

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS

Monday, February 26, 1990

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Edward Helwer (Gimli)

ATTENDANCE - 9 — QUORUM - 6

Members of the Committee present:

Hon. Mrs. Gerrie Hammond
Messrs. Ashton, Edwards, Ms. Gray, Messrs. Harapiak,
Helwer, Pankratz, Patterson, Praznik

WITNESSES:

Mr. Rob Krezanski, Private Citizen
Ms. Karen Bell, Private Citizen
Ms. Shirley Van Schie, Private Citizen
Mr. Richard Naherny, Private Citizen
Ms. Karen Graham, Amalgamated Clothing
& Textile Workers Union, Local 459

APPEARING:

Mr. Jerry Storie (Flin Flon)

MATTERS UNDER DISCUSSION:

Bill No. 31—The Labour Relations
Amendment Act

* (1005)

Mr. Chairman: I call the Standing Committee on Industrial Relations to order. This morning the committee will resume hearing public presentations on Bill No. 31, The Labour Relations Amendment Act.

I will shortly read the names of the presenters from where we left off on Saturday. If there are any members of the public who wish to check and see if they are registered to speak to the Bill, the list of the presenters is posted outside of the committee room.

If members of the public would like to be added to the list to give a presentation to the committee, they can contact the Clerk of the committee, and she will see that they are added to the list.

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

Prior to calling our first presenter, did the committee wish to give members of the public an indication as to how long we will sit this morning? We will sit until 12:30—is that the will of the committee? Agreed. Mr. Pankratz.

Mr. Helmut Pankratz (La Verendrye): Mr. Chairman, are we putting a time limit on the length of time each presenter can speak?

Mr. Chairman: I guess we agreed not to when we first started, Mr. Pankratz.

Mr. Pankratz: Very good, that is fine.

Mr. Chairman: It was the will of the committee at that time that there would be no time limit.

We will start with No. 17, Mr. Grant Ogonowski. Is he here? Mr. Robert Oliën.— (interjection)— I will read them out, then whoever is here can come forward.

Ms. Heather Orton, Mr. Art Barnson, Mr. Melvyn Willis, Mr. Lorne Morrissette, Mrs. Jan Malanowich, Mr. Bill Comstock, Mr. Patrick Joyce, Mr. Larry Rumancik, Mr. Rob Krezanski. Okay, please come forward Mr.—how do you pronounce that, Krezanski?

Mr. Rob Krezanski (Private Citizen): Krezanski is correct, yes.

Mr. Chairman: Do you have a written presentation, Mr. Krezanski?

Mr. Krezanski: Yes, I do, Sir.

Mr. Chairman: Does everybody have a copy? Okay, please proceed, Mr. Krezanski.

Mr. Krezanski: Thank you, Mr. Chairperson. I would like to take this opportunity to thank the committee for allowing me the privilege of presenting my views on final offer selection.

In my opinion, final offer selection offers the most beneficial avenue for both labour and management to resolve disputes at the bargaining table. Manitobans as a whole and the provincial economy can only benefit from what FOS has to offer. It would seem to me that the implementation of a mechanism that has virtually guaranteed shorter strikes and lockouts would be supported wholeheartedly by management. This unfortunately is not the case. Providing a more stable labour-management climate increases productivity thus offering more incentive for new investment which would certainly improve the economy. Shortening debilitating strikes and lockouts that dip into valuable productivity time is what employers are ultimately after. So why in all sensibility would FOS be opposed?

Since the implementation of FOS in January of 1988, it has been applied for a total of 72 times, 58 of which have been finalized by the Manitoba Labour Board, with the remaining 14 still active as of January 30, 1990.

* (1010)

It is interesting to note that 49 of the 58 cases, or 85 percent, were settled by their respective bargaining

parties prior to a selector decision, proving that the mere presence of FOS can have a conciliatory effect on both sides of the bargaining table. Of the remaining 9 of the 58 cases, 4 were dismissed and 5 needed a selector's decision, with 3 for union and 2 for employer.

These statistics speak loud and clear as to the effect FOS has on negotiations. Simply put, they encourage settlement which is what both employer and employee are after. To date, no one as yet has opted to wait an entire 60-day window period. It was initially thought that this piece of legislation would favour the union's side, leading to increased strikes and unilateral bargaining. This is clearly not so. The fact that the selector has to be agreed upon by both labour and management highlights the complete fairness of the system. Furthermore, why anyone would think that labour would enhance the frequency and duration of a strike is beyond comprehension.

Precious time and money are lost for all parties involved in the strike, and a third-party impartial mediator who chooses the fairest offer available is the most sensible option. Eradicating bad faith bargaining is the ultimate goal and FOS should be the mechanism of choice. It is inevitable that there is a winner and loser at any contract negotiation talk, even a grievance arbitration produces such. It is the fairness with which the winner is decided that makes FOS such an attractive package.

To state that FOS favours the union goes against the basic principle of the entire selection process. No one is favoured. Essentially the best man wins; that is fair. At the very least, I feel FOS should be allowed to run the full course of its five-year sunset clause. That way a much more accurate statistical average could be obtained for scrutiny.

If the first two years of its existence is any indication, the remainder of its provision should prove to continually promote bargaining in good faith. To date, the average length of time of a strike has been reduced from 77 days to 6.9 days, with FOS being the sole catalyst.

A record of such outstanding performance should be allowed to run its course. A repeal would certainly be construed as a step backwards. To state that FOS destroys a collective bargaining process is a travesty of truth. Overall, the adversarial nature of contract talks is redefined to one of positive enforcement, with labour and management working towards a common goal, one of fairness and honesty.

No one wants to strike. No one wants a lockout. As well as leading to stagnant relationships at the workplace, they present an image of whining employees and overbearing employers. An image that needs the powerful regulating effect of final offer selection.

In summation, I am strongly opposed to the repeal of the FOS legislation. I urge you all to reconsider the repeal. It is an option I would like kept alive for the sake of all Manitoba and its economy. With economic recession, the rising cost of living, the Free Trade Agreement and the GST, final offer selection is a shining star on the horizon that has only begun to show its full potential.

It has proven that there is an alternative to the battleground atmosphere at the bargaining table, one of sensible mutual understanding. I stand before you as one voice, but I echo the sentiments of tens of thousands of people—FOS works. Thank you.

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

Mr. Steve Ashton (Thompson): I read with interest your comments in terms of no one wanting strikes, because one of the criticisms that has been made of final offer selection—not a criticism that I obviously share but one criticism that has been made—is a suggestion that the 60-day window was going to lead to a situation where people are going to go on strike for 60 days so that they can access the final offer selection process after 60 days. I have always said that is completely and absolutely absurd, but I know it hearing your comments, and I would like to ask you for your opinion on it.

* (1015)

Do you think people are likely to do that, and do you get that criticism of final offer selection, that they are going to go on strike for 60 days so that they can access final offer selection? If not, what do you think is going to be the type of scenario the people are looking at in terms of a strike vote? Is it even within the realm of possibility that they would ever think of sitting out for 60 days with a lost income that they would be faced with in a strike so that they could access final offer selection?

Mr. Krezanski: I associate with some union people who are friends of mine, and they have been involved in strikes in the past. From what I have gleaned from their conversation, I cannot imagine any union member ever opting to go for the longest road possible during a strike. With strike pay being as low as it is, and picket lines are—the stress involved in a picket line plus the money factor, I cannot imagine anybody opting for the maximum 60-day window period, especially since, as I had mentioned, strikes are not wanted by any union member. It is basically a matter of principle; it is a necessity.

When there is a stalemate at the bargaining table, a strike is called, and the sooner that strike is over, the better. That applies to both management side and labour side. I personally cannot understand anybody's reasoning as to arguing that a union would opt for the maximum time to wait to lengthen the period of a strike; it does not make any sense to me whatsoever.

Mr. Ashton: I find your comments interesting, because it seems to me that sometimes people who never really had any experience with strikes seem to believe that people go on strike because they want to go on strike. I have been involved in two strikes, and in each case, with my own personal experience, it was quite the opposite. People went on strike because they thought that was the only way of achieving a fair settlement, which is quite a different thing. It is not to say that the "right to strike" is not important. It really puts in

perspective why people go on strike. I note, from your comments once again, you are saying, no one wants to strike. In fact, no one wants a lockout. You are suggesting then that essentially you see final offer selection not as a substitute for strikes but as an alternative to strikes.

Mr. Krezanski: Definitely. I feel it is a much needed incentive to draw to a close differences at the bargaining table. So far the statistics show, as I said, you have before you, and you probably know already that nobody has opted for the maximum 60-day window period and the average length of time of a strike going down from 77 days to 6.9 days. That is a pretty loud and clear note as to the effect that final offer selection has had so far in its first two years of provision. I think it could only improve up till—if it is taken to its five-year sunset clause, it will show its full potential as to how much of a mediating effect it will have on the bargaining parties in question.

In my experience, I have never been in a strike, but I know, as I say, of a couple of people who have. They have not wanted to per se, but because of their union affiliation and—well, they have had to because of the principle of the matter. They have wanted to picket to get their point across, but as far as the length of time went, it was always a matter of let us get this point across, let us get it over and done with, and the sooner the better.

Mr. Ashton: One of the questions I have been asking presenters before the committee is whether they have been contacted by the Minister of Labour (Mrs. Hammond) or the Department of Labour in regard to their views on final offer selection. Because obviously when it was introduced, it was introduced on the understanding it was new and innovative and would be subject to analysis. If it worked, it would be continued; if it did not, obviously nothing would even have to be done.

