now it has had its ups and downs, but as an example I would suggest to you that if you look at the Allied Hydro Council Agreement on the Manitoba Hydro projects, and the first one was Kettle Rapids. As you know since then there has been Sundance, there is Conawapa and different ones. That took place and it took place through getting together and working together.

Whenever it came to pass that new changes were attempted, we had this situation of the Chamber of Commerce calling progressive legislation bad for the

province. Remember this, the dark cloud over Manitoba—oh, my goodness me! Was it such a dark cloud?

It has not worsened labour relations. Labour relations are still wholesome and good in this province. Who was this by? The Manitoba and Winnipeg Chambers of Commerce, the Mining Association or other employer organizations.

Another piece at the time, and I did not have all of them, labour laws dreadful. Tsk, tsk. They have not been dreadful. They have been very fair and equitable, if you can call it that. It certainly does not place all the power in the hands of the workers, because if it did that, as the labour movement has said from time to time, they would not have the percentage of organization that they have now. They would be in the region of 80 or 90 percent organized, so where is this big union and this powerful labour group myth?

Well, the myth is there because it is the demagogues from the Chambers of Commerce and others that come forward with this hysteria and try to frighten the people of this province.

\* (2025)

If you feel that what I am saying, and I am biased, maybe I am partly biased, but listen to this reading and this decision that was handed down in the Court of Queen's Bench by Justice Ferg on June 24, 1988. I quote to you:

I feel impelled to say here that I found that the total general thrust and tone of the positions taken and arguments presented by the intervenor, Chamber of Commerce, would lead one inexorably to the conclusion that the intervenor, which is that all labour relations Acts and codes, that all labour legislation, which has been so painstakingly developed amidst periods of intense labour strife and amidst periods of labour calm by Legislatures and Parliaments everywhere during the past three-quarters of a century, were scrapped allowing for only the total freedom concept of the John Stuart Mill philosophy to govern or even return to the old common law position in labour pre-legislation history.

I do not have to remind you of the master servant Act, when union members were regarded as-criminal conspirators. The intervenor disagrees it seems, with any legislative interference of any kind, disagrees even with the basic concepts designed by Governments to permit industrial peace to be the rule rather than the exception.

That is from the Court of Queen's Bench on the date that I stated, was by Justice Ferg, and it was relating to the intervenor, in other words, the Manitoba Chambers of Commerce. So it is not just the labour movement or others that have this fixation.

We should not be repealing and apologizing for FOS. We should be reaching out and telling other jurisdictions what a tremendous asset it has been in the collective bargaining process. We should be proud that Manitoba has made an innovative process work. I suggest to you that there is the old adage, if it works, don't fix it.

Members of the committee look at the facts. FOS has been applied for 72 times since January 1988. FOS

encourages good-faith bargaining and negotiated settlements. It minimizes bad-faith bargaining on the part of employers eager to force a strike and break the union.

Fifty-eight cases have been finalized by the Manitoba Labour Board as of January 30, 1990, 14 are still being worked on. Of the 58, 49—85 percent—of the cases were settled by the two parties prior to a selector decision. That is of paramount importance in showing what was stated would happen. Five cases resulted in selector decisions. Three adopted union final offer. Two adopted the employer. Four applications were dismissed.

So it shows the Labour Board and their authority and their fairness, because if it was not felt relevant then the dismissals took place. Clearly these statistics show FOS is working, that is it is encouraging negotiated settlements. Six of the 11 strikes in 1988 in Manitoba were settled through FOS. These were lengthy strikes that would have been a great deal longer without access to FOS.

In the first three-quarters of 1989, the latest reported on by the Department of Labour, there were six strikes. The average duration was 6.3 days. Clearly, workers are not going to go on strike and wait the 60 days in order to apply for FOS. That is nonsense.

\* (2030)

Final offer selection is useful for newcomers to the collective bargaining process who may resist good-faith bargaining, because they are not familiar with it, that is the newly organized employers. Final offer selection provides the incentive to approach bargaining in an open-minded way with a negotiated agreement the target.

Let me remind you what the Federation of Labour said to the Legislative Review Committee on June 23, 1987. I quote: The reason we support FOS over conventional arbitration is precisely because it creates pressures on both parties to negotiate in good faith, unlike conventional arbitration, which creates incentives for the parties to drive their demands further apart. FOS creates an incentive to come closer together.

