



First Session - Thirty-Fifth Legislature  
of the  
**Legislative Assembly of Manitoba**

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**STANDING COMMITTEE**

on

**INDUSTRIAL RELATIONS**

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39 Elizabeth II

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*Chairman*  
*Mr. Marcel Laurendeau*  
*Constituency of St. Norbert*



**VOL. XXXIX No. 2 - 8 p.m., THURSDAY, DECEMBER 13, 1990**



**MANITOBA LEGISLATIVE ASSEMBLY  
Thirty-Fifth Legislature**

**Members, Constituencies and Political Affiliation**

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARR, James	Crescentwood	Liberal
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHEEMA, Gulzar	The Maples	Liberal
CHOMIAK, Dave	Kildonan	NDP
CONNERY, Edward, Hon.	Portage la Prairie	PC
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	NDP
DOER, Gary	Concordia	NDP
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	Liberal
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Clif	Interlake	NDP
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	NDP
GAUDRY, Neil	St. Boniface	Liberal
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
HARPER, Elijah	Rupertsland	NDP
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MALOWAY, Jim	Elmwood	NDP
MANNESSE, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold, Hon.	Rossmere	PC
ORCHARD, Donald, Hon.	Pembina	PC
PENNER, Jack, Hon.	Emerson	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	NDP
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	NDP
STEFANSON, Eric	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	NDP
WOWCHUK, Rosann	Swan River	NDP

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS**  
**Thursday, December 13, 1990**

**TIME** — 8 p.m.

**LOCATION** — Winnipeg, Manitoba

**CHAIRMAN** — Mr. Marcel Laurendeau (St. Norbert)

**ATTENDANCE 10 — QUORUM - 6**

*Members of the committee present:*

Hon. Messrs. Cummings, Downey, Praznik  
Messrs. Ashton, Cheema, Dewar,  
Laurendeau, Mrs. Render, Mr. Sveinson, Ms.  
Wowchuk

**APPEARING:**

Ms. Becky Barrett, MLA for Wellington  
Mr. Kevin Lamoureux, MLA for Inkster

**MATTERS UNDER DISCUSSION:**

Bill 12—The Labour Relations Amendment Act; Loi modifiant la Loi sur les relations du travail

Bill 23—The Employment Standards Amendment Act (2); Loi no 2 modifiant la Loi sur les normes d'emploi

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**Mr. Chairman:** Order, please. Will the Standing Committee on Industrial Relations please come to order. This evening the Standing Committee on Industrial Relations will resume consideration of Bill 12, The Labour Relations Amendment Act, and Bill 23, The Employment Standards Amendment Act (2).

The committee has previously heard presenters for Bill 23 and 12. The list of presenters who have already spoken has been passed out for the information of the committee. We still have a number of presenters who have expressed an interest in making a presentation to Bill 12. Shall the committee continue with hearing public presentation?

**Hon. Darren Praznik (Minister of Labour):** Mr. Chairman, I would recommend those names be called for those people who are on the list to see if they are here and interested in making a

presentation. If not, we proceed to pass the Bill clause by clause.

\* (2005)

**Mr. Chairman:** I will now read the names of the presenters remaining on the list. If there are any members of the public in attendance who would like to give a presentation this evening or are not on the list, please contact the Clerk of the Committees and have your name added to the list of presenters.

Mark Okopski, Leonard Terrick, Roland Doucet, Ron Ruth, Dennis Atkinson, Robert Ziegler, Julie Antel, Nancy Oberton, Darlene Dziewit.

Since we have heard from all of the interested presenters, does the committee wish to proceed with the detailed consideration of the Bill?

**Mr. Praznik:** Agreed.

**BILL 12—THE LABOUR RELATIONS  
AMENDMENT ACT**

**Mr. Chairman:** Okay. Shall we deal with Bill 12 first?

**Hon. Darren Praznik (Minister of Labour):** Agreed.

**Mr. Chairman:** Agreed. Does the Honourable Minister of Labour have an opening statement for Bill 12?

**Mr. Praznik:** Mr. Chairperson, I think I have spoken on this twice now in the House, and we have had a very thorough discussion. So I would like to recommend we proceed to clause-by-clause examination.

**Mr. Chairman:** We thank the Honourable Minister of Labour. Does the critic for the official Opposition Party, the Honourable Member for Swan River (Ms. Wowchuk), have any brief opening comments?

**Ms. Rosann Wowchuk (Swan River):** No.

**Mr. Chairman:** We thank the Honourable Member. Does the critic for the Second Opposition Party, the Honourable Member for The Maples (Mr. Cheema), have any opening brief comments?

**Mr. Gulzar Cheema (The Maples):** No.

**Mr. Chairman:** We thank the Honourable Member.

The Bill will be considered clause by clause. During the consideration of a Bill, the Title and the Preamble are postponed until all other clauses have been considered in their proper order by the committee.

\* (2010)

Clause 1—pass; Clause 2—pass; Clause 3—pass; Clause 4—pass.

Clause 5, shall Clause 5—

**Mr. Cheema:** Mr. Chairperson, I move that Clause 5 be amended.

**Motion:**

THAT Bill 12 be amended by renumbering section 5 as section 6 and by adding the following as section 5:

**Review of final offer selection by committee**

**5(1)** Notwithstanding section 2, within 30 days of this Act receiving royal assent, the minister shall designate or establish a committee to undertake a comprehensive review of the final offer selection process as provided in An Act to Amend The Labour Relations Act, S.M. 1987-88, c.58 (R.S.M. 1987 Supp. c.19).

**Committee report**

**5(2)** The committee designated or established by the minister for the purpose of subsection (1) shall within five months after being designated or established, submit a report to the minister, including

(a) an assessment of the effectiveness of the final offer selection process; and

(b) recommendations as to whether the final offer selection process should be re-enacted and given statutory form as provided under S.M. 1987-88, c. 58, in its original form or with modifications.

**Tabling of report**

**5(3)** The minister shall lay the report referred to in subsection (2) before the Legislative Assembly immediately if the Legislative Assembly is in session, or, if the Legislative Assembly is not in session, within 15 days of the beginning of the next ensuing session.

**(French version)**

**Motion:**

Il est proposé que le projet de loi 12 soit amendé par substitution, au numéro d'article 5, du numéro 6 et par adjonction, après l'article 4, de ce qui suit:

**Examen du processus par un comité**

**5(1)** Malgré l'abrogation de l'article 2, le ministre charge, dans les 30 jours suivant la date d'entrée en vigueur de la présente loi, un comité d'effectuer un examen complet du processus d'arbitrage des propositions finales prévu par la Loi modifiant la Loi sur les relations du travail, chapitre 58 des Lois du Manitoba de 1987-88 (Suppl. aux L.R.M., c. 19).

**Rapport du comité**

**5(2)** Le comité constitué en vertu du paragraphe (1) présente au ministre, dans les cinq mois qui suivent sa constitution, un rapport comprenant:

a) d'une part, une évaluation de l'efficacité du processus d'arbitrage des propositions finales;

b) d'autre part, des recommandations quant à la question de savoir si ce processus devrait être rétabli et faire l'objet de dispositions législatives identiques à celles prévues au chapitre 58 des Lois du Manitoba de 1987-88 ou faire l'objet de dispositions différentes.

**Dépôt du rapport**

**5(3)** Le ministre dépose la rapport visé au paragraphe (2) devant l'Assemblée législative immédiatement ou, si elle ne siège pas, dans les quinze premiers jours de séance ultérieurs.

**Mr. Chairman:** We are just distributing copies of your amendment. Is there any debate on the amendment?

**Mr. Steve Ashton (Thompson):** Mr. Chairperson, I would like to ask the Liberal Labour Critic directly the intent of the resolution. There is discussion in this resolution of a review of final offer selection, in this case by a committee.

I would appreciate it if the Member would put directly on the record where he is still suggesting—and I take it that he is, from the drafting of the amendment—that we repeal final offer selection on the date of proclamation which will be March 31, 1991. Is he suggesting, through this amendment, that after final offer selection has been repealed, that we would then review final offer selection as to its merits?

**Mr. Cheema:** Mr. Chairperson, what I am suggesting is that this Bill will be reviewed. It has been outlined and given to the Member. We have explained it in the past. It is the same amendment

which we were discussing in the last Session. If the Member wants to go over it a few times more to ask me the same question, my answer is not going to change. It is the same answer we gave in the last Session.

**Mr. Ashton:** Mr. Chairperson, we have Members of this committee who were not Members of the Legislature during the last Session. I am not trying to put any words in the Member's mouth. I am asking the straightforward question: Is the effect of this amendment to kill final offer selection on the date of proclamation, March 31, and then study its effectiveness?

\* (2015)

**Mr. Cheema:** Mr. Chairperson, I think the Member should read it very carefully, saying that the notwithstanding section, within 30 days of the Act receiving Royal Assent, the Minister shall designate or establish a committee.

If the Member has not explained to his caucus Members, it is not my problem. I think he should talk to them. We have made it very clear.

**Mr. Ashton:** I still have difficulty trying to explain the various positions of the Liberals on this Bill to anyone. I am giving the Member an opportunity to do that. He has just moved an amendment, and I just want Members of this committee to know what they were voting on. I take, by the amendment, that the Liberals are suggesting we kill FOS and then study it.

I do not want to really get into the profession of the Liberal Labour Critic, but he is a doctor. Is he suggesting that we somehow kill the patient, conduct a post-mortem and then try and revive it? Mr. Chairperson, that is the effect of this particular amendment: Kill FOS, do a post-mortem on it, and then attempt to revive it when it is dead in legislation.