As you pointed out, it is only in for a five-year period anyway and the law would lapse. Most presenters before this committee, in fact, all of them, have indicated they have not been contacted whatsoever as to their views on final offer selection, indicating that even though, as you say, the likelihood is there from the statistics, just from the experience of people that final offer selection is working, they are not even really interested in that question. I would like to ask you the same question I have been asking other presenters. Have you been contacted by the Minister of Labour (Mrs. Hammond) or the Department of Labour? Has anyone ever asked you what your views of final offer selection, after its first two years in existence, are?

* (1020)

Mr. Krezanski: No, Sir, I have never been contacted. To my knowledge, no one that I associate with has been contacted.

Mr. Ashton: So in other words, there does not seem to be any interest whatsoever in terms of whether final offer selection is working. I take that is really one of

the reasons you are suggesting that we defeat this Bill and at least give it the five-year period so that we can give it a fair chance to work.

Mr. Krezanski: I believe strongly it should be allowed to at least go the full length of its five-year clause. I cannot for the life of me, personally, understand why anybody would want to repeal a Bill that has done such good so far. I cannot think of one point to speak against FOS. I think people who speak against it are grabbing at straws, quite frankly, maybe on a personal note. It has spoken good so far. It has gotten rid of lengthy strikes, as the stats show. I think it will continue to do so if taken to its five-year sunset clause. I do not see any other option available. Why it would be repealed is beyond me.

Mr. Ashton: Well, I think some of us are hoping the committee hearings will give people the opportunity here, presentations such as yours—and I can assure you that while it may be an uphill battle on this, there are still several other opportunities in which we can save final offer selection in Manitoba. I would like to thank you for your presentation.

Mr. Krezanski: Thank you very much.

Mr. Chairman: Are there any further questions? If not, thank you very much, Mr. Krezanski, for your presentation this morning.

Our next presenter is Ms. Karen Graham. Is she here? Mr. David Hisco, Mr. Colin Lang, Mrs. Christine Woloshen, Ms. Annette Maloney, Ms. Monika Feist, Mr. Chris Monk, Ms. Joanne Maciag, Mr. Welland Ritche, Mr. Dale Neal, Mr. Terry Turcan, Ms. Janice Briggs, Ms. Karen Bell—please come forward, Ms. Bell. Have you a written presentation?

Ms. Karen Bell (Private Citizen): No, I do not.

Mr. Chairman: Okay.

Ms. Bell: I am just going to read.

Mr. Chairman: Please proceed then.

Ms. Bell: Okay, thanks. I just want to say first of all that I am not hear really to speak on the technicalities of FOS. I am just hear to speak on what I know personally of it from my own experience.

The first thing I wanted to mention today was that I am speaking on behalf of many of my co-workers who could not be here today. Unfortunately, for those of us at SuperValu, these hearings, especially Thursday, Friday and Saturday, were scheduled on bad days for us. Those are our busiest times, so a lot of people could not be here today who want to be here.

The only reason that I am here is because I agreed to give up my shift for today, just so you understand that this is very important to me. I only get 21 hours a week, and giving up four of those hours is a major chunk of my pay cheque.

* (1025)

I am sure you will all remember the Westfair strike of 1987. Well, I was one of those picketers who walked on that line. That strike was a long bitter and sometimes violent one, and it lasted four months in its entirety and for the most part was a tremendous hardship for all concerned; for the picketers who were financially stricken and who faced public scorn and often violence from those who chose not to support our strike; to the company who saw its customers dwindle down to a precious few and its profits dwindle down with them; to the customers who did not enjoy crossing our line to many times face the scorn and wrath of the picketers. I can tell you today that many, many times those of us who walked on that picket line wished we could have been able to utilize the FOS legislation. We knew that if FOS would have become law before our strike began, we would have been back to work that much sooner.

Instead of placing hardship for all concerned for an unnecessary length of time, we could have been back to work twice as fast. Myself and my fellow co-workers at SuperValu are now concerned because our contract is up on May 5 of this year. We were counting on the fact that if the company and the union reached another impasse like we did in 1987, we would be able to use FOS. If this is the case, if FOS was still a legislation, we would be able to evoke FOS one to two months before our contract expired, and we would never have to walk a picket line again if we chose not to. I feel that what some of you are saying to me today, and my co-workers, is that you want us to walk the picket line again. You want to keep us out of work for as long as possible because this, to me, is the only thing that repealing FOS will accomplish.

Another interesting point I want to mention is that even though some of my fellow employees did not believe in our strike, and to this day we remain widely diversified about the strike, the one thing we have come together on is our belief in FOS. This became clearly apparent to me when I was recently getting employees to fill out cards in favour of keeping FOS at my workplace. I found that most of the scabs who crossed our picket line to work during the strike were approaching me and asking if they could fill out cards as well. Now, we may have been widely divided on the strike issue; however, we all agree that any piece of legislation that can prevent strikes and lockouts is a piece of legislation worth keeping and worth fighting for, and I believe FOS does just that.

May I further say that I fail to understand why, when Manitoba can be considered a leader among other provinces, when we are the first province, in fact the only province to have a piece of legislation that actually narrows the gap between labour and management, we would want to take a giant step backward and repeal this important piece of legislation. Why should we do this when we have already come so far forward?

In closing, I just want to say that even though walking on strike for four months was a tremendous hardship, I would gladly walk another four months if I thought it would save this vital piece of legislation. I urge all of you today to give your voting public what it really wants and that is the opportunity to keep FOS.

Originally that was all that I had intended to say, but after sitting here for a few days I have been getting

so upset that I have jotted down some points that I just want to touch on. I was shocked to hear that some Members of this committee said that they were actually friends of labour. I do not know where my friends were when I was walking the picket line for four months, but I did not see any of them there. Where were you when a single mother one day on the line broke down into tears, and I took her aside and asked here what was wrong. I was told that her husband had not sent any child support for the month, and she was told if she did not have any rent money by the end of today her and her two kids were going to be evicted. Where were you when another single mother on the picket line was crying one day because she could not even afford to buy a birthday present for her son. You were not there to support us then and you are not here to support us now.

This contract is going to prove to be a very tough one for us at Westfair, because the employer has now reduced hours so greatly for members in some of our small departments that people who have been there eight years are now dwindled down to four hours. Some of them in fact have even been terminated because they have gotten zero hours for four months because the employer is giving all the hours away to departmental assistants who earn one-third our rate of pay.

I tell you we are going to have to fight just like we did last time for this contract. We are going to stand here and fight, and if Westfair forces us to go out on the picket line, we are going to do it. But I just want to know how long do you want us to walk this time, because I am pretty sure if we go out this time, Westfair is never going to let us get back in, and we could get back in after two months if we kept FOS.

* (1030)

Now I have walked four months on a picket line and my mother has walked six months on a picket line. Is that what you want for your constituents? If you say FOS is not so great, well, I say it is the only alternative to settling disputes fairly. If you say it is not, then I wish you would tell me what is. Thank you.

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

Mr. Ashton: Mr. Chairperson, I find your presentation to be excellent, right from the heart. I did have the opportunity myself to go to the picket line, and I wish some of the people who are saying they are opposed to final offer selection had taken that opportunity to go there and talk to people and find out the situation. Throughout this whole discussion and debate one of the things that seems to be missing is that some of the people who are opposed to final offer selection never seem to have either been on strike themselves or taken the time to talk to people who have.

I have been on strike twice. I know what it was like in my case, and I did not have to worry about supporting a family, a family that I have now. I have a wife and two children. I know it would be a doubly difficult decision. What I want to do is ask you a bit further,

because, as I said, it seems people have an idea of strikes that is totally alien to actually what happens out there, and ask you for your experience in what happened in the Westfair strike.

First of all, you mentioned about the fact that many people, the people who crossed the picket lines, the strikes breakers, the scabs, are now supporting final offer selection, which is an interesting, I think, development, because it has been suggested to this committee by opponents of final offer selection that final offer selection is going to divide people.

You are saying it has been the opposite. You are saying that because of final offer selection you are now finally seeing people who probably, I am sure, have not really spoken to each other that much. It must be a pretty terrible situation that you run into, I know, having walked the picket line and having people who cross the picket line.

Just to make it clear to the committee, you are saying that it does not matter right now. People in your workplace, no matter whether they supported the strike or whether they crossed the picket lines, are now saying final offer selection should be kept in the legislation.

Ms. Bell: Yes, that is exactly what I am saying. In fact, some of those scabs that came up to me—this was the first time in over two years that we have spoken to each other, because there are too many hard feelings that we will never be able to put aside, but they did. They came up to me themselves and wanted to sign cards.

In fact the majority of the scabs in my store wanted to sign cards, so they do not want a strike anymore than we do. It was just as hard on them. They had to walk through the picket line. They knew there were people out there that did not like what they were doing. It was just as hard on them as it was on us. They definitely want to keep FOS. Once they found out what it is, they want to keep it; absolutely.

Mr. Ashton: I find that very interesting. As I said it, has been suggested it divides people. You are saying that final offer selection, if anything, in the Westfair case it has brought people together.

Just to go a bit further, I am wondering if you can give people on this committee some idea of what you went through in that strike situation and what your co-workers went through. As I said, I went to the picket line, became quite a controversy in the Legislature as a matter of fact. The current Attorney General (Mr. McCrae) accused myself and some other MLAs who went down to see first-hand and participated in a picket in support of the workers at the time of various things, suggesting that somehow we had been agitating and various different things. Believe you me, it was to find out first-hand.