As such, it complements the collective bargain process and can contribute to protective, productive negotiations, which may make it unnecessary to invoke FOS procedures. In fact, the success of final offer selection may be measured by the infrequency of its use. Also the MFL stated: When negotiations break down we need a more civilized alternative to achieve fair settlements without unnecessary confrontation.

I would just like to add here, when I think of the number of times over the years that I was beseeched by politicians, employers and senior bureaucrats, who said, surely the labour movement can come up with alternatives and something better than strike action to resolve labour disputes and have industrial peace, but I guess it is obvious, when they do, you throw it back in their face. Therefore, Members of the committee, we are at the crossroads.

If you let Lyon political ideology dictate to your brain and your conscience because of the Chamber of

Commerce influence within your Party, then you are committing an unforgivable injustice and sticking a knife in the back of every worker in this province who expects fair treatment and justice from his or her elected MLA. The Progressive Conservatives have been straightforward. At least you generally know where you stand on this issue with them. I do not obviously agree with them. That is why I am here, but as far as their mandate, they seem to be down that road, unfortunately, with blinkers. However, when the crunch comes, I would like to believe they are not so high and mighty as to forget it is workers who they are supposed to represent in the Legislature, not the Chamber of Commerce.

The same straightforwardness cannot be attributed to the Liberals. They pretend they are on the workers' side, but have no guts to prove it. They are up and down like a toilet seat on this issue. The Liberal alternative is no alternative. Wake up to reality, you Liberal MLAs. You say you think of the workers; you have no thought of the workers whatsoever with that alternative—none whatsoever.

I implore you, do not repeal FOS, because every one of you who votes for the repeal will be branded as antiworker and retribution will be pursued and finalized at the ballot box. I say that sincerely. I say that not jocularly, but your turn will come—make no mistake about that—because you are dealing with the livelihood and pay cheques of workers. Why are you so dogmatic when you have an existing sunset clause in the legislation? I believe FOS is working well for both parties in collective bargaining, but if some of you still have doubts, in the name of honesty at least have a study done by an independent tribunal. It is definitely working. I urge you, please beseech the Premier (Mr. Filmon) to take this action before destroying the labour relations atmosphere in our province.

I could carry on in regard to the formulation of FOS and the pros and cons that have been discussed previously within the whole context of labour relations. However, the bottom line is, are you prepared to continue to give FOS a chance to prove its continuing success rate in labour relations?

I would like to thank you for listening to me.

**Mr. Chairman:** Thank you, Mr. Pullen. Are there any questions? Mr. Ashton.

**Mr. Ashton:** Mr. Chairperson, it was interesting that you raised the dark cloud spectre because a number of presentations were made, a small number of presentations were made, earlier on during the preparations of this committee by individuals arguing that final offer selection should be repealed. I should not say individuals actually, they were representing the Winnipeg Chamber of Commerce, Manitoba Chamber of Commerce. The group that you pinpointed to, I know you have had a very extensive background in terms of the labour movement in Manitoba, and I thought particularly interesting you were talking about the fact that the dark cloud argument has been used other times when changes to labour legislation have been made.

It is interesting because when questioned on the dark cloud, the Chamber of Commerce representatives seem

to have backed away, not from the concept but the terminology. One of them called it hyperbole. One of them blamed it on the headline writers. I take it you are suggesting that regardless of whether it was the headline writers, or regardless of whether it was in an advertisement a few years ago, you have heard this before on labour legislation and you have said it, going back to the 1960s in Manitoba.

**Mr. Pullen:** Oh, absolutely, but they were not as volatile. It did not come out the same way. Do not forget it was changing times and you look at what was happening in the '60s or at that time and different factors in regard to labour legislation, and it was not done and did not progress the same way in the sense of how the Chambers operated.

It seemed quite frankly that in the '70s—and remember during the Lyon years when MacMaster was Minister of Labour and what different things happened then, lots. All of a sudden it seemed to surface because of Bill 22 in 1984-85, and the Chamber, for whatever reason, and whomever they elected, and whomever represented them, came forward with this doom and gloom scenario. That is why we said then, instead of Mr. Newman, and Mr Gardner and other people that we talked to—and do not forget we talked to them at the Labour Advisory Review Committee and other places as well. I mean you just did not talk to them because you appeared before the Law Amendments Committee. So you talk to them, but it was the attitude and it was, even though it was '72.