I am not trying to put words in the Member's mouth. Is he suggesting we repeal final offer selection first and then study it afterwards?

**Mr. Cheema:** Mr. Chairperson, I think the Member should know our position. What we are simply asking—we have no control when it is going to be proclaimed, the way the NDP and the Government have made a deal about when they are going to proclaim—is a simple thing, to study the effects of this Bill.

It is a major experiment and I do not disagree with the Member. It has been a major experiment. Last

night we heard some presentations, and we heard in the last Session there was a line-up of presentations. We were promised we were going to have more presentations. I do not see any of those presentations today. We knew it was going to be a repetition of the same thing.

What I am simply telling him is that our position is very clear. It is written in black and white that we want to study this particular experiment. If this experiment is so good, why not bring it back in a modified form? That is what we are telling him today, again.

**Mr. Ashton:** I take from the comments of the Member that my interpretation is correct. I did not hear any interpretation that was different. I wanted to ask that directly, because some Members of this committee may not have been here last year—certainly were not. They were not elected Members at that time.

I want to remind them of what happened on a certain day, March of this year, when we last debated a similar Bill. I am saying this, Mr. Chairperson, in debate on this particular amendment, because the Member himself just said that this is essentially what they brought in last year, which to my mind shows how little they have learned.

**An Honourable Member:** Question.

**Mr. Ashton:** How little they have learned, Mr. Chairperson, because the fact is—and if the Minister of Northern Affairs (Mr. Downey) would care to be patient, we will have a vote on this eventually. I can assure him of that.

If the Liberals -(interjection)- well, we had one last year, that is right. It surprised the—I am talking about the vote on final offer selection last time, which was probably the biggest surprise of this year, certainly for the Liberals, when they attempted last year to move back the date of the FOS repeal coming into effect to December 31 and then attempted to attach a similar resolution to this that would have studied it after the fact.

We begged with the Liberals. We pleaded with them. We said, this is a minority Government, you have the power. The Liberals had the power, Mr. Chairperson. I realize you did not have the opportunity to really sense the political dynamics that were under way at that time. The Liberals had the power to make the difference. We said to them,

yes, let us study final offer selection, but let us not kill it first. Let us not make this an academic exercise, Mr. Chairperson. Let us deal directly with final offer selection and make that review count, make the repeal or lack of repeal dependent on the review of final offer selection.

Do you know what the Liberals did? Did they respond? Did they listen to the more than 70 presenters that came? Did they listen? No, they did not listen. They stuck to their position. They stuck to this idea that somehow they would be different by delaying the repeal of final offer selection by a matter of months. They said, yes, we will stay the execution. That is about all they said.

What became apparent as the night continued was that this review was really nothing more than a face-saving exercise, Mr. Chairperson. A face-saving exercise for the Liberals because they had sat in this committee. Time after time they heard, not just from people directly involved in unions, but from shop floor workers, many of whom were their constituents. They heard from them that the bottom line was they wanted final offer selection kept alive. They wanted it to have a chance, certainly at least the full five-year period. They wanted it to have a chance. The Liberals said they listened.

You know, I saw the press conference given by the then Liberal Labour Critic, the current Member for St. James (Mr. Edwards). When they brought in their supposed amendments, suggested this was somehow new ground or middle ground, one thing that everybody reacted to at the press conference was the fact that there was an element of artificiality about the amendment because the Liberals, after listening to more than 70 presenters, after trying to say to the public of Manitoba they had listened, came up with an amendment that would do what, Mr. Chairperson, keep final offer selection alive pending a review? No, they would kill it and then have a review afterwards.

\* (2020)

That is what happened in that committee. Yes, we in the New Democratic Party supported a stay of execution for final offer selection at the amendment stage. We then voted against the Bill as amended. Some may say it was a tactical move, but I ask you to put yourself, Mr. Chairperson, in our position, supporting final offer selection as we do—and we certainly did back in March of this year—being faced

with a Liberal amendment, a wishy-washy amendment from the Liberal Party that would extend final offer selection for a matter of months.

We could have voted against that amendment, but in good conscience we did not because our position then, as it is now, was to buy as much time for final offer selection. Then we proceeded, when the Bill came to report stage, to vote against the Bill as amended.

I want to explain why we did that, Mr. Chairperson. We did that because we believed the Bill as amended was not in the best interest of working people. We believed that by voting against the Bill, we could extend final offer selection further, far further than the Liberals and their wishy-washy response on this particular Bill had done through their amendment.

It was an interesting night, Mr. Chairperson, and I really wish you had the opportunity to be there because the Liberals went out of committee patting themselves on the back, claiming a great tactical victory. I believe one of the Liberal Members was going around the building saying it was like a game of chess—checkmate. Somehow the Liberals had checkmated the other two Parties and certainly the NDP.

**An Honourable Member:** There was a rook in there.

**Mr. Ashton:** Well, what happened? They miscalculated. There was a rook in there indeed. They miscalculated. It may have been check, but it was not checkmate, Mr. Chairperson, because what they found is that they put themselves in the middle position, and the position was unacceptable not only to the New Democratic Party, but to the Conservative Party as well.

On report stage, the motion as amended, the Bill as amended was rejected by the New Democratic Party and, yes, by the Conservative Party. What I found surprising, too, was when they afterwards called for a recorded vote to put on the record just what a ridiculous and untenable position the Liberals had put themselves in, Mr. Chairperson. Such an untenable position that they really had attempted to find the so-called middle ground in the process and succeeded in satisfying no one.

They did not listen to the working people who came before the committee. At the same time, I would suggest they probably did not satisfy the

Chamber of Commerce presenters either. Not that there were many, but there were a number of presenters who had come before the committee to suggest that final offer selection be repealed. They caught themselves in that middle position.

\* (2025)

That was earlier this year dealing with, Mr. Chairperson, as the Member for The Maples (Mr. Cheema) said was, a very similar motion to this. Have the Liberals learned anything, Mr. Chairperson? A lot has happened since that time. An election took place on September 11. The Liberal Members in this House, their strength was reduced from 21 to seven. Believe you me, it is not easy going through that sort of process.

In 1988, the Party of which I am a Member received a message from Manitobans. It is not always easy to accept that message, but you do, and you listen and the bottom line -(interjection)- well, the Member for The Maples said it was Meech Lake that dropped them from 21 seats to seven.

I would suggest he talk to people in the constituencies where the Liberals were defeated, because I think what happened increasingly was that people saw the same sort of process that we had seen on final offer selection. Obviously in any constituency are those who are of a conservative, philosophical, and ideological position, who supported the Conservative Party. Certainly a number of Liberals lost to Conservatives. I know, Mr. Chairperson, you are well aware of what happened in that election in that sense, having been elected yourself.

Just as equally, I look at Members of this committee from our side. I look at the fact that many of them receive votes from people who saw the New Democratic Party speaking for working people.

**An Honourable Member:** Come on, give me a break.

**Mr. Ashton:** I would like to give the Member for The Maples (Mr. Cheema) a break, and now perhaps I would have if the Liberals had learned from September 11, 1990.

I would remind you of the fact that the Liberals have said that they are moving to the left. I read an article on this recently, a number of weeks ago. They are moving to the left. -(interjection)- The Member for Inkster (Mr. Lamoureux) says, that hurts. If moving to the left means they support the

Conservatives on minimum wage, they can support the Conservatives on final offer selection. It does not hurt whatsoever, because saying you are moving to the left, saying you are going to be socially and economically progressive, does not mean that you are. It does not mean that anyone is going to believe you.

You cannot change your spots. A leopard cannot change its spots just because it suffers a major political defeat. The people of Manitoba reject that Party, and the people of Manitoba are looking for something different. Yes, they are looking for a Party that is going to talk for working people, but it is not going to be the Liberal Party.

I say that, Mr. Chairperson, because the fact is that we are faced with the same scenario as last time. You know, the Liberals are going to try and say that this amendment to the legislation to repeal final offer selection, this amendment to Bill 12, is somehow different than the position taken by the New Democratic Party or the Conservative Party.

I ask you, Mr. Chairperson—

**An Honourable Member:** Have you read the amendment?

**Mr. Ashton:** I have read the amendment, for the Member for Inkster (Mr. Lamoureux). I read it last year, and I have read it this year, Mr. Chairperson. In fact, it does not even go as far as the amendment that they brought in last time, which was to buy some time for final offer selection, something we have done by stating categorically that this legislation should not be imposed immediately.

We have tried to buy time. We have bought time, five months worth of time, in 1991 for final offer selection. I want to say to the Liberals that what they are bringing in now before this committee is in fact—they are not only not more to the left than last time, it is further the other way. In the last Session of the Legislature, they suggested extending the repeal date for final offer selection.

Mr. Chairperson, they had an opportunity just days ago in the Legislature when we moved the six months hoist to buy time for final offer selection, for this review they professed to support, but did they? No, they did not. I want to tell you that what they are doing now is they are not even going as far as they did last Session when they said, give it a few more months and then kill it and then study it.

What they are saying, and if you care to read this amendment, the Liberals are saying, whenever the Government decides to get rid of it, once it is dead and buried, once it is six feet under, once final offer selection is no more, study it.

Study it, study it, study it. I want to say to you, Mr. Chairperson, there will be people who will study final offer selection, people who will study it for the years to come, people who have studied labour relations in the past. Perhaps one of them will be the former Liberal Member for Radisson, who described final offer selection as a noble experiment and who will probably study it.

I ask the Liberal Members, are we here to attempt to create work for the academic community? Is that our goal? Are we attempting now through legislation to ask that this Bill that has been in place now for three years and will be in place for at least 40 months before it is repealed, are we now saying that we should, through a resolution of the Legislature, have it studied for academic purposes? Is that our role?