I am wondering if you can tell—because you can tell this committee far better than I ever could secondhand—what happened during that strike. Give us an idea of what you went through and what your fellow workers went through—you mentioned a couple of cases—in terms of what your income was during

that period from strike pay as compared to what you would be normally be making and what kind of impact that had on your own financial situation and others' financial situations.

Ms. Bell: Well, my income and those of the other picketers as well was approximately—for me it was about one third of my regular salary. For some other people who were getting more hours, it was about one quarter of their regular salary. Whether we would have walked two months or four months or two days, to lose that much income was devastating for many of us. I myself was forced to give up my apartment and move back home with my mother because I could no longer afford to keep it. We were primarily a group of women, mostly women. There is a large portion of women more so than men that work at SuperValu, and we were primarily a group of women walking that picket line.

It has been said that we were violent and that we were trouble makers. I will tell you something. I was never once charged or arrested after four solid months, and that is after walking six days a week, 36 hours a week; I was never charged, nor were many of the people on my line for that matter.

I will tell you something. We sure had a lot of violent customers and scabs coming across the line. There was one occasion where we had a biker from Hell's Angels who assaulted several of our picketers. Then when I attempted to write his vehicle licence plate number down, he approached me and tried to violently strike me. For several months after that, even though we charged him, it was found that he had a outstanding warrant for attempted murder in B.C., he came back to the picket line trying to find me, telling people what he was going to do to me when he found me.

Like I said, we had a lot of single mothers, and I will tell you something. It was hard on them, four months is a darn long time to go without any decent wages. We had to be a support group for each other because the public did not seem to understand. Many of our politicians did not seem to understand. The company was hiring people to walk through the line and purposely provoke us. Then they would have cameras on us and when we dared to say one thing back in our defence, they would charge us. We had a court order against us. It was absolute hell for everyone concerned, that was what it was.

It could not have been any easier on the employer either. That is why I do not understand why we want to repeal FOS. No one here, unless you have walked on a picket line and had your job dangling by a thread, can understand what it means and what it feels like to be that scared to have your livelihood almost taken away. You just cannot understand.

Mr. Ashton: I think you have given the best explanation I have ever heard in terms of—I hope the people on this committee are listening because your comments about the kind of harassment you went through. I find it incredible to be threatened by someone who is wanted on a warrant for attempted murder because so often people portray in the strike situation that it is people walking the picket line that are causing violence. I find

it very interesting that you are saying you are subjected to a significant amount of violence and intimidation from the customers and from the strike breakers themselves.

It is just beyond me, having been through that, your bottom line message in terms of strikes is not that you are not willing to fight for your rights by going on strike if necessary, but you would rather have an alternative. Everybody you have talked to in the workplace is essentially saying they would rather have an alternative that does not lead to that kind of a violent confrontation that takes place in which you by your own experience are probably the greatest victims, you and your fellow workers.

Mr. Chairman: Ms. Bell, did you have any comments to add?

Ms. Bell: Absolutely, that is just the bottom line. I honestly do not believe that FOS hurts anyone. I just makes both sides bargain fairly. Last contract, Westfair did not bargain fairly; they absolutely did not. We sat in a meeting once for about six hours and they said no to every proposal we put on the table. Then when we finally said to them, let us at least go over the proposals that you agree on, we can get those out of the way, they said, we do not agree to anything. Yet, they made us sit there for six hours.

I will tell you something. Like I said, many of our people are losing hours in their jobs. We are going to fight this contract like we did last time. If it means that we have to go on strike, we do not want to do it, but we are going to do it. I just hope we are not out there forever this time.

Mr. Ashton: I think that is the hope of many of us in trying to save final offer selection, quite frankly.

* (1040)

I just want to pursue something further, that you said, because it fits in with what has been raised on this issue. In terms of the fact that this particularly impacts on women, we have had a number of indications from women's organizations, the Women's Agenda in particular, which represents 35 women's organizations, that they are strongly in support of the fight to save FOS because they feel it particularly impacts on women. I would just like to ask you a bit further, you mentioned that the majority of workers in your place are women. Approximately what percentage of people in your own workplace are women workers?

Ms. Bell: I would say, approximately three-quarters are women and actually the majority of them seem to be single mothers, simply for the fact that Westfair has part-time employment. A lot of mothers go there to work part time so they can also spend time at home with their children. That is why we seem to have a large portion of single mothers as well, single parents.

Mr. Ashton: You indicated that the people who are probably the hardest hit, in terms of the impact of the strike, were the single mothers. You mentioned one

particular case there. I am wondering if you could perhaps outline to the committee what happened to the people in that situation, who were, as you said, in a situation of receiving between one-third and one-quarter of their normal income for a four-month period. What impact did that have on them, both financially, emotionally, as people—I am talking not in an abstract sense—what impact did that have on them over that four-month period?

Ms. Bell: Well, the one case I mentioned—two brings to mind. There are so many, but just two come to the top of my head. One instance where the mother, her husband had not sent child support, and she was told that her rent was due, it was late and she was told that if it was not there by the end of today, she was being evicted. Her kids and her furniture and her were going out on the street, so I had to call down to the union office. We had to arrange for our union—thank God, we had someone looking out for us—to bail her out, had to give her a loan. Now she is only getting 21 hours a week with two kids, and her husband does not always send the child support, but now she has to repay that loan. She has to pay so much every month, so she is still in debt.

We also had another single mother who had to go on welfare. Her husband, when he found that out, threatened to take the kids away from her, because he said she was not a fit mother if she could not afford to keep a job and clothes on her kids' back and food for them. So it was devastating. For all, it was just absolutely devastating.

Mr. Ashton: I find it just amazing when you look at the impact. I mean, a husband attempting to take away the kids because she is on strike and she has lost income, because at the time final offer selection was not available in legislation, an option that is available now. So in other words, she was faced with having to fight to maintain custody of her children as a direct result of the financial impact of the strike.

Mr. Chairman: Are there any further questions for Ms. Bell?

Ms. Bell: I just wanted to say that the first time we ever heard about FOS was when we walked that line, and I am serious, this comes right from the heart, we wish we had it then. Four months is a long time, and unless you have done it, you will never know. We wished we had it then and we did not. Now we are counting on it this time, and it looks like we are not going to have it this time either, so I do not know what we are going to do.

Mr. Ashton: I can assure you, as I assured previous presenters, that it is not over yet. We are hoping that this committee hearing will persuade Members of this committee just how important final offer selection is.

I just want to concentrate a bit more on—you were saying that the current contract is expiring when?

Ms. Bell: On May 5 of this year, 1990.

Mr. Ashton: You are concerned that the way the negotiations are headed it could end up in another potential strike situation.

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Ms. Bell: Absolutely. Westfair is just such an unpredictable company. Even though I am sure that the strike was equally devastating for them, they do not feel they have any moral obligation to their employees. Like I said, one person that brings to mind recently, she has worked there eight years, and she has been terminated now because she has not been given any hours for four consecutive months. There is a clause in our agreement that says, if you do not receive hours for four months, you can be terminated.

That is because they have hired all these departmental assistants who earn one-third our rate of pay, and they give them all their hours. People who have been there three weeks get 30 hours a week, and people who have been there eight years get zero. That is not fair to me and it is not fair to anyone. Like I said, we are going to fight this time just like we did last time.

Mr. Ashton: So even after the strike, even after the contract was settled, you are faced with continuing pressure on the long-term employees who essentially are being faced with in effect losing their jobs because of some of the things that Westfair is doing. This is the type of issue you are faced with in the upcoming contract.

Ms. Bell: Yes, exactly. This is what I mean when I say we do not want to go on strike, but we have to. It is not as if we are walking for things that are not important or things that are not going to have any effect. These are our jobs. This is what we are working for, our jobs, not so that we can have longer lunch periods or a great increase in wages or extra vacation. We are just walking to save our jobs. That is what we were doing last time, and that is what we are going to do this time as well.

Mr. Ashton: For the last few years you have gone through a four-month strike during which you saw people crossing the picket line taking your jobs throughout that period. I know that SuperValu had hired hundreds of strike breakers prior to the strike. I remember that at the time. Now, after going through the four months of a very bitter strike in which there was violence, in which there was harassment, financial family hardships, here you are again in 1990 faced with the same issue of fighting to preserve not just—you are not just talking about salaries, you are not just talking about benefits, you talk about in many cases people are fighting to preserve their jobs.

Ms. Bell: Absolutely. We have another single mother who works in a smaller department, and she has been there seven years, I guess. She was up until two months ago, getting 24 hours a week, which, along with her husband's child support, was enabling her to support her two children okay. But, since her hours have been cut to eight hours a week so that she gets one hour per year of service with Westfair, she has now had to go—UIC is compensating her for that portion of her wage that she is not getting. In the long run we are paying more because our taxes are paying for that. We are paying more for it, and we would not have to do that if we had FOS. I mean, we just would not have to do that, so in the long run everyone is being hurt. That is what I do not understand. It is not like it is

unfair to the employer. I just do not understand that at all.

Mr. Ashton: We will have the opportunity later in the committee hearings to talk directly to Westfair, and, quite frankly, one of the things that has always surprised me is when one walks into a SuperValu store that there hardly ever seems to be anyone there who has been working there for any considerable period of time. I think you have outlined to the committee that there seems to be a major effort to squeeze out long-term employees, and I just cannot believe somebody working for eight years getting eight hours a week after serving with the company for that length of time.