\* (2040)

There were major changes in '72, but for some reason, as I say, they came out with this other stop. The media caught hold of it and obviously there was the sensationalism. There always is the sensationalism, you know, the labour laws are dreadful, and such was not the case. We said at the time, such would not be the case. If people act in good faith or want to work together in labour relations, it can be done.

Once again I will repeat that labour relations do not have to take a back seat to any other jurisdiction in this country, because our relationship is good. We do not drive employers away. That is lot of crap, a lot of nonsense. If employers want to come here, they will come here if they can make a buck. That is the bottom line, and so be it. We have nothing against profits, but they are going to come here and they are going to pay fair wages and conditions. Is that so wrong? That is what keeps the economy going, because when you get a buck, you spend a buck, and that is how it should continue to be. If employers want to come in but want to cheat and chisel, then we do not need them. They are not good for the province.

I am proud of this province. I came to this province in 1957 with my family. People have said to me, why did you come to the Province of Manitoba? Why did you stay in the Province of Manitoba? I said, because I liked the Province of Manitoba. I said it is a great province. It is a great province to bring a family up in. No, we do not have the high wages. We did not have the oil boom that they had in Alberta, but what we had

was the median. Here was Winnipeg, half a million people, the rest of the province approximately half a million people. We were a decent province to live in. I would not always say that in January and February, mind you, depending on the weather, but other than that, this is a great province.

That is why in regard to labour relations we should keep it that way. I would further like to meet with Premier Filmon whom I met before and implore him in regard to this particular issue, because I am so angry—so angry—that we are going to do something that will hurt workers of this province.

**Mr. Ashton:** It is interesting, because one of the items that was raised by the Manitoba Chamber of Commerce actually, I believe they were part of the big advertising campaign, I remember it well, the dark cloud over Manitoba. Mr. Newman, who made the presentation at this committee, who was also I believe a member of the hearings, one of the people that was making that criticism at the time, it is interesting, because in your brief this time they tried to argue the statistics showed that final offer selection was not responsible for the fact that we have had the lowest level of days lost to strikes in 17 years in 1989 with final offer selection, second lowest in the country.

They read into the committee, this is right from their brief, they said it is arguable that this percentage would reduce even further, because Manitoba law has since 1972 increased a number of provisions which discourage employers from becoming involved in a strike or lockout situation. I read that to you again, so it is quite clear. They are saying essentially that the 1972 laws that were brought in have increased a number of provisions which discourage employers from becoming involved in a strike or lockout situation.

If I remember correctly reading through the material, and you have the direct hand knowledge, did they not use the same arguments at that time in terms of some of those changes? I mean, you are saying that since the 1960s, every time a new law comes into place they use the same arguments, but here, and I realize it is 18 years later, but here the Manitoba Chamber of Commerce is now saying, well, this labour law which they do not mention they opposed, has resulted, even they admitted it is discouraging employees from becoming involved in strike or lockout situations.

I am just wondering if you find some irony, having I am sure—remembering well the 1972 debates and seeing that 1990, they are now using the same arguments. I guess my concern is that it might take them another 18 years before they recognize that the same will happen with final offer selection. Actually I hope they have another 18 years because if this Bill is defeated, they will. I appreciate your comments on that because you have had first-hand experience going back to 1972, of these type of arguments.

**Mr. Pullen:** I hope it does not take 18 years, Steve, because I do not think we can wait that long. We are in a different era. Was there not another plant closed down the last couple of days, East-West Packers this time? What have we now become as far as the

meatpacking industry? What are we, No. 6, or whatever, maybe less, I do not know. I mean, these are changing times and we cannot afford, because the Chamber has these different aspects of looking at some of this legislation, that we have to remember that we have to be fair to the workers of this province. God knows, they are going through enough times.

Ask the people from Canada Packers that still do not have jobs, and others. Ask the people, 170 from Varta Battery that are going to be down the road in June. From the point of view of the Chamber's attitude, it is not new, obviously, like it is there and okay, that is fair game. I mean, I am not saying that they do not have their right to come forward. Of course they do. That is the democratic process.

What I am saying is, to the Members of this Legislature, that in good conscience, if the statistics show, and in my opinion they have, that FOS is beyond a doubt successful and fair, then my God, surely you owe it to your constituents to keep it on the books and at least come forward and say we are prepared to have a study. That is the minimum you should be prepared to do, the minimum. Like I said, you have a sunset clause. My God, what else do you want?