\* (2030)

I would suggest no, Mr. Chairperson. I would say, our role is to make decisions based on the evidence. I want to say that if we are going to make decisions based on the evidence, we make the decision after the evidence is presented. I gave one analogy for what the Liberals are doing. I will give you another analogy. They are the judges and jury in this particular case. They are suggesting we execute final offer selection and afterwards decide whether it was guilty or not. They are not willing to put forward the facts on final offer selection before that decision is made.

I want to point to you, Mr. Chairperson, to the fact that the Liberal Labour Critic previously, the Member for St. James (Mr. Edwards), even the Member for St. James, for the information of the current Liberal Labour Critic, was critical of the Conservative Government for not studying the experience with final offer selection.

I ask, what is the point of studying the experience if that study has no impact? Anybody can conduct a study. That is what is at fault with the Liberal approach today, as I said, less than even suggested last time when they suggested it be extended. I want to suggest to the Liberals that if they are serious about studying final offer selection, if they are serious, the way to do it is to account for what has happened first, to have a study of final offer

selection, not by a committee of the Legislature but by an objective committee.

I look to the Minister of Labour (Mr. Praznik), who recently, for example, forwarded the whole question of Bill 23, of unemployment insurance, of maternal and parental leave, to the Labour Management Review Committee. He forwarded that because he trusted in their judgment. He made no secret of that fact in the Legislature. He came before the Legislature and was proud of the fact that he had referred this particular item of legislation to the Labour Management Review Committee.

We pointed out earlier, as did presenters yesterday, that the same Minister did not refer this particular matter to the Labour Management Review Committee. What I want to suggest to the Minister and, yes, to the Liberals, who profess to speak in favour of giving final offer selection—you know what they are saying, Mr. Chairperson? What they are saying with this is they do not even want the same process to occur on final offer selection as occurred on Bill 23, The Employment Standards Act. The bottom line is they do not want the same process to take place.

I want to say to you, Mr. Chairperson, let us put aside partisan politics on this issue to the degree that is possible, just for a moment. I realize that my comments were political, and I make no bones about that or about where I come from as a New Democrat. I make no bones about my biases, whose side I am on. I make no bones about that. I want you to put yourself in the position of other members of the public who have been listening to this particular debate, and I want you to ask yourself whom they would see as having a logical position on this particular issue.

The Conservatives have said that for ideological reasons, they do not support final offer selection. They never did, they never will, and they wish to repeal it. I disagree with their position, but would the public see some sort of logic? I would say they might see some difficulty in the fact that the Conservatives are not willing to look at the experience of final offer selection. They might see some difficulty in that, but they might accept that is what you would expect from a Conservative Government dealing with a Bill such as final offer selection. That is the position of the Conservatives.

I want to contrast that, Mr. Chairperson, with the position of the New Democratic Party. We have said



right from the start that our goal is to maintain final offer selection for as long as possible to give it a chance. We have, since 1988 and 1989 and 1990 and as we sit here December 13, fought consistently for that.

This Bill, if it does go through, will not come into force until March 31, and indeed, final offer selection will be in place for five months in 1991. I ask you to put the average member of the public of Manitoba in the position of looking at the position of the New Democratic Party.

I would say that they would recognize a logic in our position, but when it comes to the Liberals, Mr. Chairperson, let us put yourself in the position, not of a partisan Member of the Legislature, but a member of the public. They have the choice as to the reasons why here, where they should proceed. They have a clear choice between the New Democratic Party and the Conservative Party; but what about the Liberals?

**Mr. Cheema:** Common sense.

**Mr. Ashton:** What about the Liberals? Well, the Member for The Maples (Mr. Cheema) says it is common sense. I hope that when he practises medicine on a daily basis that he does not apply the same "common sense" that we are applying in this case in terms of the Liberal position on final offer selection. Let us kill it first, let us study it afterward and do nothing with the study except put it on a shelf, Mr. Chairperson.

### Point of Order

**Mr. Cheema:** Mr. Chairperson, on a point of order, I think the Member for Thompson (Mr. Ashton) should know, at least he should respect my professional ability. If I start looking at his I.Q. level, I will not find a number to say that. I just want him to be careful and not to cross the boundary, and do not take advantage of this building and say something which is irrational and stupid.

**Mr. Chalman:** The Honourable Member does not have a point of order, but I would ask the Honourable Member, Mr. Ashton -(inaudible)- .

**Mr. Ashton:** Mr. Chairperson, I was talking rhetorically; I have not made comments about the Member's medical practice, and if it was interpreted in that way, I do apologize. I selected that analogy not because the Member is the Liberal Labour Critic. I would have used that analogy if the Member for St.

James (Mr. Edwards) was still the Liberal Labour Critic, because I really believe that what is happening in this case is that we are going to kill final offer selection if the Liberals have it their way. They are going to kill it—

**Mr. Cheema:** It is not a democratic process, telling me you go personal.

**Mr. Ashton:** I am not going personal to the Member. I asked him to accept my assurances on that. I have said to the Member, and if the Member does not accept that, Mr. Chairperson, I really have nothing more I could say. I have said that it was not—on the Member or his personal practice, I have never subscribed to that and, if it was interpreted that way, I apologize. I am using an analogy here.

\* \* \*

**Mr. Ashton:** Let me put it this way. Let us put it in the situation of a generic doctor killing the patient, conducting the post-mortem and then trying to revive the patient. That is what I am talking about, Mr. Chairperson, because that is what this amendment does. Where is the logic for the public of Manitoba? There is no logic.

Well, Mr. Chairperson, I want to indicate to the Liberals, and I would appreciate if they would listen, there is no way that we will vote for a study that is going to sit on the shelf and do nothing other than try and save face for the illogical position, the wishy-washy position of the Liberal Party on final offer selection. We will not support this amendment, because it does nothing. It does absolutely nothing to save final offer selection or even give it a chance. So if they have any doubt about where we are going to vote, I can indicate it.

I know also that other Members of this committee, and we have in our caucus three Members here tonight who were not part of the Legislature last year, who perhaps wish to express their views as new Members of the Legislature on this particular issue. I want to say to you, Mr. Chairperson, that I look forward to their comments, but I look forward to it in a way because I look forward to that new perspective, something we are not getting from the Liberal Party. They have not learned, and that is why I certainly will not be supporting this meaningless, illogical, wishy-washy amendment that does nothing other than attempt to save face for the Liberal Party of Manitoba.

\* (2040)

**Ms. Becky Barrett (Wellington):** I would like to put on record some of my comments and feelings about not only final offer selection, but the amendment as proposed by the Member for The Maples (Mr. Cheema), not only as a New Democrat, but also as the representative of a constituency that includes mostly working people and people for whom final offer selection is seen as a very positive piece of legislation.

I have spoken in the House on final offer selection. I would just like to basically restate my basic position, which is that it is an excellent piece of labour legislation. It has led to labour rest, not labour unrest. It has been a preventive measure. It has meant that of the several hundred possible disputes that could have occurred in the Province of Manitoba since its inception, only seven have gone to the selector.

Of those, four have been decided on behalf of the workers and three have been decided on behalf of the management, which appears to me to be a small percentage of disputes that have actually gone to the process, which is, I firmly believe the intent of the framers of the legislation, to not have it be used extensively, but to have it be used minimally, to have it act as a deterrent, to have it act as a prevention measure, to have it act as a measure that would enable both sides in labour disputes to negotiate in good faith and to continue to negotiate all through the final offer selection process, because of their understanding of what awaited them at the end of that process should they not be able to reach a conclusion prior to having the selector choose one of their final offers.

We are currently in the midst of at least one fairly acrimonious labour negotiation dispute. We have had several potentially destructive and disruptive disputes settled in the last few days. We have a good number of labour negotiations under way that will be able to be negotiated under the guise of final offer selection, having final offer selection in place before the March 31 deadline and actually the 60 days after that.

On a whole range of issues, final offer selection has done an excellent job, probably one of the best jobs of any law that has been passed by this Legislature in the last "X" number of years, that it has done what it was envisioned by its framers to do.

**An Honourable Member:** You can say that again. They were framers.

**Ms. Barrett:** Framers of legislation. I can only assume that people who oppose it are opposing it for purely ideological and political grounds.

I would also like to speak briefly on the Liberal amendment, which is to study it. -(interjection)- Excuse me, my understanding is I can speak to the motion as broadly as I wish to unless I am interrupted by the Chair.

The amendment as proposed by the Liberals would study it. I cannot possibly begin to be any more or even as eloquent as the Member for Thompson (Mr. Asthon) in the dissection of that particular amendment. Suffice it to say, that it is a classic ploy of a group of people, and not only in the political arena, that if you do not understand the issue, if you do not have a position, you study it. It is the response not only of the Liberal Opposition to final offer selection. It has been the response of the Government in various other areas in this Session of the Legislature to monitor and study.

In many cases it is a legitimate response. In many cases the issues have come forward in the recent past, and they are very important. They are very controversial. They are very difficult, multifaceted issues that need to be studied and have recommendations from a variety of groups of people in order to come back with a reasoned response. In this particular situation the amendment put forward by the Liberal Party, I would venture to say, is not a reasoned response to a new issue that needs a lot of study. The final offer selection has been in place for a reasonable period of time. The statistics are in place to show, from my point of view, that it has worked. The Government clearly feels that it has not worked, but there is a body of evidence of several years duration that one can look at.

One does not need to then further dissect and look at the effects of this legislation before determining what should be the outcome of it. You either say you are for it or you are against it. It is not a question of saying, well, we are not sure. Let us stop the process at the end of this year. Let us keep several hundred possible negotiations and untold thousands of workers not being able to avail themselves of final offer selection before its repeal.