I just wanted to ask a couple of further questions because you have said as much as needs to be said. I just hope people are listening. You mention once again—I just want to get back to this because I think it is a very important point. You are saying that it is not just the people who walk the picket lines. Everyone in your workplace is saying final offer selection makes more sense. It is those that were on strike, those that cross the picket lines, strike breakers—everybody is saying for the upcoming contract which could lead to a strike, or contracts in the future, that they want final offer selection as an option.

Ms. Bell: Yes, I just cannot stress enough that we would not have been out there four months, and if you have ever walked a picket line, even walking two months is a long time. If we had FOS, we could invoke it even before we went out on strike, and we would never have to walk that picket line again. That is what I want to get through to everyone. That is what it means to me. It is my job. It is my livelihood.

Mr. Ashton: I just want to say that I appreciate the comments. Having been through the situation, having talked to people during the last strike, I think today you have expressed far better than any of us, myself included, what it is like to be involved in a strike situation and why so many people are saying final offer selection deserves to be given a chance because it does give an alternative. It is not a panacea. It is not a perfect solution and it never is, but I think you have indicated quite clearly to this committee why so many of us are fighting so hard to keep it.

Once again I thank you for speaking quite clearly on behalf of your fellow workers. I just want to indicate by the way that we did raise our concerns about the timing of the committee hearings. We would have liked to have heard from many more people in the workplace. There are still going to be some evening hearings, so please encourage them to attend, although I know once again with store hours being what they are in the retail sector, you are dealing with a lot of people who just cannot come, even committee hearings that start at 8 o'clock. I just want to say how much I appreciate your contribution toward this committee. I really do hope the people will be listening to your very clear message.

* (1050)

Ms. Bell: Thank you very much, Mr. Ashton.

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

Mr. Rob De Groot, Ms. Beatrice Bruske, Mr. Garry McGowan, Mr. Dan Goodman. Ms. Shirley Van Schie—do you have copies of your presentation?

Ms. Shirley Van Schie (Private Citizen): No, I do not.

Mr. Chairman: Did I pronounce that right, Shirley Van Schie?

Ms. Van Schie: Yes, that is fine.

Mr. Chairman: Please proceed.

Ms. Van Schie: I am a graduate of the Masters Program in labour studies at the University of Manitoba. I am also a worker in the retail food industry in Manitoba. Although there are many aspects of final offer selection that are commendable, it is my opinion that the value of the legislation is the fact that it increases the possibility of dispute resolution between parties involved in collective bargaining before drastic measures are taken. The legislation represents an additional option for management and organized labour to resolve outstanding differences either before a strike or lockout occurs or after such an event, when additional opportunity for settling differences may be even more desirable.

As a worker in Manitoba, I am interested in how issues that concern my working conditions and livelihood are handled. I am interested in the manner in which labour and management conduct negotiations. I am not interested in bad faith bargaining and even less interested in going on strike as a result of bad faith bargaining.

Final offer selection provides an impetus for organized labour and management to bargain in good faith at any stage in the negotiation process and will certainly reduce the likelihood of strikes or lockouts occurring as a result of questionable bargaining tactics. I have been involved in a strike and can appreciate the concerns of individuals who have suffered the consequences of such an activity. If an alternate method of settling a dispute is available, why would anyone prefer to strike or be locked out? If specific legislation ameliorates the process of settling such disputes without resorting to such extreme measures, I as a worker in Manitoba must support it.

Final offer selection legislation provides a much needed option in the resolution of labour management disputes in Manitoba. Thank you.

Mr. Chairman: Are there any questions for Ms. Van Schie? Mr. Ashton.

Mr. Ashton: You mentioned you had been through a strike yourself. I am wondering if you could indicate to the committee what the strike was and how it impacted on your own situation at the time.

Ms. Van Schie: I was involved in the strike. I was not on strike. I picketed with the Westfair workers. I work

at Safeway at Polo Park, and I was concerned because a lot of the issues affecting workers at SuperValue also affect people who work at Safeway. We are lucky enough to have management that manages to deal with us on issues. I was very sympathetic with their cause. The outcome obviously would affect future negotiations with our company, and that is why I was there. It was interesting, but the people there were not happy. A lot of bad things happened. The mass picket was just the end of it all. Everybody I spoke to would rather have been anywhere else. I was lucky enough to picket and then go to work, but those people were not that lucky.

Mr. Ashton: I think you raise an interesting point because, once again, I think one of the things that I am hoping from this committee is that people who are making decisions, the Members of the Legislature making decisions on this particular Bill, put themselves in the shoes of people who have been through a strike situation, or even if they have never been through a strike situation themselves, take the time to talk to people when they are on strike, talk to people who have been on strike.ink you raise an interesting point because, once again, I think one of the things that I am hoping from this committee is that people who are making decisions, the Members of the Legislature making decisions on this particular Bill, put themselves in the shoes of people who have been through a strike situation, or even if they have never been through a strike situation themselves, take the time to talk to people when they are on strike, talk to people who have been on strike.ink you raise an interesting point because, once again, I think one of the things that I am hoping from this committee is that people who are making decisions, the Members of the Legislature making decisions on this particular Bill, put themselves in the shoes of people who have been through a strike situation, or even if they have never been through a strike situation themselves, take the time to talk to people when they are on strike, talk to people who have been on strike.

Because, as I have said, we have had arguments made at this committee that somehow, for example, people are going to use the 60-day window of final offer selection, go on strike for 60 days and then sit out for 60 days to wait for final offer selection so that they can then have a resolution of the dispute through a mechanism that was available right from the start.

I am wondering, in your experience talking to people who were on the picket line at Westfair, do you think that is a reasonable representation of the decision to go on strike? Do people just coldly, calmly, collectively sit down and say, well we will go on strike for 60 days? Or did you, as you said, find that it was more, people who were not really wanting to be on strike, but felt that was the only option they had to settle the dispute? I am wondering if you could just give us some idea of what your perceptions were talking to people on the picket line during that particular strike.

Ms. Van Schie: If there had been an alternative method of dealing with the outstanding issues I am sure that they would have jumped at something like final offer selection, and I do not think they would have said, first

we will go on strike for 60 days. People do not want to go on strike; if there was a more reasonable way of handling things, of dealing with it, they would have opted for that for sure, there is no question.

Mr. Ashton: One of the points that we have been making is that final offer selection was put in for five years. It has only been in place for two years. You have pointed out in your own situation, from your own personal experience talking to people, how you feel it is fairly positive, but I am just wondering, do you feel, is it your recommendation to this committee that it should at least be given the full five-year period and analyzed at that particular point in time? Do you feel it is appropriate, at this point in time, after only two years, to be eliminating it, or should it at least continue for the full five-year period?

Ms. Van Schie: I think for sure it should be left alone for at least five years. I am just wondering where this sudden urge to review final offer selection and repeal it came from. I mean, has there been any public outcry over final offer selection? I have not heard anything. I have heard a lot of people that have said at these committee meetings how effective it has been. I do not know if it was on the agenda for this Government and it has just come up now. I am really not sure. I think it should be in place for at least five years so we can look at it.

Mr. Ashton: Many of us share your concerns and I just want to indicate that is what we are hoping; we are hoping it will be given a chance and that it will be given a fair chance, it will be assessed properly. So I thank you for your presentation.

Mr. Chairman: Ms. Van Schie, do you have anything else to add?

Ms. Van Schie: No, I think I am done.

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

Ms. Van Schie: Thank you very much.

Mr. Chairman: Is Miss Kathy Kraychuk here? Miss Nell Clarke, Mr. Jerry Kies, Ms. Michaela Toffler, Ms. Susan Koo, Mr. Erskine Lord, Mr. Luc Jegues, Mr. Robert Dmitriew, Mr. Gilbert Lorteau, Mr. Bernard LeBlanc, Ms. Jacqueline Smith, Ms. Anne Orlikow, Ms. Donna Payne, Ms. Debbie Oram, Mr. Cliff Beaulieu, Ms. Anne Goodman, Ms. Joyce Hill, Mr. Robert Schick, Ms. Teresa Biubeau, Ms. Gail Sourisseau, Ms. Kathy Coulombe, Ms. Sharon Christensen, Mr. Richard Naherny. Please come forward. Mr. Naherny—is that how you pronounce it?

Mr. Richard Naherny (Private Citizen): It is pronounced Naherny. Should I begin?

Mr. Chairman: Has everyone received their brief? Please proceed then, Mr. Naherny.

Mr. Naherny: Hello, my name is Richard Naherny. My speech to this committee will centre around what final

offer selection means to me and why it should not be repealed.

First, I would like to give some background about myself. I presently work for Westfair Foods Ltd. and have worked there for the past five and a half years. I was involved in the strike that took place back in 1987. If you can recall, this strike lasted for 125 days. This is a very long time for any strike to last.

Final offer selection would have been the ideal thing to use that could have very easily shortened the length of the strike, but as a result, I have had to suffer through an immense amount of misery that Westfair Foods Ltd. has caused me.

* (1100)

My personal story of injustice reads as follows. I was charged and convicted of violating the court order which was imposed during this strike. The extent of my crime was calling people scab shoppers and obstructing a company cameraman who was harassing with his camera a fellow picketer's girlfriend. I admitted my guilt to the judge, apologized for my behaviour and was subsequently sentenced to perform 200 hours of community service work.