**Mr. Ashton:** It is interesting because as we have gone through these committee hearings what has been notably absent has been representations from individual employers. I have been asking people throughout this committee trying to determine how come we are in this situation with a Bill that as you said is on a sunset clause for five years.

This Bill, final offer selection, has been in place just over two years. The statistics are showing it is working and yet the only arguments we have seen trotted out, once again, not by individual employers, but by the Chambers of Commerce, have been the arguments that were trotted out in 1972 in the Chamber of Commerce's own brief. Unless I misread them incidentally, if they feel it is not good for Manitoba to have provisions that discourage employers from becoming involved in a strike or lockout situation, perhaps I am misreading their brief. I hope that is not what they are saying. They said that in 1972. I believe they have been proven to be wrong. They said it in 1983 and '84, a dark cloud in that period of time. They said it in 1987 when we introduced this Bill and they are saying it again in 1990.

As I have gone throughout these hearings and seen the same argument has been trotted out, that it has time and time again, I am beginning to really wonder where the real arguments are coming from on this. In fact, I want to ask you in terms of that because there have been some who have suggested it is coming from the other side. Some have suggested that there is division in the labour movement. Perhaps in 1987 there was some concern expressed, and I remember the committee hearings, a number of unions.

\* (2050)

You have had lengthy experience in the trade union movement of Manitoba. What would you assess the current situation of the labour movement of Manitoba

in 1990 in terms of final offer selection, your view on final offer selection, as compared for example to 1987 when the majority of unions, the majority of working people supported final offer selection, but clearly a number of major unions did not? What is the situation in 1990? If we are not having much put forward in terms of the employers, I want to see what arguments are on the other side, because there are some by the way who have said that this is in the best interests of unions that we get rid of final offer selection. The Liberals have said that. I am just wondering how you assess the current situation, in particular in light of those comments.

**Mr. Pullen:** That is very interesting, Mr. Ashton, in regard to the question of the labour movement. Remember when the labour movement opposed final offer selection and when they were before the hearings, that it was different reasons to the Chamber of Commerce, when they had different concerns altogether.

Therefore, what took place and what they were scared of was some of them—not the majority, because the majority supported FOS—but there was some division in the labour movement, and they were concerned that they would lose some rights and some ability within their own structure that they saw as individual units, that would affect them and could not support it in its entirety. We thought this could happen, make no mistake. We did not feel that it was 100 percent sailing by any stretch of the imagination, but once again we come back to, it was not a brand-new process.

FOS had been tried in other areas. It had been tried at the University of Manitoba. It had been tried I think in some sports labour group in the United States, but when it was proposed, I said previously in regard to surely the labour movement, on behalf of working people, is big enough to at some time come forward with something that they feel is innovative to a degree in their own jurisdiction. The Manitoba Federation of Labour did that, but I can assure you, Steve, that there is not one union today—have you had any unions coming before this committee and saying they support the repeal? I would suggest to you, and while I am not of course active within the Federation now, I would suggest to you that I doubt if there is, because I think they are unanimous that final offer selection has been a good piece of legislation for the people of Manitoba.

**Mr. Ashton:** Well, you are absolutely right in terms of presentations to this committee. It has almost been a deafening sound in terms of those seeking to dismantle final offer selection. We have not heard from any trade unions. In fact, we have heard from trade unions and trade unionists who say quite clearly that in 1987 they were opposed to final offer selection and that they now support it. That includes individuals from unions affiliated with the Manitoba Federation, included Mr. Smith of the Canadian Federation of Labour. It is not coming from one direction. It is coming generally. As I said earlier, we have not heard from individual employers coming before it. We have had some individuals representing organizations, but I—correct me if I am wrong—do not believe we have had—I think

you can count on more than one hand the number of presentations we have had before this committee calling on the Government to dismantle final offer selection.

One question I have been asking people throughout these committee hearings is first of all whether they have been contacted in regard to their views on final offer selection or if other people they know have really been contacted as well, people with experience, for example, in the labour movement with experience in negotiations, experience with trade unions, such as yourself.

I wanted to ask you that, and also go further and ask if you were aware of any real degree of consultation on this, because I am trying to really ask myself this question as we come to the tail end of these committee hearings, where this big push to get rid of final offer selection is. Where is this big push that is leading the Conservatives, and I am not sure about the Liberals quite frankly. I have some hope for the Liberals still yet.—(interjection)—The Liberal Member disputes me on that.