It is a classic Liberal ploy of straddling the fence, of saying let us not make a decision one way or another. Let us study it. Let us come out with no

position that favours one side or another. It does nothing to forward or progress the cause of labour legislation in this province, nor does it enable us as legislators to make any better decisions on the basis of final offer selection.

At the very least, I can suggest to the committee that the Government at least has a solid position, has a firm position based on an ideology. Nobody on this side of the House has ever disputed that. Our dispute is with looking at the facts and what do they say. We have our position based on our basic philosophy. Both sides in this situation are at least agreed that we know where we stand. The Liberal position is to just further obfuscate the issue, not for clarification, but just so that they do not have to take a stand so that they are not required to come down on one side or the other.

Mr. Chair, I will conclude my remarks with a very strong statement that I am not going to vote in favour of the amendment.

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

**Mr. Chairman:** Order, please; order, please. Is the committee ready for the question?

**Ms. Wowchuk:** Mr. Chairman, I would like to put a few comments on the record as well about this amendment and about this Bill.

First of all, I would like to indicate that this was good legislation that was put in. It is legislation that is working. I am not quite sure why anybody would want it removed. The purpose of the legislation is to give people who are in a labour dispute another tool to work with, another tool of arbitration. -(interjection)- You heard him, not a New Democrat.

When this legislation was brought in, it is true that there were people within the labour movement who were opposed to the legislation, and there were those who were in favour of the legislation. As time has passed, many more of those people who felt that the legislation was not good legislation are now seeing that it is working and want to see the legislation stay in place.

This legislation has led to much better working conditions in the province. When you look at some of the statistics, when you look at some of the records, you can see that the number of days lost in Manitoba to labour dispute has gone down a lot. We have put those—

**An Honourable Member:** Read the numbers.

\* (2050)

**Ms. Wowchuk:** No, I do not have those numbers with me. When we look at those numbers they have dropped by a tremendous amount—

**An Honourable Member:** They have not dropped at all. She has not read them even.

**Ms. Wowchuk:** Yes, I have read the numbers.

When a labour dispute is in place and people put a request for a selector, that does not mean that negotiations are going to stop. In many cases, people continue to negotiate. Because they know there is a selector who is going to make a decision on either side of them, they keep working toward getting a better agreement and in most cases settle before the selector has to make a decision.

Members opposite indicate that this legislation is working only for the employees, not for the employer. When you look at the statistics on the ones that the selector has had to make a decision on, there has been just about an even balance of the ones that have settled in favour of the employer as the ones that have settled in favour of the employee.

The Act is working, and it is dealing fairly with both sides that are applying, when the selector is making a decision. I do not think it is fair to say that this is only in favour of the employees. It is a legislation that is working for both the employees and for the employer. As I said, no one likes to see labour strikes. If there is another tool that can prevent strikes from happening, if there is another tool of negotiation, I do not know why anybody would want to remove it.

I would also like to indicate that as a rural person and a person who—for people who come from one-industry towns, strikes are very devastating to small communities, because when you get that one source of employment gone, then the whole community hurts. I think that if, as I say, there are ways to prevent this from happening, let us keep the legislation in place.

The legislation also has a sunset clause. The sunset clause is supposed to be five years. Is that right? So why not let the legislation stay there? If after five years it is not working, you will not have to rescind it and you will not have to amend it. Leave it there till its time runs out and then look at it. If there—

**An Honourable Member:** Time has run out.

**Ms. Wowchuk:** It may have run out.

When we look at this amendment I have to agree with my colleagues, that to have the Bill removed and then review it is a little too late. The purpose of this amendment—

**Mr. Ashton:** Mr. Chairperson, I am sorry—

**Mr. Chairman:** Mr. Ashton, just one moment -(inaudible)-

**Mr. Ashton:** Sorry. I have already spoken, Mr. Chairperson. I do have some more comments, but if the Member wishes to speak, I think it is probably only fair, since he has not spoken yet. -(interjection)-

Very well, Mr. Chairperson, I certainly will speak.

Mr. Chairperson, I first of all would like to ask that you ask Members of this committee to perhaps be patient with other Members who wish to express their views on this amendment. I feel it is an important issue. We have had extensive debate in the past.

I recognize that Members are perhaps anxious for this committee to adjourn tonight after dealing with this matter expeditiously, but I do want to stress, Mr. Chairperson, that we in the New Democratic Party made our position quite clear from the beginning. We have said that we would not expedite at any stage the consideration of this Bill. I want to say that up front, because I remember the Liberals in the last Session said they wanted a quick and speedy passage of the repeal of final offer selection. The Liberal Member—

### Point of Order

**Hon. James Downey (Minister of Northern Affairs):** On a point of order, Mr. Chairman, I have no difficulty with the Member wanting to speak to the amendment as I think it is what we are dealing with. The debate has been broad ranging on the total Bill. I understand we are dealing with it now clause by clause and would appreciate dealing with the amendment of which I have not heard a lot about from the Member. I think it is important to deal with the subject matter on a clause by clause—the amendment. I think it would in order for this committee to deal with it in that manner.

**Mr. Chairman:** I have allowed a little bit of latitude, but I will ask you, Mr. Ashton, to please keep it closer to the -(inaudible)-

**Mr. Ashton:** Mr. Chairperson, I think any review of Hansard and—if the Minister was listening to my comments earlier, he would have seen that I repeatedly referred to the amendment, not the Bill, but to the amendment that was introduced by the Liberal Party and the impact of that amendment. I would hope that the Minister would listen more closely perhaps to the proceedings of the House, because I take very seriously our rules and certainly our rules in terms of relevance. I was distracted somewhat by the enthusiasm of Members of this committee.

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**Mr. Ashton:** I want to indicate that we do intend to put our views on the record, and I think that is only fair. I do believe the Member for Selkirk (Mr. Dewar) has some concerns to express about the Liberals. I want to indicate, Mr. Chairperson, I will defer to him, and I will have some further comments afterwards, but I do want to stress that we do not support this Liberal amendment. We do not support it, and I wish to give the opportunity to the Member for Selkirk to express his own concerns about this particular matter.

**Mr. Gregory Dewar (Selkirk):** Mr. Chairman, I was wondering if I could have the indulgence of the committee to refer to some notes. -(interjection)-

**Mr. Chairman:** Order, please.

**Mr. Dewar:** I think when the Bill was first introduced there was opposition to it from all sides, but I believe after seeing the Bill in operation, the Opposition realized that the Bill was in the best interest of working people in the province. I think when you look at some of the facts of 99 groups who applied for final offer selection -(interjection)- seven -(interjection)-

**Mr. Chairman:** Order, please.

**Mr. Dewar:** I was just going to support my fellow colleagues here in our denouncing of this amendment and we will not support it, and I support my colleagues on that.

**Mr. Praznik:** Good. Let us vote. Question.

**Mr. Chairman:** Is the committee ready for the question?

**Some Honourable Members:** Question.

**Mr. Chairman:** The amendment as proposed by Mr. Cheema reads:

Moved by Mr. Cheema

THAT Bill 12 be amended by renumbering section 5 as section 6 and by adding the following as section 5:

**Review of final offer selection by committee**

**5(1)** Notwithstanding section 2, within 30 days of this Act receiving royal assent, the minister shall designate or establish a committee to undertake a comprehensive review of the final offer selection process as provided in An Act to Amend The Labour Relations Act, S.M. 1987-88, c.58 (R.S.M. 1987 Supp. c.19).

**Committee report**

**5(2)** The committee designated or established by the minister for the purpose of subsection (1) shall within five months after being designated or established, submit a report to the minister, including

- (a) an assessment of the effectiveness of the final offer selection process; and
- (b) recommendations as to whether the final offer selection process should be re-enacted and given statutory form as provided under S.M. 1987-88, c. 58, in its original form or with modifications.

**Tabling of report**

**5(3)** The minister shall lay the report referred to in subsection (2) before the Legislative Assembly immediately if the Legislative Assembly is in session, or, if the Legislative Assembly is not in session, within 15 days of the beginning of the next ensuing session.

**(French version)**

**Motion:**

Il est proposé que le projet de loi 12 soit amendé par substitution, au numéro d'article 5, du numéro 6 et par adjonction, après l'article 4, de ce qui suit:

**Examen du processus par un comité**

**5(1)** Malgré l'abrogation de l'article 2, le ministre charge, dans les 30 jours suivant la date d'entrée en vigueur de la présente loi, un comité d'effectuer un examen complet du processus d'arbitrage des propositions finales prévu par la Loi modifiant la Loi sur les relations du travail, chapitre 58 des Lois du Manitoba de 1987-88 (Suppl. aux L.R.M., c. 19).

**Rapport du comité**

**5(2)** Le comité constitué en vertu du paragraphe

(1) présente au ministre, dans les cinq mois qui suivent sa constitution, un rapport comprenant:

- a) d'une part, une évaluation de l'efficacité du processus d'arbitrage des propositions finales;
- b) d'autre part, des recommandations quant à la question de savoir si ce processus devrait être rétabli et faire l'objet de dispositions législatives identiques à celles prévues au chapitre 58 des Lois du Manitoba de 1987-88 ou faire l'objet de dispositions différentes.

**Dépôt du rapport**

**5(3)** Le ministre dépose la rapport visé au paragraphe (2) devant l'Assemblée législative immédiatement ou, si elle ne siège pas, dans les quinze premiers jours de séance ultérieurs.

Shall the amendment to the Clause 5 be passed?  
All those in favour of the amendment, please say aye.