This although was not my only punishment. Westfair Foods Ltd. thinks they have the right to fire an employee who is on legal strike for so-called picket line misconduct. I had received my termination notice at the end of August of 1987. At the conclusion of the strike all the employees who were terminated had their cases heard by a single arbitrator who would rule whether the terminations were justified. I received a 10-week suspension for my behaviour and the recommendation of transfer to another store.

The injustice from my employer though did not stop there. At the end of my suspension, I was sent to work at the Econo-Mart on Goulet Street. I had previously worked at the SuperValu on the corner of McLeod and Gateway. I spent approximately four to five weeks at the Econo-Mart and received four hours a week for four of the weeks that I was there. Can you imagine that, four hours a week? The one thing I was fighting for was more hours, on the picket line, and this was Westfair's revenge on me since they had to re-employ me with their company. The arbitrator later ruled that my transfer should have been a SuperValu transfer since I was not receiving the same amount of hours that I was receiving before the strike.

I ended up being transferred to the SuperValu on McPhillips Street where I subsequently received the minimum of eight hours a week occasionally, but usually received upwards of 13 hours a week. My mistreatment though did not stop there. There were numerous supervisors that I ran across who knew me and had something personal against me.

Take, for example, my own supervisor at the time. The first words that came out of their mouths were, I am disgusted in you. Not only was I punished once by the courts, once by my employer, but now I am being punished by supervisors who had an axe to grind because of the strike. I do not suffer that much

harassment to this day, but the hate some managers have towards me is still evident.

To think that all this misery I went through could have been avoided if only final offer selection was available for this strike. The strike might have very well been settled before any of these court proceedings even started. You see, the main problem that we had in this strike was a vindictive employer. They did not care how much money they lost, just as long as it caused the employees as much misery as possible the first time they go on strike. This was done to ensure that the possibility of strike does not enter the employees' minds next time.

This is a very cutthroat company that is thinking years ahead of how to obtain a docile workforce that will take anything they give. This is the main reason why I feel that final offer selection should remain law, as it protects workers from a company that has no intention of settling a strike until they cause their employees as much misery as humanly possible.

In conclusion, I would like to make a plea to the Liberals. Your Party says that they are a Party for the people and not pro-business such as the Progressive Conservative Party. Well, I ask you to prove it by voting with the NDP to stop the axing of the final offer selection. All final offer selection does is give the worker a fair shake at the bargaining table. Is that too much to ask for?

I would like to thank this committee for giving me the chance to express my views on final offer selection. I will now answer any questions that anyone has on what I have said.

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

Mr. Ashton: Thank you for your presentation. I just want to ask you to run through what you went through in the strike, as I have done with some previous presenters. As I said, a lot of times people who have never been through a strike or never taken the time to talk to people in a strike situation, I believe, have a difficulty understanding what happens and why it happens.

You said that you ran into difficulty because you had called people scab shoppers. I wonder if you could perhaps explain to people why you felt the frustration that you did to be doing that, because it is obvious from your presentation that you were frustrated. You were on strike for four months. How did you feel when people crossed the picket line to shop at SuperValu? How did you feel when fellow workers crossed to take their jobs while you were walking the picket line? I wonder if you could give us some idea of what was going through your mind and led to the difficulty that you ran into.

Mr. Naherny: I think it all started about one or two months after the strike had started. I had managed to convince probably a fair number of shoppers not to shop at the store, to sort of support us for our strike demands. The problem that we had that kept on happening is that Westfair would print up nice glossy

ads in the newspaper, telling total lies to the public to try and convince them to come there and shop.

That to an extent worked. That is why I ended up calling a lot of people scab shoppers. Firstly, I would try and very nicely go up to them and say, why are you shopping here today? They would tell me something to the extent of, get out of my way or other some obscenity to me. That, I do not think, is very acceptable, and I myself did not initially start uttering any obscenities at anyone. The farthest that I went was usually calling them scab shoppers. Usually I received much obscenity being thrown at me, which I really did not understand.

It is like people had this pre-thought conception in their mind that whatever they read in the paper is the truth, is the gospel, and whatever these people are saying out on the picket line is total lies.

Mr. Ashton: In other words, when you were trying to encourage people not to shop there, not to continue to have SuperValu operating, you were subject in many ways to harassment from the customers as well. It was not a one-sided situation. It was not a situation that sometimes gets portrayed of people on strike being the only ones who are making comments, et cetera. You are saying that it was the case from the other side, both in terms of the customers—I am just wondering also, I assume also you must have had some contact with people who were crossing the picket lines. Was it the same situation for people who were crossing the picket lines and going in to work?

Mr. Naherny: Yes, basically.

Mr. Chairman: Mr. Naherny, if you would just wait till I address you before you speak, because the mikes have to be turned on. Carry on, Mr. Naherny, please.

Mr. Naherny: I am sorry. I would like to address that in this way. What would often happen was the so-called strikebreakers or scabs would cross the picket line and the people walking the line would call them scabs or whatever. What usually happened was the strikebreaker would start uttering obscenities at us or else they would start laughing at us and say, well, I am getting paid, you are not, ha, ha, ha—to sort of taunt the strikers, to physically assault them or something.

Mr. Ashton: I just want to go a bit further, because it has been suggested that final offer selection creates division. You are outlining what happened during the strike. You are saying in this particular case what happened—not the strike itself, but in this particular case the fact that people were able to cross the picket line and continue to work, that created a significant amount of division.

I would like to ask you, perhaps a bit further, what happened when the strike was settled? Did that tension and that frustration continue? We heard earlier about people who really have not spoken to each other in more than a couple of years. Was that your experience, as well, that after the strike there was a fair amount of tension and division that continued?

Mr. Naherny: Actually directly after the strike I really cannot say, I was off work roughly until December 20

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or December 21 because I received a 10-week suspension from the arbitrator. At that time I was sent to the Goulet Street Econo-Mart, and I stayed there until about January 20 or 27, around that time.

After that, when I was sent back to a SuperValu store, I had found that a lot of the people had managed to patch up some of their differences with the strikebreakers, as a lot of them soon realized how unfair Westfair actually was, because after the strike what tended to happen was it tended to be open season on them. A lot of them got terminated, and as a result they were too scared to go to the union to ask for help or anything in that matter, even though the union had offered to help them.

I can remember numerous cases where a strikebreaker would basically quit because they, No. 1, felt that some of the other employees still disliked them. Management was also pressuring them by giving them bad shifts or harassing them about productivity or something to that effect.

* (1110)

Mr. Ashton: So what happened in essence then not only the strikers harassed, in many cases some of the strikebreakers themselves found that after the strike was over they were in the same situation with management.

This reminds me, from the way you are describing it, of what happened with the Gainer's strike in Alberta. You were saying that the tension and the harassment continued for the strikebreakers as well as the strikers.

Mr. Naherny: Yes, that is exactly what I am saying.

Mr. Ashton: I just want to ask you, in terms of what you have outlined, what happened to you, the incident, calling people scab shoppers, attempting to stop a company cameraman harassing an individual's girlfriend on the picket line.

I just want to ask you how you felt when you went before the court. I am asking this, because I really credit you for coming forward and outlining what happened in your own situation. I am sure it must be a bit difficult to relive the events. I am sure it must have been a very frustrating time.

I want to ask you how you felt before the court and then second, of how you felt when you then found that you were subject to a 10-week suspension from the company following the strike for something that had occurred during the strike. I just have a great deal of difficulty fathoming how you can be suspended for 10 weeks, when you were not even working for them at the time, really, you were on strike. They seem to have found other people willing to work for them in that period of time. How did you feel through that whole process?

Mr. Naherny: At first, when I went to court, I thought there was a good chance that I would be acquitted of all the charges because I had been informed that we had the right to call people scab shoppers. The

judgment, that the judge had given is that I did it in an insulting and intimidating manner. I really do not understand, because a word is just merely a word; it really does not matter in which way that you say a word. It still has the same meaning. Maybe the context that it is done in might be slightly different. I really failed to grasp that decision that he made. I had five of those incidents, which I received 20 hours of community service for each one and that came to a 100 hours there.

Then for the incident with the camera man—what happened there was that the camera man was attempting to film a private conversation that was taking place between a picketer and his girlfriend, as he was talking to her in his car. I did not stand right in front of his camera. I was approximately, I would say, 15 to 20 feet from his camera. I just stood in his field of view, stopping him from filming the car and the picketer talking to his girlfriend. That charge I pleaded guilty to because I thought that the end result, because I had previously received the decision on the other five charges, was that I would be convicted on that one too, so I pled guilty to that one with the hope that my admission of guilt would suffice the court.

Mr. Ashton: You mentioned earlier that there was a lot of name calling from people crossing the picket lines. Are you aware of any instances where shoppers were charged for swearing at workers or incidents where strikebreakers, people crossing the picket line, were charged or were the majority of the charges involving people who were walking the picket lines?

Mr. Naherny: That brings to mind two incidents that occurred with me. One of them was an elderly gentleman, I would say, I later found out he was 70 years old, was coming out of the Out door of the SuperValu of Gateway and McLeod. I had called him a scab shopper and he said to me, do not call me a scab. I says, I did not call you a scab, I called you a scab shopper. Then after that he went raving about something for the next minute to me, saying oh, I am not working here.