I will always have hope right up until the final vote on this that maybe the Liberals will look at the situation and ask themselves this very simple question. We have the Government leading a charge and there is nobody behind them. Why are the Liberals, why would they want to be pushing for the dismantling of final offer selection when, as I said, we have not even had half a dozen, not even that many people asking for its dismantling?

I want to ask you, as I said before, what contact have you had, what contact have people who you know had in this particular question. Have any of them really been contacted, and have they been saying get rid of final offer selection? If not, what is the message from the people who you know, many people in the trade union movement, what is their message on final offer selection for this committee?

**Mr. Pullen:** As I said before, Steve, there is no reason, because the facts are there, very simply. I mean, you cannot argue with success. Like I said where I underlined or yellowed out, how can you argue with 85 percent of the cases that were settled by the two parties prior to a selector decision, and we were right.

Did we not say that would happen, that invariably it would force the parties, it would put pressure on the parties and they would get a settlement? Is that not good for labour relations? Is it so devastating, those that have been dealt with by final offer selection? Far from it. Did you have the employers that adopted, were forced with a decision on final offer selection, have they been here? Have they been here saying, oh, my God, look what it has done to us? I would think that if anybody would appear before this committee, it would be somebody who felt they had had an injustice done to them by this legislation, but I ask you, Mr. Ashton, have those employers, where a settlement was imposed on them by final offer, have they been before this committee complaining?

**Mr. Ashton:** In fact they have not, and that is the thing that really, as we move to the end anyway—we have

some more presentations, but this may in fact be our last evening after more than two and a half weeks of public presentations. I was just going through the list incidentally of the 67 presenters. You would be the 68th. Really 85 percent, probably close to 90 percent of the people who have been here said to save it, less than a handful have come here saying to dismantle it, and we have heard from presenter after presenter. In their workplace there is not the call to dismantle final offer selection. Within their union, there is not call to dismantle final offer selection. Within their community there is not.

Whatever level, the only people who seem to be calling for the dismantling of the final offer selection mechanism, outside of the chambers of commerce which as we have seen have opposed every piece of progressive labour legislation that has ever been introduced even by Conservative Governments, the only people who have been doing that, calling for it actively, have been the Conservatives. As I said I am not sure about the Liberals.

The fact that they are even talking now about keeping it for 10 months means to me that they recognize there is some value to it. They did indicate a very weeks ago, they said it was bad. They have said now they want to keep it for at least 10 more months. I do not think that is good enough, especially if there is a review that is going to come in afterwards here. If they have recognized it is good surely there is some chance that they could move further and save it.

\* (2100)

You are quite correct. We have not had that in nearly two-and-a-half weeks of committee hearings. We have not had people come here and say it is bad legislation. The only people who have been saying that have been the politicians leading the charge, and even some of them have begun to change their mind.

So I would like to ask you—and I have given this opportunity to other people. I know in your answers already and in your presentation you have a very forceful, very straightforward appeal on final offer selection. In case there is something that you may feel you have missed, or something that I have missed in my questioning, I would like to give you the opportunity—perhaps to those in this committee who I do believe may still yet have an open mind.

We will be, incidentally, voting clause by clause most likely on Tuesday, next Tuesday morning. So it is down to a matter of days, and the fate of final offer selection is in their hands, the question of whether there will be an alternative to the types of strikes that we have seen, the kind of alternative that the Westfair workers are seeking, the Unicity workers are seeking, the Fisons workers are seeking, the many people who have come before this committee. What would you say to those members, if there are any—and I hope there are—on this committee who perhaps up till now have thought of voting to get rid of final offer selection? What would you say to them to try and persuade them on Tuesday to vote perhaps with their conscience and support the maintenance retention of final offer selection?

**Mr. Pullen:** Well, Steve, I do not how much more I could add in regard to talking to those members that are not fully in a position where they want to repeal it. I think I have spoken already that there is no way it should be repealed. If there is one thing that I suppose I could say to those members it is: In your own lives have you not ever been in a position where you have felt that you had to give something or somebody a second chance?

The whole atmosphere of labour relations, and even if you are adversarial—and this is bound to be the situation in labour relations—but nevertheless there has to be a trust. Your word has to be your bond in labour relations. You have to have trust.

I would say to those people before next week that the obvious example to me would be to give it a chance. At least give it longer than I believe has been proposed by Paul Edwards, or is talked about by Paul Edwards, in regard to the end of this year. That is not fair. At least, I would say, let the legislation run to the date in regard to the sunset clause. If you cannot do that at least look at what has been achieved in this province through the Labour Management Review Committee.