**An Honourable Member: Aye.**

**Mr. Chairman: All those opposed?**

**Some Honourable Members: Nay.**

**Mr. Chairman: The amendment is defeated.**

**Mr. Cheema: Mr. Chairperson, could we have a recorded vote, please?**

**Mr. Chairman: Only committee Members are allowed to vote.**

**A COUNTED VOTE** was taken, the result being as follows:

Yeas 1, Nays 8.

\* (2100)

**Mr. Chairman: The amendment is defeated.**

Shall Clause 5 pass?

**Mr. Ashton: I have a number of amendments I would like to see in the first amendment, and the second one is consequential on the first. I move**

THAT section 5 be struck out and the following substituted:

**Referral to L.M.R.C.**

**5(1)** This Act is hereby referred to the Labour Management Review Committee to review the legislation respecting final offer selection since its enactment in 1988.

**Review terms of reference**

**5(2)** The Labour Management Review Committee shall, in its review under subsection (1),

examine whether, and if so, the extent to which, final offer selection

- (a) enabled collective agreements to be renegotiated without resort to strikes or lockouts;
- (b) enhanced or diminished harmonious relations between employers and employees;
- (c) had an impact, whether beneficial or detrimental, on the respective economic interests of employers and employees wholly on collective bargaining in settling terms of employment; and
- (d) generally served the public interest in harmonious labour management relations in the province.

#### **Tabling of review report**

**5(3)** If, when the review report under subsection (5) is received by the minister, the Legislative Assembly is in session or is scheduled to commence or resume a session within 10 days, the minister shall table the report in the Legislative Assembly no later than the 15th day following the day on which the report is received.

#### **(French version)**

#### **Motion:**

Il est proposé que l'article 5 est remplacé par ce qui suit:

#### **Renvol au Comité patronal-ouvrier**

**5(1)** La présente loi est renvoyée au Comité patronal-ouvrier afin que celui-ci examine les dispositions concernant l'arbitrage des propositions finales depuis leur édicition en 1988.

#### **Mandat**

**5(2)** Le Comité du patronal-ouvrier examine, à l'occasion de l'étude visée au paragraphe (1), la question de savoir si l'arbitrage des propositions finales:

- a) a permis la renégociation de conventions collectives sans que les employés recourent à la grève ou que les employeurs recourent au lock-out;
- b) a favorisé le maintien de relations harmonieuses entre les employeurs et les employés ou a nui à ces relations;
- c) a eu un effet, positif ou négatif, sur les intérêts économiques des employeurs et des employés qui comptent sur la négociation

collective afin de parvenir à fixer des conditions de travail;

- d) a, de façon générale, servi l'intérêt du public dans les relations du travail dans la province.

Le Comité se penche, le cas échéant, sur l'importance du rôle que l'arbitrage a eu.

#### **Dépôt du rapport**

**5(3)** Le ministre dépose le rapport visé au paragraphe (5) à l'Assemblée législative dans les 15 jours suivant sa réception si l'Assemblée législative siège ou doit ouvrir ou reprendre une session dans un délai de 10 jours.

That is the first amendment.

**Mr. Chairman:** Any debate on the amendment?

**Mr. Ashton:** I want to indicate to Members so that they understand exactly what is happening in terms of this particular amendment. This amendment would initially establish a review that would be conducted by the LMRC, the Labour Management Review Committee.

I want to indicate, Mr. Chairperson, that I have other amendments, which are consequential to this amendment that would ensure that final offer selection will not, and I repeat, will not be repealed until the LMRC report is received. I want to say that while we in the New Democratic Party have no doubts whatsoever about what the LMRC review would result in, we are saying to this committee, if they really believe in an open-minded and democratic process that they should allow this matter to go before this review, not before it is repealed, unlike the Liberals had suggested previously, but before it is repealed.

I want to stress that, because the effect of what we are proposing is exactly as I said before, that we would give it a chance. If the Labour Management Review Committee, the LMRC, says through its review, based on the criteria that I have outlined here in terms of this particular amendment, if they say it works, final offer selection would remain in place. If they say it is not working, final offer selection would be repealed.

That is the effect of the consequential amendment that I will be introducing if Members of this committee pass this particular resolution. I have it drafted. It is available to Members of the committee who may wish to see this before voting on this particular amendment. It is a consequential amendment, Mr. Chairperson, and that is why I am

not moving it in conjunction with this particular amendment.

I want to say to the Members of the committee that—and I mentioned it before—putting aside the politics and, yes, there is a lot of politics in this debate, anyone would admit that. But putting it in the perspective of an average member of the public, what is unreasonable about what is being proposed here?

We believe strongly that final offer selection is working. We are willing to say that we, as Members of this committee and Members of the Legislature, are willing to put it to that judge, that jury that I talked about before, in this case the LMRC which, for those Members of this committee who perhaps are not aware, does have representation from both labour and management, as the title suggests, and a neutral Chair. What more objective body, Mr. Chairperson, what more objective body to deal with this particular matter?

What we are saying is, before you execute final offer selection, put it to a trial, if you like—to use that analogy of the judge and jury—in this particular case being not partisan Members of the Legislature, but the Labour Management Review Committee, that the Minister had put so much credence in on Bill 23, who repeatedly went out of his way to stress and support Bill 23 as they did, Mr. Chairperson, and who made a number of very valuable recommendations to the Minister. I know the Minister will be the first to acknowledge that because he stated that publicly.

We are saying, in the Minister's own words, here is an objective body, as an objective body as you can get in this province to deal with this particular matter. We are saying put it to the judge and jury first. Do not execute it first as the Liberals would do before examining it, or execute it, lynch it as the Conservatives would do without even any concern for examination.

I am saying, Mr. Chairperson, let us give it a chance. If we are wrong in the New Democratic Party and the LMRC says that it does not believe it has been in the best interest of labour relations in Manitoba, I would say that we in the New Democratic Party would be willing to accept that. We accept the consequences of this amendment. I say that knowing full well that we believe that any review will show it is working but, yes, we will accept it.

All I am asking from Members of the Legislature—Conservative Members and Liberal Members—is to do the same as well. If they are so convinced of their position, let us put it to an objective review. Let us put it to an objective review, Mr. Chairperson. I would say if they are so convinced, if the Liberals are so convinced of their views or the Conservatives of theirs, and they both seek to repeal final offer selection, put it to this review first and give it a chance. That is all this amendment does.

I cannot think of anything more reasonable. Putting aside all the politics, all the debate of the last number of years, what can be more reasonable than suggesting that before this is repealed, it is reviewed, and based on the results of the review, it is either kept or it is repealed?

I leave that with you, Mr. Chairperson. I hope that Members will seek their conscience out on this issue, because that I believe—for the Member for The Maples (Mr. Cheema) who talked before about common sense—that is the common sense approach. Review it and then decide whether to repeal it.

**Mr. Praznik:** I will be very brief in my comments. I would hate to interrupt the Member for Thompson (Mr. Ashton) in his theatre this evening in good politics complete with television camera. I would just like to remind Members of this committee that when the original Bill was introduced into the House by the administration of which he was a part, that Government did not charge the Labour Management Review Committee with studying this particular legislation. They had it looked at in concept by a subcommittee but would not trust the judgment of that committee. They did not refer it to study of that objective body. They did not use the Labour Management Review process when they introduced the Bill, and I do not think I feel obliged to carry through doing it if they would not use that mechanism when they introduced it.

**Mr. Chairman:** Is the committee ready for the question?

The amendment as proposed by Mr. Ashton reads:

THAT section 5 be struck out and the following substituted:

**Referral to L.M.R.C.**

**5(1)** This Act is hereby referred to the Labour

Management Review Committee to review the legislation respecting final offer selection since its enactment in 1988.

#### **Review terms of reference**

**5(2)** The Labour Management Review Committee shall, in its review under subsection (1), examine whether, and if so, the extent to which, final offer selection

- (a) enabled collective agreements to be renegotiated without resort to strikes or lockouts;
- (b) enhanced or diminished harmonious relations between employers and employees;
- (c) had an impact, whether beneficial or detrimental, on the respective economic interests of employers and employees who rely on collective bargaining in settling terms of employment; and
- (d) generally served the public interest in harmonious labour management relations in the province.

#### **Tabling of review report**

**5(3)** If, when the review report under subsection (5) is received by the minister, the Legislative Assembly is in session or is scheduled to commence or resume a session within 10 days, the minister shall table the report in the Legislative Assembly no later than the 15th day following the day on which the report is received.

#### **(French version)**

#### **Motion:**

Il est proposé que l'article 5 est remplacé par ce qui suit:

#### **Renvoi au Comité patronal-ouvrier**

**5(1)** La présente loi est renvoyée au Comité patronal-ouvrier afin que celui-ci examine les dispositions concernant l'arbitrage des propositions finales depuis leur édicition en 1988.

#### **Mandat**

**5(2)** Le Comité du patronal-ouvrier examine, à l'occasion de l'étude visée au paragraphe (1), la question de savoir si l'arbitrage des propositions finales:

- a) a permis la renégociation de conventions collectives sans que les employés recourent à la grève ou que les employeurs recourent au lock-out;

b) a favorisé le maintien de relations harmonieuses entre les employeurs et les employés ou a nui à ces relations;

c) a eu un effet, positif ou négatif, sur les intérêts économiques des employeurs et des employés qui comptent sur la négociation collective afin de parvenir à fixer des conditions de travail;

d) a, de façon générale, servi l'intérêt du public dans les relations du travail dans la province.

Le Comité se penche, le cas échéant, sur l'importance du rôle que l'arbitrage a eu.