It is like he completely understood what I said, and then after that I called him a scab shopper, again. Then he took his hands and he grabbed me around the throat like he was going to choke me or something. Then after that, I told him to let go of me, and then he let go of me after about 10 to 15 seconds. After that Westfair security there tried to usher him off the lot as quickly as possible so he would not be charged with anything. The end result, what happened, was the two policemen who attended there told me that if they charged him with assaulting me that they would have to charge me with causing a disturbance. The chances are, he said, that you are going to come up before a 50- or 60-year-old judge, and who do you think he is going to side with, you or this elderly gentleman?

The second incident that I would like to discuss is something slightly different from what happened. Just give me a few seconds to think on it.

Mr. Chairman: Mr. Naherny.

Mr. Naherny: I cannot seem to recall it.

Mr. Chairman: Okay, fine. Mr. Ashton.

Mr. Ashton: I appreciate the difficulty of outlining some of these incidents because we are here before a committee of the Legislature, and I really commend you for your courage at coming forward today because it cannot be an easy thing to be reliving.

In reading your brief, I really get the clear message that what you are saying is what happened is not all that unusual, it happened to other people. You have outlined that it is not just people such as yourself or the people who are striking, but other people were involved in some cases. In many cases the strikers themselves were victims of harassment, whether or not there were charges laid. You are saying that is one of reasons why you support final offer selection, why you are opposed to its repeal. In essence, you do not want to see that happen to someone again. Is that a fair summary of what you are saying to the committee?

Mr. Naherny: Yes, I would say it is because that whole strike was like a nightmare that never ended. It is just hard to imagine that not only did I get found guilty by a court of law for a crime, that is, violating a court order. The thing is I never assaulted anyone. All I did was call them names. I never physically touched anyone, and I get sentenced to perform 200 hours of community service. Meanwhile, there are people who commit far worse crimes in our society, and they merely get off with a slap on the hand and a nominal fine. I would hate to see somebody else have to go through the same kind of hell that I went through.

It did not stop there either. Westfair in no certain terms wanted me out of their store and that was that. It was very fair of the arbitrator to request that I be sent to another SuperValu because the only objective they had in sending me to the Goulet Street Econo-Mart was that I was receiving four hours a week and they were hoping that I would eventually get sick and tired of working four hours a week and just up and quit.

Mr. Ashton: So the ramifications of what happened during the strike continued well after. I mean, you were walking the picket line losing a significant amount of income. We heard earlier from a presenter that people were essentially down to one-third and one-quarter of their previous income during the strike. You were then subject to a court situation, then subject to a 10-week suspension, and even after that, you hardly had any hours, something that apparently is fairly common at SuperValu.

I just want to look ahead. We have heard this morning that the contract is expiring fairly soon. After what you went through, having been through a strike and various different things, you are essentially saying, as I understand it, that you believe final offer selection should be there as an option. I am not trying to—you know, it is a bit hypothetical, obviously we do not know what is going to happen. I really hope that there will be a fair contract offer and fair contract settlement.

Your suggestion is that final offer selection should be available as an option to provide an alternative to what happened to you and to many other people in 1987.

* (1120)

Mr. Naherny: Yes, that is exactly what I am saying. It is just unimaginable to think that someone else might have to go through the same kind of living hell that I went through during that whole incident. I not only lost 10 weeks of wages while I was on suspension but then when I got back to work, I still only received four hours of work. There is no other alternative except to choose final offer selection, because strikes must be avoided. All they do is merely cause hard feelings between workers and the employers. It just works out to be a whole line of misery for everybody involved.

Mr. Ashton: What is your sense of the other people in your workplace? We heard earlier that it is not just people who are on strike, it is people who cross the picket lines to work, it is people generally who went through it from whatever side who are saying that they want the option of final offer selection. What is your feeling of the sense of the people you work with, whatever position they took in the strike, whatever they did during the strike. Do you feel there is support for final offer selection, maintaining as an option, from your fellow workers?

Mr. Naherny: Yes. I personally handed out the same kind of cards that Karen Bell did to fellow employees and got them to fill them out to have them sent to the committee on final offer selection. I got a very good response from all of the people that work there, including some strikebreakers because they themselves did not want to have to go through the same thing that they went through before. The thing is, the majority of them looked at it from the other point of view. Now they have found out what a rotten company Westfair Foods is to work for. They would not dare go in across the picket line, because they know that Westfair Foods would just as easily terminate them as any other other employee if given chance and opportunity.

Mr. Ashton: I think your experience and the experience of other presenters this morning is particularly interesting to the committee, because we are talking about a strike that occurred prior to the introduction of final offer selection. We have had two years' experience, and one of the key issues that we are dealing with here is whether final offer selection should be cut off at this point or whether we should continue at least till the five-year period.

The experience of the workers with Westfair Foods is particularly important because that was one of the more bitter strikes in recent memory. Now you are facing another contract again. What I would like to ask you, and I realize we have covered part of this, but having been through that in the two-year period, did anybody ever ask you or any other people that you are aware of in the workplace what your views on final offer selection were?

I am raising this because final offer selection was introduced with the idea that it was new, it was

innovative, it would be analyzed after a period of time. If it worked, fine. If it did not, nothing had to be done, it expires after five years.

I have asked this to people because I am trying to determine whether the Government has made any effort to find out what has been happening with final offer selection. It seems to me, one of the most logical places to start would be with people who have been through one of the most bitter strikes in recent memories. Did anybody ever contact you, or people in your workplace, either the Minister of Labour (Mrs. Hammond) or the Department of Labour and ask you for your opinions on final offer selection?

Mr. Naherny: To my knowledge, I have never been contacted by anybody from labour; neither has anybody else at my workplace, that I know, been contacted about any of their opinions on final offer selection.

Mr. Ashton: I just want to again thank you for your presentations. I said I realize it must be a very difficult period for you, and it must be difficult reliving it, but I think today you have given Members of this committee a very good picture of what happened both during the strike and after and why you are in support of final offer selection. Once again, I thank you for your presentation.

Mr. Chairman: Mr. Edwards has a question for you, Mr. Naherny.

Mr. Paul Edwards (St. James): I too want to thank you for coming forward today. We have heard from others involved in that strike, and it was pretty obviously a very hostile environment and one that left scars and was very difficult to go through. Obviously from what you have told us today, with respect to a criminal conviction, and other punishment, for which I gather you have been somewhat compensated for, you had to go back to arbitration to get it, but you did get back to SuperValu, and it has been a long road obviously for you.

I guess that strike certainly remains on the memory, I think, of most Manitobans who were around at that time reading the newspapers and seeing what was happening.

With respect to final offer selection, however, we have not had another Westfair contract come up under final offer selection, but as you may recall this Bill was actually introduced by Mr. Mackling on the very day, I think, the strike began. In many respects this Bill, at least from the point of view of the NDP, seems to be tied to the Westfair scenario, although of course it could not and was not used in the course of that strike.

Another very bitter relationship between an employer and employees was at Unicity Taxi, where the parties had very entrenched positions. They were very hostile to each other and they had deep divisions. Interestingly, it was that selection, that case, which went to final offer selection in which the arbiter, the selector, Mr. Chapman, said both of the positions were unreasonable and he regretted having to use the final offer selection process to resolve this dispute, because he was picking the best of two bad agreements.

My question to you is, you have said that you think final offer selection would be an advantage in the Westfair-type scenario, where the employer clearly is just, according to you, out to get rid of the union and hurt the employees and as you say make a docile workforce. That is certainly your position, and if that is accepted in that scenario where bitterness is the—our experience under final offer selection has been that it is not a good solution according to the selector involved, Mr. Chapman.

What do you think would have been the consequence, going back to work, of a final offer selector choosing, let us say, management's contract? Do you think the workers would have come back into the workplace and everything would have been hunky-dory? Alternatively, let us say the selector picks the union's position.

You said management was bitter at the time when you came back and there were all kinds of friction, but in many respects probably management felt they had won that strike. Let us say that whichever side won in this so-called "winner take all" of final selection, are you saying that you think the workplace would have been well served? Would have been more peaceful coming back after that sort of crapshoot, if you will, of final offer selection where people put forward positions in a winner-take-all environment? Do you think that would have helped? I have a question when I look at the one case we have been through where the relations were like that, and the selector said it had not worked.

Mr. Naherny: My personal feeling is that if final offer selection would have been available for the Westfair strike, then chances are the kinds of offers that the company kept on making were very unreasonable. What they essentially wanted to do was do a lot of "take aways" and basically give us as little as possible. Basically, we had to fight to get back things that we had in our old contract that they wanted to get rid of such as the guarantee of hours. They wanted to completely abolish the guarantee of hours and that would have hurt every single person who works at any of those stores.

* (1130)

My opinion on your calling it a "crapshoot" is that it does work. What essentially happens is the union will not put forward the most unreasonable proposals possible because their side is—if they put forward an unreasonable proposal, it will probably get rejected. Meanwhile, the company has the same point of view too. Chances are that all the "take aways" that they were proposing would not have been in the contract that they would have submitted to the selector in a final offer selection. They would have tried to make it as fair as possible to ensure that theirs was the one that was picked. The thing is they still kind of struck their proposal to the best of their advantage; as I am sure, the union would too. My opinion is that that does work because both sides know they stand an equal chance of getting rejected.

Mr. Edwards: I know that is the theory. I guess what I am saying to you is in the one case where the parties

really had entrenched positions and really did have a very hostile environment, and had somewhat a history of that, that did not happen. The selector found that both positions put forward were unreasonable and regretted having to choose on it. I just raise that to your attention. You are obviously someone who is very interested in it.