I would say to you that if you look at the Allied Hydro Council Agreement that was set up in 1964, it has run ever since and has created industrial peace and harmony on all the Manitoba Hydro projects since 1964. The Woods Committee was partly involved in getting that process going. I would say to you, I would implore every one of you to at least either use that committee or an independent tribunal to study further the facts and to talk to people.

It is easy to go out and look at statistics and other things, but you know how you find out whether something is real and whether it works, go out and talk to the people who have been involved in this process. I challenge you, as representatives of this Government, to go out. If you want to see fairness and justice, then at least spend the time. I know the amount of time you put in the Legislature and the amount of work that you do, but I suggest to you if you have the interest of workers in this province and mean it, then call some of the workers and talk to them that have been involved in final offer selection process. You owe them that. You owe them that before you repeal this legislation, or before you attempt to repeal this legislation.

**Mr. Chairman:** Thank you. Are there any further questions? Mr. Ashton.

**Mr. Ashton:** I would like to thank you for your presentation. I believe one function of this committee has been that many people have come before this committee and have provided that to this committee, people such as yourself.

I am sorry, by the way, that I missed your retirement party just recently. I did not get a chance to pass on my best wishes to you. You have had a long and distinguished involvement in the labour movement. You are one of Manitoba's truly distinguished trade unionists. I appreciate your coming forward because

you provided a particularly unique insight on, not only final offer selection, but a bit of the background to labour relations in Manitoba.

As I said, I am always the eternal optimist, whether it is now or whether it is in the future. I believe that the experience of people such as yourself who have been there is what ultimately will drive what we in the Legislature do, whether it be on this Bill or Bills in the future. Thank you very much for your presentation.

**Mr. Chairman:** Thank you. If there are no further questions, thank you for your presentation, Mr. Pullen.

**Mr. Pullen:** Thank you, Mr. Chairman, and Members of the committee.

**Mr. Chairman:** Our next presenter is—there is no one on the list who has come forward this evening, but this presenter has walked in this evening, Len Sawatsky. Please come forward, Mr. Sawatsky. Have you a written presentation?

**Mr. Len Sawatsky (Private Citizen):** No, Mr. Chairperson, I do not.

**Mr. Chairman:** Okay, please proceed then.

**Mr. Sawatsky:** Thank you. Mr. Chairperson, Members of the Committee, I am not here to try to hit you between the eyes. I am here basically to try to appeal to you and reason to you on a more personal level.

I do not come from a strong union background. I was born on the farm and got my own education. I am now, as some of you know, with the University of Manitoba and being on the administrative stream there means that I am part of AESES, Association of Educational Support Workers, administrative support. It is not a union or an association that is affiliated with any other union, but I have had experience with the labour movement in the past and maybe in a way that maybe some of my labour people might not like to know about, but I feel that anybody needs to be criticized and also praised when that is worthy.

Sometimes I have been unhappy with the direction of the labour movement and have challenged them, but I have always done so as a person who is friendly and supportive of people that are on an uneven balance of the scale, the uneven side; they are the workers.

\* (2110)

I favour the final offer selection because I think what it does is, it forces both sides to be responsible. It is ironic, is it not, when we think of the labour movement as a bunch of activists and people who are simply interested in strikes, I mean these are some of the superstitions people have about the labour movement and many other more uncomplimentary types of words. Is it not interesting that it is the labour movement now that is the voice of reason in this whole argument about final offer selection. The labour movement I think, you know especially recently, has been beset by all sorts of difficulties. It is about time that we started to pick up and notice.

I do not know if anybody here wants to be accused of the kind of spirit that has been evident in the Thatcher Government or in the Reagan Government, but because of the Free Trade Agreement, because of the GST, because of the fact that phenomenal growth in corporate control in Canada and the United States and in Europe for that matter, the balance or the scale, because people have been talking about balance here, the scale has always been like this, with the labour down here and corporate control way up there with much more power and control. Over the last two decades that has even become more uneven. Now we have something and it was something that was come up by the labour movement. We have something that forces both sides to be more reasonable.

I am unalterably committed to mediation, to conflict resolution. We have experimented with this in other areas, in schools, in the criminal justice system, and I would dearly love to see labour-management relations and negotiations come towards more of that kind of philosophy, the values and principles that are inherent in the mediation movement.