#### **Dépôt du rapport**

**5(3)** Le ministre dépose le rapport visé au paragraphe (5) à l'Assemblée législative dans les 15 jours suivant sa réception si l'Assemblée législative siège ou doit ouvrir ou reprendre une session dans un délai de 10 jours.

Shall the amendment to Clause 5 be passed?

**An Honourable Member:** No.

**Mr. Chairman:** All those in favour of the amendment, say aye.

**Some Honourable Members:** Aye.

**Mr. Chairman:** All those opposed, nay.

**Some Honourable Members:** Nay.

**Mr. Chairman:** The Nays have it. The amendment is defeated.

**Mr. Ashton:** Yes, I would like a counted vote, please.

**A COUNTED VOTE** was taken, the result being as follows:

Yeas 3, Nays 6.

**Mr. Chairman:** The amendment is defeated.

Shall Clause 5 pass—pass. Preamble—passed on division?

**Mr. Ashton:** Yes, I would like to have it recorded that we did not support Clause 5.

**Mr. Chairman:** Clause 5 is passed on division. Preamble—pass; Title—pass. Shall Bill 12 be reported?

**Mr. Ashton:** I would like on the same division to record that we did not support having this matter—

**Mr. Chairman:** On division, shall Bill 12 be reported? Agreed. Is it the will of the committee that I report Bill 12? Agreed, on division.



\* (2110)

**BILL 23—THE EMPLOYMENT  
STANDARDS AMENDMENT ACT (2)**

**Mr. Chairman:** Does the Honourable Minister of Labour have an opening statement for Bill 23?

**Hon. Darren Praznk (Minister of Labour):** Very briefly, Mr. Chairperson. In proceeding through Bill 23, I would like to thank both Opposition Parties for their assistance in moving this speedily through the process.

I would also like to just point out to Members that the process that we used to work out the details of this particular Act was the use of the Labour Management Review Committee and that the formula that we used for allowing Manitobans to avail themselves fully of the changes in UIC benefits was part of the recommendations that came out of particularly the labour side of the Labour Management Review Committee.

Two particular areas I am quite proud of that we had agreement were the provision that both maternity and parental benefits would run continuously unless there was an agreement between an employer and an employee, as well as the provision for retroactivity and a phase-in period. That had the support of the full Labour Management Review Committee.

As I have indicated before, the provision to reduce the qualifying period from 12 months was not an issue that was germane at the time to allowing Manitobans to avail themselves of those benefits. There has always been a difference in the qualifying time between unemployment insurance benefits and the provisions of The Employment Standards Act. That has been open to previous Governments to amend or change in their day and was not. This Government has asked the Labour Management Review Committee to look at that particular issue early in the new year, and if there is a recommendation from that committee we will be, as a Government, very prepared to look at it and act on it.

The process is under way, and I appreciate the comments that Members of the committee of all Parties have given to me privately and the advice they have offered privately with respect to this very technical piece of legislation.

**Mr. Chairman:** We thank the Honourable Minister of Labour.

Does the critic for the official Opposition Party, the Honourable Member for Thompson, have any brief opening remarks?

**Mr. Steve Ashton (Thompson):** Mr. Chairperson, our Status of Women Critic, the Member for Wellington (Ms. Barrett), has some remarks in terms of this Bill.

**Ms. Becky Barrett (Wellington):** Mr. Chairperson, I have spoken on this legislation before. I would suggest that basically the amendment does only one thing. It changes the current requirement of 12 months of employment to qualify for benefits to zero months of employment to qualify for benefits.

I will speak very briefly on the theory behind that, which I believe is that this legislation does some good things in terms of recognizing the reality of parents and of families in our society today and the reality of work in our society today—

**Mr. Chairman:** Order, please. If you are going to be moving an amendment, you should move the amendment and then speak to it. Right now you should be speaking to the Bill.

**Point of Order**

**Mr. Ashton:** On a point of order, I believe the Member for Wellington (Ms. Barrett) is indicating her general comments and the fact that we will be amending it. That is in order. It is the normal procedure.

In this particular case, because the Member for Wellington is not a Member of the committee, I will be moving it on her behalf.

I want to indicate for the record that she had drafted this particular amendment and she is referring to the omission in this particular Bill in this regard. I do believe that is in order, Mr. Chairperson.

**Mr. Chairman:** She is speaking directly to the amendment at this time, Mr. Ashton. If she is going to speak to the amendment, I would ask you to move the amendment and then she can speak to it. -(interjection)- She will wait till the amendment is moved before she speaks to it.

**Hon. James Downey (Minister of Northern Affairs):** Mr. Chairman, on a point of order, I agree with you that it would be important for all Members to hear the amendment so that each and every one

of us knew what the amendment was when she is speaking to it.

As a non-Member of the committee, anyone who is a Member of the Legislature can speak to anything here without being a Member, but let us have the amendment brought forward first so that we all know what she is talking about.

I think a point of order is in order and your judgment is correct, Mr. Chairman. Let us have the amendment by the Member for Thompson.

**Mr. Ashton:** On a point of order, I can indicate there will be the amendment forthcoming, but the Member for Wellington (Ms. Barrett) is referring to the Bill and an omission in the Bill. She was asked for introductory comments and that is totally in order, Mr. Chairperson.

I think that if we allow the Member for Wellington to complete her remarks, we can officially move the amendment and get into debate on the amendment.

**Mr. Chairman:** I would ask the Honourable Member for Wellington if she would please keep her remarks relevant to the clause, to the Bill in general, and not to an amendment which is not before us.

\* \* \*

**Ms. Barrett:** Thank you, Mr. Chair. I will be delighted to do that.

This Bill before us does do some positive things. It does recognize or make a step toward recognizing the role of both parents in our society and the role that both parents play in working in our society, which is a major change that has happened in the last several decades.

There is to my way of thinking and to many workers and people in our province a singular lack in this Bill. That is the fact that it continues to require 12 months of employment in order to qualify for the benefits.

I would strongly urge that the Bill be amended to reduce that 12-month requirement to zero-months requirement in order to further the cause of equity and fairness in employment so women do not continue to be made to bear the brunt of the fact that they are the gender that physically bears children and then have to pay the economic price for that. In order to further the cause of fairness and equity in our labour legislation, of which this is a step forward, this is an omission that I would hope would be

rectified by an amendment to this legislation. Thank you.

**Mr. Chairman:** We thank the Honourable Member for Wellington.

Does the critic for the Second Opposition Party, the Honourable Member for The Maples (Mr. Cheema), have any opening remarks?

**Mr. Gulzar Cheema (The Maples):** No.

**Mr. Chairman:** The Bill will be considered clause by clause. During the consideration of the Bill, the Title and Preamble are postponed until all other clauses have been considered in their proper order by the committee.

Clause 1—pass. Clause 2, shall Clause 2 pass?

**Mr. Ashton:** Mr. Chairperson, I have an amendment. I move

THAT section 2 be struck out and the following substituted:

#### **Section 36 amended**

**2** Section 36 is amended

- (a) in subsection (1), by repealing clause (a);
- (b) in subsection (2) and clause (3)(a), by striking out "11 weeks" and substituting "17 weeks"; and
- (c) in subsection (8), by striking out "who has completed 12 consecutive months of employment by the employer".

#### **(French version)**

Il est proposé que l'article 2 soit remplacé par ce qui suit:

#### **Modification de l'article 36**

**2** L'article 36 est modifié:

- (a) au paragraphe (1), par suppression de l'alinéa a);
- (b) au paragraphe (2) et à l'alinéa (3)a), par substitution, à "11", de "17";
- (c) au paragraphe (8), par suppression de "qui a été 12 mois consécutifs à son service".

**Mr. Chairman:** Is there any debate on the amendment?

**Mr. Kevin Lamoureux (Inkster):** Mr. Chairperson -(inaudible)- to clarify what is possibly going to be an amendment. I would ask for legal counsel or the mover of the amendment to explain what it is that this amendment is actually going to be doing.

**Ms. Barrett:** Mr. Chair, if I may, basically it recognizes the fact that there would be no months of employment to qualify for the benefits under this Act. It simply changes 12 months, the requirement that you be employed 12 months in order to be able to access the benefits of this Act and substitutes zero months. The other subsections just clarify that and eliminate the clauses that deal with that.

\* (2120)

**Mr. Lamoureux:** Can the Member tell me who it is that she or her Party consulted, or where they got the idea from on this amendment? Did they check with different organizations?

**Ms. Barrett:** Yes, we did and—

**Mr. Praznik:** MFL.

**Mr. Chalman:** Order, please.

**Ms. Barrett:** Mr. Chair, I would be delighted to respond to the question. If the Minister cares to respond to the same question, he is free to do so after I have completed my response.

We have checked with various organizations, primary among them the Manitoba Federation of Labour. In addition we have checked with a variety of women's groups, workers in the province. Many people feel that this is an overdue readjustment that will reflect current realities. It is currently in place in two provinces in the country. It is being looked at and proposed in Quebec. It is being looked at and probably will be in place very shortly in Ontario.

I think in keeping with Manitoba's recent historical past in being in the forward movement of labour-management relations, this is only another small step in that regard, but would have long-reaching implications and would give to the workers and the families of this province a message that Manitoba does have, in its labour legislation, Acts that reflect the current reality.

**Mr. Lamoureux:** Mr. Chairperson, this is very new to myself. I am not a member. I know if I was a member and a voting member I probably would have—because the Member seems to have done quite a bit of work on it—appreciated some type of advance notice because it is a very serious issue that I believe does need to be addressed. It is unfortunate that was not done.

I would ask maybe for the Minister to comment on this particular amendment.