Again, I want to thank you for coming forward and reliving some of the memories you have for the benefit of the committee. Thank you.

Mr. Chairman: Thank you, Mr. Naherny. Are there any further questions? If not, thank you for your presentation this morning.

Mr. Naherny: Thank you.

Mr. Chairman: I have just been informed that one other presenter whose names was called out this morning, Ms. Karen Graham, has just arrived and would like to make her presentation.

Is there leave to revert back to her name?

An Honourable Member: What number is she?

Mr. Chairman: She is No. 28 on the list. Do you have a written presentation, Ms. Graham.

Ms. Karen Graham (Amalgamated Clothing & Textile Workers Union, Local 459): No, I do not. I have some notes for myself, some speaker's notes, but no presentation in writing.

Mr. Chairman: Okay. Please proceed then.

Ms. Graham: I am here on behalf of Amalgamated Clothing and Textile Workers Union and myself as a private citizen, because I have the same view, and probably the garment industry in Manitoba in general, because I am sure they have the same view.

I am a business agent at Amalgamated. I have been with Amalgamated since 1978. I represent some 2,000 workers covered under nine various agreements. Those 2,000 workers are in approximately 27 different shops here in Manitoba. I understand there are approximately 8,000 garment workers in Manitoba. Between the other two garment unions and my union we represent well over 45 percent of garment workers in Manitoba.

Amalgamated is going to be celebrating its 45th year in Manitoba this fall, in October. In those 45 years we have never had a strike. This year, in the fall of '89 and up to April of '90, we had seven agreements that were up for renewal. Five of them went well. One of them is in April, so it is not here yet, the anniversary date. One of them is a master agreement that covers 18 different shops and some 1,500 workers.

For the first time in 45 years we were in really big trouble in terms of negotiations. For the first time in 45 years that association, or group of employers, came to the table asking for cutbacks, concessions. They were trying to carve out parts of the bargaining unit that have been in for 45 years. We were having one hell of a time, quite frankly.

The makeup of our membership is such that 85 percent of them are what we would call new immigrants to Canada. They have been here five years or less. Ninety-five percent of the total membership is female, and they are of child-bearing years, well over 50 percent of them.

We had some big problems because we could not get that stuff off the table. We negotiated four months and we still had that stuff on the table to contend with, things that have never happened before. The only thing that kept bringing them back to the table was the threat of final offer selection. The knowledge that it is out there and can be used continually brought the employer back to the table after he had walked away. He walked away many times, and we did not call him back. We told him we were available any time he wanted to come back, but we did not call him back. He came back. They called.

Their position and our position both were far, far apart when we started, but especially in terms of monetary issues, or language affecting monetary issues, 459 moved many, many times. At the point where we felt it would have been necessary to get ready to apply for final offer selection, our position was what we would consider and anybody else in the labour movement would consider extremely reasonable. The other side still had on the table all of those cutbacks that they were initially talking about.

Now, if you take a look a little bit more deeply into the makeup of our workers, you would understand why FOS is so important to our industry. An average plant of 200 has approximately 10 different languages spoken in it. There can be 30 piecework operators sitting over here that are Chinese. There can be 27 over here that are Vietnamese and 32 over there that are Korean. None of them speak English. The supervisors speak English. They are non-bargaining unit people. They speak English.

The cutting-room supervisor might be Chinese. When the supervisor in the sewing room has to give instructions to the Chinese worker, they will go and get that cutting-room supervisor and bring him over, who will translate for them so they can get the work done. How the hell are you going to pull that kind of setting together into one unified group of workers? They do not even understand each other.

Take it a little bit farther. The majority of them came to Canada with assistance, both financial and otherwise, from our Governments and from their employers. They have a sense of a debt owed that makes it almost impossible for them to walk out under any conditions.

Their culture, their background, is such that they do not have time to take on the responsibilities of being a union member, part of a collective bargaining process. They also have an extreme lack of knowledge of the rights of Canadian workers. They do not even know what their rights are. Even if they had the time to practise them, they do not understand. You start adding all those things together and it is almost impossible to fight back when concessions are on the table.

* (1140)

We are a low-wage industry. The average wage of pieceworkers in our industry is \$6.32 an hour. The average wage of cutters in our industry is \$10.00. Those are the two basic wages that exist in our industry. They cannot afford anything less. Half of them have to put money in the bank and pay a mortgage on a home so they can bring the rest of their family members over.

Some of them are here without their spouses. They have not seen them in three years. They want them here. They cannot jeopardize that. The other half of them want to save the money to go over to their own country to see the rest of their family that they are not otherwise going to see. They cannot afford to jeopardize those things.

Over 45 years we have always been able to come to some reasonable and mutually acceptable collective agreement, but not this time. This time we could not do it on our own, so we said. When it finally came down to the crunch that membership that cannot afford to strike, does not even know if they have the right to strike, and stands to lose one hell of a lot besides what is actually written in their collective agreement, actually were prepared to strike for the first time in 45 years. Now, they would lose so much besides what is in the collective agreement, but they were willing to do it because finally they had been pushed too far.

The manufacturers, on the other hand, cannot afford a strike any more than we can. The structure of the garment industry and the way they deal with retailers, including prices and deliveries and all sorts of things, has been steered by the economic climate in this country in such a way that the manufacturer loses more than he ever gains by staying in business, in all honesty.

Our Governments have shafted us left, right and centre—imports, the GST, you name it—and then add insult to injury because the majority of them, and probably the majority of people sitting around this table, could not tell me in all honesty without looking whether or not their clothing is Canadian made.

You have slapped us in the face so many times. We see a little glimmer of light at the end of the tunnel—FOS. Wow. I am telling you, in these changing times that is something we are going to need. We saw it more clearly than ever before on this last contract. Now you want to take it away. You want to take away something that works. It brought us back to the table. We did not have to go on strike.

The knowledge that was the next step, if we had to go on strike, FOS was the next step. That was what was going to settle our agreement if we had to go that far. That is what settled our agreement. That knowledge settled it and nothing else. Now you want to take it away. It worked so well without applications ever being made, and I understand that after the applications are made, it still works.

I heard the statistics that the MFL quoted and I sit on the Manitoba Labour Board as a member, or did for five years. I know what the opinions of the board members are on FOS. Does it work? Does it not work? Is it bad? Is it good? Is it going to hurt one side or the other side? It does not matter who you talk to

outside of this Government, FOS works, without ever causing any of the horrible, horrible heartache and grief to both sides that happens without it.

That is all I have to say.

Mr. Chairman: Thank you. Are there any questions?

Mr. Ashton: I want to thank you for your presentation. I thought your last comments were particularly appropriate, and I want to ask you the question I have been asking other people at this committee.

You have had experience with final offer selection, it has been in place for two years. You also have a background in terms of the Labour Board. Did anybody ever ask you prior to the introduction of this Bill, did the Minister of Labour (Mrs. Hammond) ever ask, the Department of Labour ever ask whether in your opinion final offer selection is working?

Ms. Graham: No, nobody has ever asked whether or not final offer selection is working. Again I say that in the general opinion that comes out of general discussions with other board members and staff of the Manitoba Labour Board and probably the Department of Labour, the personal opinion of everybody is that it works, but nobody has ever asked officially, no.

Mr. Ashton: The more we get into this committee hearing, the more it just amazes me that a Government could bring in a Bill like this without any attempt to tell whether it is working. Final offer selection was introduced, as we have seen, on the idea that it was new and innovative at this level. It was not new process, but it was new at the provincial level. It was put in for a five-year period and therefore should be assessed after the five-year period and here after two years it is being taken away and it has not been assessed.

I want to ask you, if the Liberal Labour Critic wants to ask any questions, I will be more than glad to give him the opportunity. What I wanted to ask you, you mentioned about your industry, where the majority of the workers are new Canadians. You said about 85 percent I believe. I assume also a vast majority are women.

I was just wondering perhaps if you could give us some idea of what percentage of the workers in the garment industry would be women.

Ms. Graham: I thought I did already. Eighty-five percent of our industry is new immigrants, what we call new immigrants. Ninety-five percent of the total workforce in the garment industry is female. Over 50 percent of those females are of childbearing age.

Mr. Ashton: The reason that I am getting into that figure is what we heard earlier in terms of the SuperValu situation and the terrible personal sacrifices that people went through in the four-month strike that took place there. You had outlined here just the courage of the workers in the particular circumstance you were outlining in terms of being willing to take that step. As I understand your presentation, you were saying that there should be an alternative that does not require

people to make that type of sacrifice. I just want to ask you to give people on this committee a better idea of the garment industry, just to move away from the statistics a bit.

You had mentioned there a lot of new Canadians, a lot of women, a vast majority in that particular circumstance, you had outlined some of the personal circumstances that often people are separated from their families. I wonder if you could give some idea of the type of wages that people are earning in the garment industry, the average workers, and in terms of, just further, the type of situation you would run into in a strike, what kind of income people would be receiving in a strike situation?

Ms. Graham: Currently pieceworkers earn on average around \$6.30-some cents an hour. Naturally those figures are chosen from unionized workshops, it is probably substantially lower in non-union workshops. Cutters, which is the other flip side of it, average around \$10 an hour in the unionized workshop.

Should the workers under this particular agreement that I am speaking of have chosen to go on strike, they would have received \$45 a week strike pay if they had put in their time picketing.