This FOS is a step in that direction and it forces both sides, as I said, it compels both sides to come up with something that is realistic and reasonable, because one of those might be selected. They both have to do their homework knowing that their offer may be selected. Otherwise we are playing games with each other. We will ask for the moon or we will put you down into the ground knowing that we will really be up here. That is game playing and we do not have time to waste in our economy with that kind of charade. So final offer selection forces them not to play those kinds of games. They have to do their homework and come up with something they know is going to maybe be selected.

That is why, and again I want to appeal to you as Liberals, I am really disappointed with this attempt to talk about balance. Somehow for you, balance means to have your feet on both sides, but do you not realize that the scales are so uneven as they are right now, so if you add five pounds to one side and five pounds to the other side you still have an unbalanced situation as far as labour and management are concerned?

The thing to do is to make sure that those who are weaker, that do not have the power that corporations have, have fairer treatment. That is what final offer selection does. It is fair for employers too, but it certainly does give the labour movement a much better way of dealing with their partners and their opponents, because they have to work together, and to deal with them in a reasonable way.

So final offer selection I see as a very responsible action. It is one that shows we are on the side of that of the little guy. That is where I would appeal to Conservatives. They always say that they are representing the little guy, too. Where is their evidence here?

Now, one other point, okay, research. The Liberals somehow feel that research is satisfied by letting it run out at the end of this calendar year. Well, what we have suffered from in research and statistics is far too short of research studies. They are latitudinal studies. They



are not longitudinal studies. In fact, in some areas what they are trying to do now is follow people right from when they are born till they are 21 years old. That is a longitudinal study. We find out a lot more about what we can do in terms of social development, social conditions, crime prevention and other things, by those kinds of longitudinal studies.

Now with final offer selection, if you allow the legislation to be in place over a five- or six-year period you have contracts running out certainly once, possibly twice, maybe even three times. You are going to learn an awful lot more with final offer selection, to see what it does when they come up for the second time and the third time.

That is why I think we need the longer period of time that was put into the legislation when it was first created. Otherwise, you do not really have the kind of research that you can base any good solid policy decisions on. So give it that longer time. It is needed in order to make sure that the research is valid and reliable. Otherwise, we are just using statistics for our own purposes.

Now there is some indication that it already works. Well, good. That is nice, but let us give it longer to make sure that those statistics really are borne out. That is my appeal to you. I hope that makes some sense to you.

**Mr. Chairman:** Are there any questions for Mr. Sawatsky? Mr. Ashton.

**Mr. Ashton:** Mr. Chairperson, as I indicated previously, this most likely will be our last evening of public presentations. Throughout this process—a very positive process, in my mind, that is an unique feature incidentally of the Manitoba Legislature.

We are the only province that has a requirement for public hearings on virtually all Bills, public hearings which give members of the public the opportunity to come forward at the committee stage and provide direct recommendations to Members of the Legislature on Bills before us, including final offer selection.

I just want to ask you the same question I have asked many other people. As I have said, we certainly have not heard much of a call toward dismantling of final offer selection during the proceedings of this committee. As I said, approximately 90 percent of the presenters have indicated they feel that final offer selection should be maintained.

I just want to ask you, in terms of your contacts, whether it be at the university or within the community, people you have talked to, are you picking up anybody really that is talking about the need to dismantle final offer selection, dismantle it urgently? I am just wondering what type of feedback you are picking up from people generally.

**Mr. Sawatsky:** In the circles that I travel, no, I have not heard anybody speak against the final offer selection. In fact it was extremely helpful at the university that this legislation was in place in the last contract that was made at the university. Some people tend to

think that university people earn an awful lot of money. That may be true of professors but it certainly is not the case with support staff. We did not even get cost of living, and the last time before final offer selection was in place, but subsequent to 1987 or when it was put in place, yes, that legislation made sure that the university acted responsibly.

Sometimes unions are not as strong as other unions and when that is the case it forces management to be more responsible as well. We still did not get a reasonable settlement in terms of what other people are getting, but it certainly was an awful lot better than what happened before when you got 2 percent types of increases or zero percent as we did in one year. So, no, the circles, even people that have sometimes not a bias against unions but sort of are apathetic about unions, have said it is time that something more reasonable happens.