**Mr. Praznik:** Mr. Chairperson, I am somewhat amazed. Just a few moments ago in this committee we heard such a plea to me, as Minister, to respect process on another Bill and to take a matter to the Labour Management Review Committee. What I find so distressing is that the Labour Management Review Committee for a number of years, going back quite a period of time under various administrations, was a committee that those who were on it were not too pleased with, did not find it all that functional of a committee.

My predecessor, the Honourable Gerrie Hammond, worked very hard, along with Susan Hart-Kulbaba and Brian Meronek, to rebuild that committee. With the appointment of a new chairperson in Wally Fox-Decent, that committee has become or is beginning to be a very useful tool to this Legislature, to Ministers of Labour and to the people of Manitoba. With a great deal of effort on the part of all concerned—of the labour representatives recommended through the Manitoba Federation of Labour, and the Canadian Federation of Labour, of management representatives recommended through various management and employer associations—it is finally starting to become a productive tool.

One of the first items this newly reconstituted board has had to deal with on a very short time period was this Bill to amend The Employment Standards Act. This committee, with some over 25 people in attendance, had a week with which to make presentations and representations to this Minister; had a steering committee that dealt with and spent a whole day, met over at the Manitoba Federation of Labour, who were kind enough to host the meeting; and provided, I think, some very good advice and recommendations to this Minister.

Many of the items where we reached agreement, such as retroactivity and phase-in, such as the continuity provisions between the two benefits, and a great deal of effort was put into this work, and I hope goes into other work. Now one of the matters that came out of the process was the consideration of the requirements or the opt-in provision for these benefits. At that particular time the Manitoba Federation of Labour held a press conference, and it has consistently been their policy to lower those provisions to zero over a number of years.

My understanding, in discussions with Susan Hart-Kulbaba and from the press conference, what

I picked up on it, was that presentation has been made over a number of years, including the period when the New Democrats were in Government and did not amend The Employment Standards Act. What Labour Management Review said to this Minister through its Chair, Wally Fox-Decent, was that the Federation of Labour continued—who, by the way, are not all of the labour representatives on the Labour Management Review Committee, there are some appointed or recommended through the Canadian Federation of Labour, which is another umbrella organization, as Members may or may not be aware in the New Democratic Party.

The recommendation that came from the Chair was that there was a sense in this committee that they wanted some more time to study this issue, that it was not germane to the provision or the changes in the unemployment insurance benefits because there has always been a differential between the number of weeks required to receive UIC benefits and a qualification period under The Employment Standards Act. That differential has, in fact, narrowed a little bit, regrettably, because more weeks are required to qualify for unemployment insurance.

That issue was there when Members in the New Democratic Party were in Government, when the MFL was advising them to lower it. I am not saying that there is anything wrong with that, but we now have a very good process to seek recommendations on how we deal with this issue. The Labour Management Review Committee has been charged with reviewing this matter early in the new year. Management's side, in their conversations to me in my office with Susan Hart-Kulbaba present and Wally Fox-Decent present, was that they were not adverse to this. They wanted some time to consider it, and I think that is only fair. The Chair in fact said, yes, it would be the right thing to do, is to have a little more chance to look at it because it was not germane to the immediate issues of UIC.

What I am seeing tonight from the Members of the New Democratic Party, who just a short time ago spoke to this committee so eloquently about using the Labour Management Review Committee, and now when we have an issue that they are very prepared to deal with, devote a lot of volunteer time to deal with and make what may be, I would hope, a joint recommendation to the Government, people who represent employers and employees,

Members of the New Democratic Party tonight say, no, we should not see that process happen.

If that process breaks down, if that process does not work, if that process early in the new year does not produce a result that they view as satisfactory, then they are free as Members of this Legislature to bring forward amendments to The Employment Standards Act in the next Session of the House, which is likely to begin sometime early in the spring.

We are talking about a space of a few months to allow a process that we are finally revitalizing and using in a positive way in this province. They would prefer to ignore that, see that process fall apart just simply to try to score some quick politics here tonight. That is so typical, time and time and time again, of the actions of the Members of those Parties.

**Ms. Barrett:** Mr. Chair, I hesitate to respond to the Minister's comments. I did not say I would not. I said I hesitated to respond to the Minister's comments about ascribing political motives, solely political motives, to comments and questions and amendments brought forward in this House.

First of all, in response to the Minister's comments about the Labour Management Review Committee, my understanding of this committee is that it is an advisory committee, that the Government does have the authority to make and bring forward legislation. The Labour Management Review Committee can and should, and we are not in disagreement about the role of the Labour Management Review Committee and the process, but the final obligation is on the Government's head to bring forward legislation.

It is perfectly legitimate and within the purview of Members of this House to bring forward amendments to legislation that has gone through the Labour Management Review process. I am not in any way, shape or form suggesting that we are trying to abridge or circumvent that process, nor am I casting aspersions directly or indirectly on the Labour Management Review Committee or the process.

**An Honourable Member:** Why do you not wait for them to do their work?

**Ms. Barrett:** No, no. I am not casting aspersions on them or their process. I can disagree with what they have recommended without casting aspersions on them or their process. What I am suggesting to the

Minister is that the Minister listen to a significant portion of that Labour Management Review Committee which definitely approved and wanted to have in this legislation this amendment. That is all I am suggesting.

I would not want on the record without stating the equivocal opposite that this Opposition, that the New Democratic Party, in bringing forward this amendment is bringing it forward in order to denigrate the work of the Labour Management Review Committee. It is not meant in that regard, and I do not think it should be taken in that regard.

\* (2130)

**Mr. Cheema:** Mr. Chairperson, I just wanted to put in some comments. I am very surprised because, as the Minister has said, we must respect the process. Definitely the Member has shown positive intentions. We have no difficulty with intentions, but once you have a process, why do you play such a so-called game? If the Labour Management Review Committee is going to look at the whole process, it could be brought back in three months again. So simply we are not against it. We think it is positive. The positive intentions are there, but we must respect the process, especially when you said five minutes ago something else, and now you are going back in a different direction. I am not saying you do not have good intentions and positive ideas there, but we must have a look at it.

**Mr. Ashton:** Mr. Chairperson, the indignation of the Minister I find rather incredible because in this particular case the issue before us has not been rejected by the Labour Management Review Committee.

The real question is one of process. No one has ever said that this is not good in principle. That has not been the decision of the Labour Management Review Committee. For the Minister to take such indignation at Members of the Opposition for moving this when there is a very principled reason for moving this, I find rather surprising, particularly—and the Minister talks about five minutes ago. Here we had a situation where there was disagreement not in terms of process, but fundamentally in terms of the principle of decision making.

The Minister, in terms of some items, will refer them to the LMRC. In this particular case he is hanging his hat, his argument, on the LMRC, but in terms of the amendment that we moved just a few

minutes ago, would not even consider it prior to action being taken.

It is all right to say that we should not move an amendment such as this which would prevent, I believe, what will become a discriminatory situation in the workplace. It is not all right for us to proceed with that or Members of the Opposition to suggest that because it is political. It is, however, all right for the Minister in regard to final offer selection to say that it should not go to the Labour Management Review Committee which he did through his vote and the vote of other Members of the committee opposed our amendment.

There is, indeed, not only an inconsistency. In politics anyone can throw out that charge. It is something that goes back and forth continuously. I think there is a misunderstanding of what we are talking about here because in this particular case the Minister is so indignant about the process, but in the previous case was not even willing to give any sort of process to final offer selection. The Government is being selective in terms of that, and I think the Minister would have to admit that. He would have to admit that is the case.

I want to deal with the principle of this amendment and the fact that it was not accepted by the Government. I would hope the Liberals would accept it because I believe in principle this is one they will certainly support. I say this not in a political way, but in a sense of just looking at the principle of it. I believe they have the option to do that in this particular case. They can support this amendment.

What will happen if this amendment is not passed is that we will continue in a situation where there will be a difference as to whether people are eligible under The Employment Standards Act for protection for maternal and parental leave.

What is that protection, Mr. Chairperson? The protection is that while under UIC they might be eligible for certain leave provisions, paid leave provisions under UIC. The difficulty that arose with the change in the UIC Act was the fact that people could theoretically take advantage of the federal law, but under provincial law would not be guaranteed of being able to return to their employment after they had taken access of unemployment insurance. Let us not forget what is happening. The Minister is trying to deal with that discrepancy between the federal and provincial law. We support that and we urge that. We are fully

supportive of that particular aspect, but let us deal with what will result.

What will result if the Bill was accepted unamended, without this particular amendment? We will have a discriminatory situation, Mr. Chairperson. If you work for more than 12 months, you will be eligible under provincial law for protection of your rights to have leave—maternal, parental leave. You will be eligible to be able to take access of both the unemployment insurance and, at the same time, be able to return to your place of employment and be guaranteed continued employment.

If this Bill is not amended, if we do not take this opportunity, what will happen is that we will continue with a situation whereby if you work less than 12 months for an employer, Mr. Chairperson, you may very well be eligible for leave under the Unemployment Insurance Act, but if you take it, you will then have no protection under provincial law of your right of continued employment with that particular employer.

In other words, Mr. Chairperson, if you or any Member of this committee attempted to take that leave, you could return to your place of employment if you had not been employed for more than 12 months, and you could find, and would find in most cases, not all cases because some employers would probably still accept the right of members of the public to take this leave, but in a lot of cases you will end up with a situation where you could return to your place of employment and find that you no longer had a job.

That is what is discriminatory about the current Act. I am not saying that it is a new situation, but I would say to the Minister that it is going to be magnified by the fact that one of the few changes of the Unemployment Insurance Act that is positive will now not be available to many people who have worked for less than 12 months. Let us not forget, there are many people who have not been with their employer for more than one year.