They do see the labour movement being beset on all sides, and certainly in Britain and the United States the labour movement has been set back seriously. Now if that is what certain politicians want, then let us say so, say that you want labour set back so that people know where you are at. I do not think that any reasonable person in this province would like to see that happen. It has happened too much as it is and I fear for the future if it goes any further.

\* (2120)

**Mr. Ashton:** You mention the situation at the university and that situation is very close to home. It was a process that was used prior to the legislation being introduced. I am just wondering if you are aware if there was any effort on the part of the Government to in any way, shape or form find out what had happened, talk to people who have been involved with the process? We have heard throughout this committee that there seems to be virtually no consultation whatsoever with anyone that has any involvement with final offer selection. I am just wondering, what is your experience and whether that happened in the case of the university.

**Mr. Sawatsky:** Well, it is really quite confusing. I mean one is tempted to be somewhat suspicious or sarcastic, but I am encouraged about the fact at least that the Liberals have picked up and noticed that there is 85 percent of people, you know of the submissions here to this committee. I am encouraged in fact that all Parties are having an open hearing and listening to people, so everybody needs to be congratulated. It is just that when the Liberals seem to pick up and notice something, that half-baked measures are taken. Why not let the full research take place and get the full results in instead of just this kind of half measures or trying to have your feet on both sides of the picket fence? You know what happens then.

**Mr. Ashton:** Once again, I am puzzled as well and as I indicated to presenters throughout this process, I am hoping that this may have provided that forum, that this process we have gone through will compensate for the fact that I do not really believe that the Government and, quite frankly, the Liberals, who in

many cases were acting as cheerleaders, at least until this committee, for the Government—in fact, at times I was unsure as to who was leading the charge on final offer selection, whether it was the Minister of Labour (Mrs. Hammond) or the Labour Critic for the Liberal Party (Mr. Edwards).

As I have said, there has been some recognition I believe, perhaps not enough, by the Liberal Party of the value of final offer selection that has come directly from this committee, so I really thank you for your presentation today. I really hope that when the vote is taken on this committee on Tuesday that the process of consultation and discussion and public debate that we have had these last two and a half weeks will not be ignored, the people will not turn a blind eye or a deaf ear to what has been said and that they will follow through on the recommendation of people such as yourself and keep final offer selection. Thank you.

**Mr. Sawatsky:** If I could just say, Mr. Chairperson, that I really hope, I hope sincerely, that it is not because financial priorities dictate what our policies are. I mean, I think we have seen that in the past, and I just do not want to believe that is the case, but I really hope that is not what dictates how people come out on this particular issue.

**Mr. Chairman:** Thank you, Mr. Sawatsky. Are there no further questions? Thank you for your presentation. Are there any other presenters?

**An Honourable Member:** No.

**Mr. Chairman:** If not, what is the will of the committee?

**Mr. Ashton:** Well, for the Minister of Northern Affairs (Mr. Downey), he may not be aware there had been agreement that we will get in the clause by clause next Tuesday.

**Mr. Chairman:** On Tuesday morning?

**Mr. Ashton:** It has been agreed to by the House Leaders, and I think we should know. We have been

sitting for over two weeks now. I do believe that Members of this committee, regardless of what happens, the result, should be commended for sitting through what has been a very, very enlightening process I believe for all of us. I think it would be appropriate to note this just before we do rise that this has been, I believe, one of the most significant committee hearings in this province, certainly since I have been a Member of the Legislature, and I really look forward to next Tuesday. I really look forward to the vote on Tuesday morning.

**Mr. Chairman:** Thank you, Mr. Ashton.

**Mr. Minenko:** I would like to also take this opportunity to thank not just the presenters of this evening, but certainly all the other people who have participated in this process—some for the first time, others who are familiar with the process more than even some Members of the Chamber—who have taken that opportunity to express their opinions and thoughts on this very important issue. Again, we look forward to next week.

**Mr. Chairman:** Thank you, Mr. Minenko.

**Hon. Gerrie Hammond (Minister of Labour):** I would as well like to thank everyone that presented and the people who have been here night after night and day after day as well as we have and thank them for their well thought presentations—some hard hitting, but we do not mind that at all because that is what we are here for, to listen and to then make our decision. So I would like to say, on behalf of my Ministry, the Government that -(interjection)- and the committee, yes, that -(interjection)- yes, and the staff, and thank everyone very much. Thank you. Committee rise?

**Mr. Chairman:** Committee rise?

Committee rise, call in the Speaker.

**COMMITTEE ROSE AT:** 9:27 p.m.