If you look at the rapidly changing economy, you are finding more and more people are being laid off, and if they are lucky they find other employment. What is happening is the turnover rates, though, are to the point where there are many people in that circumstance.

I believe it was very appropriate that our Status of Women Critic (Ms. Barrett) raised this matter

because I believe it is particularly going to impact on women. The Unemployment Insurance Act does deal with both maternal and parental leave, but obviously very significantly with maternal leave. What is going to happen, Mr. Chairperson, is that women who have worked for less than 12 months with their employer will not be guaranteed the protection of the law of Manitoba.

I want to point you to a recent study which I brought to the attention of the Minister in Labour Estimates, from Quebec, which showed that there is a very significant incidence of discrimination against pregnant women in the workplace—a very significant incidence. Their studies showed that many women, once they become pregnant, find that they are out of a job. They find when they return after their pregnancy that they are out of a job because, for some reason, employers feel they are not capable of continuing, or that somehow it is not in the best image of the company.

Whatever the reason is, Mr. Chairperson—I quite frankly cannot fathom it—there is a significant incidence of discrimination against pregnant women. That is why this type of protection is so essential because I believe what will happen is that women will take leave, obviously, will take maternal leave, and they will not be returned to their employment. I also believe it will place them in a very, very difficult situation.

I think we have evolved as a society to the point where we should not put women, or people generally, in that choice situation, where they have access to a right under federal law but no guarantee of employment under provincial. That is why we introduced it. I would not, to the Minister, suggest that this is a particularly partisan issue. I would suggest in the 1990s the question of maternal leave or parental leave is something that could be tackled by all Parties in this Legislature, and I hope it will be. I hope, by the way, there will be some significant other changes to The Employment Standards Act that will deal with this because I believe there has to be recognition of other primary responsibilities.

We have all been through that, Mr. Chairperson, as parents. Those of us who are parents in this committee, of having sick children and having the difficult decision to make of what to do. In fact, many people are, on a constant and daily basis, in a position of having to lie, claim they are sick themselves, because they have that sick leave for

themselves but not for their children. We have many single parents who are faced with that dilemma on a far greater basis. This is, I believe, the tip of the iceberg. I look forward to some significant changes reflecting that in The Employment Standards Act.

\* (2140)

All we are saying from the New Democratic Party is not that we make all those major changes now. We are not suggesting that, Mr. Chairperson. We are suggesting we make this one significant change. I recognize that there are some employers who will be concerned about this change. I recognize that.

It is going to be an inconvenience for employers. The trade off here, Mr. Chairperson, is are we going to deal with the concerns of employers who may consider it an inconvenience or the people, particularly women, who are not faced with just an inconvenience, but the possible loss of their job if they access unemployment insurance leave provisions available to them under federal legislation?

That is why we have moved this amendment. That is why I would hope that Members of this committee would consider it favourably, and particularly the Liberal Members would consider supporting it because I am sure they support the principle of this. I would hope that we would be able to take this Bill which is a very good Bill, and I have given credit to the Minister—apart from any criticisms about timing—for its development, and I give credit to the LMRC for its development.

I am just saying, let us go one step further and make this not just a good Bill, but a model Bill for the rest in the country.

**Mr. Cheema:** Mr. Chairperson, can the Minister give us a firm commitment that after the consultation process he will bring the amendment in the form of a Bill to the next Session? -(interjection)-

**Mr. Chairman:** Order, please.

**Mr. Cheema:** Mr. Chairperson, I am just asking the Minister to give us a firm commitment that after the review of the process, he will bring the recommendations in the form of a Bill to the next Session.

**Mr. Praznik:** Mr. Chairperson, I heard a comment from the Member for Wellington (Ms. Barrett). That is what they want, the New Democratic Party, tonight—a commitment. I do not know if that was

what she was indicating or not. They are proposing an amendment.

I do not think anyone at this table is adverse to benefits that allow people to have families and to care for their families.

Mr. Chairman, there is something here beyond the process of just a committee who advises a Minister, and that goes to, I think, the fundamental root of labour relations in our province.

We can get into our own political positions and try to jockey for position, but I say this to Members of the New Democratic Party and to Members of this committee, one of the most important parts of the labour-management review process that I have seen developing since we have a new Chair, and it is in a reconstituted form, is that it forces employer and employee representatives at a table to work through issues such as this and come to mutually acceptable conclusions. That is an important process for both employer and employee representatives. That is something that has not traditionally happened in the Province of Manitoba in the development of labour relations and labour legislation.

As Minister, as I saw this committee work through these amendments that we see today, one provision—and I point this out again to Members of the New Democratic Party—was the continuity of the 17 weeks of maternity leave being taken with the 17 weeks of parental leave unless there was agreement between employers and employees. That was recommended after discussions by both labour and management because labour recognized a concern of management with periods of leave being split up and replacing employees.

They agreed to accept that, so I bring this to this committee tonight with that unanimous recommendation because both parties had an opportunity to sit down and work through a variety of the issues.

What I am saying to this committee today is, this vote that we take on this amendment is not about whether or not leave should be available, or those benefits should be available for 12 months or less than 12 months. It is about a process of the employees and employers in this province in a very short period of time in the new year having a chance to work through this issue and come to some mutually agreeable understanding. That is very important to the development of good labour

relations in this province, and I am asking Members of this committee to support that process. I will look at the recommendations I get from that committee and take them to Cabinet.

**Ms. Barrett:** I have just one final comment. Again, this committee is an advisory committee to the Minister. I would hope that throughout the history of this committee and his tenure as Minister, he does not in every situation wait to follow what he hopes is a unanimous decision or a clear-cut decision. It will not always be the case.

What this amendment does is suggest to the Minister that we on this side feel that this is an issue where he should take the initiative. I understand his position that he disagrees with that. I am not suggesting he is not valid in his position, and I am not trying to suggest any lessening of the Labour Management Review Committee. What we are saying is, we feel this is an issue where he should take the initiative, take the leadership and deal with it in that case.

I certainly would not try again, as I said before, to diminish in any way the role of the Labour Management Review Committee, nor its members. I commend the Minister on the appointment of Wally Fox-Decent as Chair, and I think that the commission has a good possibility of doing very good work in the future.

I would like just one more time to reiterate what the Member for Thompson (Mr. Ashton) and other Members have said, that it is interesting that in this particular instance the Minister is choosing to follow the process of consultation and of waiting for the Labour Management Review Committee to act, and on the amendment that was proposed for final offer selection, asking for the same process, he was unwilling to take that position. I just want to leave that on the record. It is a choice that the Minister is required to make in his role as Minister, and he will be judged accordingly as time goes on.

**Mr. Lamoureux:** Mr. Chairperson, the Minister made reference to the committee and said that if the Labour Management Review Committee came back with a recommendation that he would take it to Cabinet and possibly fight for it in Cabinet.

We would be expecting that if the Labour Management Review Committee came back with a positive—and I would anticipate that it would be positive—recommendation, we would see some form of a Bill. My colleague from The Maples (Mr.

Cheema) had asked the Minister in terms of would he bring in legislation to take into account what the Labour Management Review Committee recommends.

**Mr. Praznik:** As I am sure Members of the committee appreciate, when one is the Minister, firstly this committee is an advisory committee to the Minister, and the recommendation it provides to me, it is my decision to take them to Cabinet. I certainly cannot judge the decision of Cabinet. I have responsibilities there and obviously the Members will appreciate the roles and responsibilities of Cabinet Ministers.

I would just like to say to all Members of the committee, in deciding to take this route—and I appreciate the concern that the Member for Thompson (Mr. Ashton) raised about individuals who may not be able to avail themselves of benefits—I am advised by my department, and one of the things that we looked at in making decisions is that we have not had in the last number of years, that anyone can remember, a complaint brought to us by a mother who had found that she was not able to avail herself of benefits because she had not worked for an employer for 12 months.

I am not saying that has not happened, but we have not had a complaint, and the issue has not been brought forward. I think that gives us a bit of a comfort zone in the time frame for taking it to Labour Management Review Committee. I do appreciate that concern raised by the Member for Thompson.

**Mr. Chairman:** Is the committee ready for the question?

The amendment as proposed by Mr. Ashton reads:

THAT section 2 be struck out and the following substituted:

**Section 36 amended**

**2** Section 36 is amended

- (a) in subsection (1), by repealing clause (a);
- (b) in subsection (2) and clause (3)(a), by striking out "11 weeks" and substituting "17 weeks"; and
- (c) in subsection (8), by striking out "who has completed 12 consecutive months of employment by the employer".

(French version)



Il est proposé que l'article 2 soit remplacé par ce qui suit:

**Modification de l'article 36**

**2** L'article 36 est modifié:

(a) au paragraphe (1), par suppression de l'alinéa a);

(b) au paragraphe (2) et à l'alinéa (3)a), par substitution, à "11", de "17";

(c) au paragraphe (8), par suppression de "qui a été 12 mois consécutifs à son service".

Shall the amendment to the Clause 2 be passed?

All those in favour, say aye.

**Some Honourable Members: Aye.**

**Mr. Chairman:** Those opposed.

**Some Honourable Members:** Nay.

**Mr. Chairman:** The Nays have it.

**Mr. Ashton:** I request a counted vote.

**A COUNTED VOTE** was taken, the result being as follows: Yeas 4, Nays 5.

**Mr. Chairman:** The amendment is defeated.

Clause 2—pass; Clause 3—pass; Clause 4—pass; Preamble—pass; Title—pass. Bill 23 be reported.

The time is now 9:50. Committee rise.

**COMMITTEE ROSE AT:** 9:50 p.m.