Mr. Ashton: The reason I am asking that is that obviously the garment workers are not particularly overpaid to begin with, shall we say, in terms of the least. It is a low paid industry. We are dealing with a lot of people who are new immigrants, so obviously they do not even have the savings, if you can save much in terms of \$6.30 an hour. I realize that is in the unionized shops; there are people obviously earning less than that in non-unionized shops.

* (1150)

If they go on strike, they are faced with a \$45 a week strike pay. You are dealing with a lot of women, a lot of sole-support women, I would imagine too. You must have a fair number of people who are single parents. The reason I am asking that is that we have had some debate and some discussion that suggests that sort of strikes can be very sanitized. One suggestion has been that because of the 60-day window people will—this causes strikes because people will go on strike to sit out 60 days and then invoke final offer selection as a way of getting out of the strike.

I just want to ask you, with your knowledge of the workers that you represent, workers earning \$6.30 an hour, workers who would be receiving \$45 a week on strike pay, do you believe that there is any sense of reasonableness in that suggestion that people would somehow vote for a strike and go out for 60 days so that they could invoke final offer selection after 60 days?

Ms. Graham: After 45 years of successfully collectively bargaining this particular contract, because this is the one that has its 45-year anniversary, no, I do not in any way, shape or form believe that. As I said, personally, not even on things that are not covered in the collective agreement, things that my workers face every day which is bringing the rest of their family in, paying that

mortgage so they have the home, because that is required by this Government. You have to sponsor these people in certain ways, financially and otherwise. They would not jeopardize that unless it was extremely serious. If they did, you can bet they would be back to work just as fast as they could get it settled, never mind waiting 60 days.

Mr. Ashton: I want to focus a bit further too in terms of the situation because the Women's Agenda, which represents 35 women's organizations, has been in support of maintaining final offer selection because of the fact that women in particular, whether it be in the service industry or, in this case, the garment industry, where there is a heavy percentage of women working, are particularly in a difficult situation.

I have outlined to the committee the experience in Thompson where we have had strikes and it is not an easy decision for anyone. For the average Inco worker earning \$15 an hour and receiving strike pay, it is a bit easier decision, although it is never easy because you still threaten your livelihood, your house, et cetera.

One of the arguments that has been made is that final offer selection is particularly important for the women workers whose backs are against the wall. They just have no flexibility. They cannot fight for their rights. They cannot even fight for a fair contract because they are caught in the situation, they just cannot afford to lose their entire livelihood. They cannot go on a strike for \$45 a week.

I am just wondering if you can outline to this committee since you are dealing with women workers on a regular basis, not only whether you support because obviously from your comments you do in terms of final offer selection, but how significant final offer selection is in terms of women ensuring that they have a fair access to a fair contract.

Ms. Graham: I think it is extremely important, particularly in my industry, because they are all women. It would be just as important if they were all Canadian-born women, as it is with the fact that they are not all Canadian-born women. That really does not have any bearing on, in particular, single-parent families and things like that, yes. They cannot afford to be without a steady and a reliable income. Mine in particular, because it comes from my industry as I also include, when I talk about what it costs workers to go on a strike. Things like the monies that they have to save for bringing the rest of their family over. Things like the mortgage that they cannot afford to fall behind on, because they have to have that home when they make application to bring their family over. Things like saving the money to pay the air fare to go back home once every two or three years to see their immediate family.

Those are things that I deal with daily, over and above the general things that affect women in the labour movement, the traditionally low wages and that sort of a thing.

No, they would lose so many things if they had to go on a strike. They would jeopardize every single aspect of their life, and not just theirs, they would

jeopardize the life of their family. When you cannot afford even one pair of running shoes and the school wants two pair, you are in a hell of a bind. They take a chance on losing if a strike is one week or two weeks, so they would lose a couple of hundred dollars. Low wage earners, like the people in my industry, they live from pay cheque to pay cheque; they cannot even afford that couple of hundred dollar loss in a year. They just cannot afford it.

FOS gives them that option, to get their collective agreement resolved reasonably, always I say, reasonably, without that loss of money.

Mr. Ashton: I found you talking about reasonably to be interesting because I remember we had a presentation from the Winnipeg Chamber of Commerce. The presenter had said it did not really matter whether final offer selection was reasonable or not. That was a comment that struck me at the time because it is structured so that it is reasonable. It is right in the Act. We have had five settlements, three of which have gone one way and two the other and most importantly, bargaining has continued. Most have been settled through bargaining.

I want to ask, because you did reference in your presentation some of the concerns that were expressed. I was at the committee in 1987. I remember them very well. Concerns that were expressed not just from the business side, but there were concerns expressed from unions at the time. Some of them are still being dragged up as recently as September in the debate, suggestions that somehow FOS is going to weaken unions or weaken its accountability to its members, or create division in the workplace.

What is your opinion, in terms of some of those original concerns that were expressed, and particularly the ones I have outlined in terms of accountability to membership and weakening unions, et cetera? Do you believe there is any evidence that final offer selection does that, and if not, what do you feel final offer selection has done in terms of the labour movement? What is your sense—you mentioned about the Labour Board—of the labour movement in Manitoba right now? Have those concerns been addressed? Are people in support of maintaining final offer selection or do you sense that it is the same as it was in 1987?

Ms. Graham: In terms of weakening the accountability of unions to their membership, in terms of creating divisions between workers covered under one collective agreement, basically it is pure bull.

The union is the membership, and the membership as such votes on every issue, whether they will or will not strike, whether they will or will not apply for final offer selection, whether they will or will not do anything, none of that is decided by the staff who work for the union.

It is decided by the union, who is the membership. It is decided in a very, very democratic fashion. As such I would say that those concerns are bull. As such I can also say that the Manitoba labour movement in general—it has been my experience whenever this

discussion has come up—have fully recognized those concerns and answered those concerns. They all have constitutions and by-laws that determine how they will or will not do things, and they adhere to that.

That all fits, and in general I have never, except from this Government, heard anybody say that this is what is going to happen if final offer selection is allowed to stay in place. It is totally unheard of.

Mr. Ashton: I am asking the question actually in the sense that both the Liberals and the Conservatives have been trying to suggest that what they are doing by repealing final offer selection is in the best interests of the unions, and that is a direct quote from the Liberal Leader (Mrs. Carstairs), the Liberal Labour Critic (Mr. Edwards) and the Minister of Labour (Mrs. Hammond). They have all made comments of that type.

You are saying quite clearly to this committee that you believe final offer selection in no way, shape or form has affected the operation of your union, of your accountability to the members. Not only that, you are suggesting, if anything, it has enhanced the opportunities for your membership, the people whom you represent, to obtain a reasonable contract that they could never achieve otherwise, or it would be far more difficult to achieve otherwise. You are saying in other words that all these fears that were expressed a few years ago, and fears that keep being repeated by the people trying to repeal FOS, are not taking place in the real world out there that you are dealing with on a daily basis.

* (1200)

Ms. Graham: I would venture to say that anybody who did make those quotes that you are referring to probably has never spent any time being involved in any union anywhere, and they have probably never looked at it from a worker's perspective. That is my personal opinion of it, of those quotes.

Mr. Ashton: I certainly would not disagree. In fact, I appreciate your bluntness on it, because I believe as we continue with this committee, I am hoping that there will be a change of mind, a change in heart as people such as yourself come forward and remind people what is happening out there in the real world. It is very easy to be sitting here debating things in this illustrious Chamber surrounded by portraits of former Premiers and going in there daily to the lushly carpeted Legislature. You are out there I guess daily on the shop floor of the garment industry and you are saying that final offer selection deserves a chance. I thank you for your presentation.

Mr. Chairman: Mr. Edwards was first here. Mr. Storie.

Mr. Jerry Storie (Flin Flon): Thank you, Mr. Chairperson. I would like to thank Ms. Graham as well for some eloquent, I think, testimony of why final offer selection is working for all sectors of unionized workers across the province. Some of the background that you brought to committee this morning is quite telling. We have been saying that final offer selection works in

support of those workers who are represented by small bargaining units, who are part-time women, those in the work force who are most vulnerable. I think what you have shown us today is that is exactly the case.

It strikes me as quite ironic that the Leader of the Liberal Opposition (Mrs. Carstairs) says that this Bill is unfair to organized labour. That comment has been universally scoffed at by anyone who has used FOS been involved in the process. It is also ironic that we have the Member for Ellice (Ms. Gray) and the Member for St. James (Mr. Edwards), people who represent in many cases the women, the very women who final offer selection is serving. It is quite ironic that they would now be opposing something that was working in support of working people and particularly working women. It is not ironic, it is tragic.

Final offer selection is in fact a form of arbitration, and I am wondering why it is or why you believe that the Liberal Leader and the Liberal Party supports arbitration for the highest paid in our society, supports arbitration for doctors. Where arbitration is in place for teachers and police and firefighters and others, why is not arbitration, this form of arbitration, good enough for the lowest paid and the most vulnerable?

Ms. Graham: I would venture to say that in all likelihood the reason for that would be that the people who do currently have final or binding arbitration to settle their agreements are all those people who are in the public sector in one way or another. It would be extremely noticeable if there was a problem there. Since we do not want to have any ugly scenes on our hands, we will agree to binding arbitration.

The private sector—women in low-paying service or manufacturing jobs are not people that hit the newspapers, and in reality they are not people that everybody is really concerned about making sure that they have an agreement. So I suppose that is why, in my opinion, people like the Liberal Leader (Mrs. Carstairs) would consider going out on a limb and saying that FOS has no value for the people it is meant to serve. Because those people that we are talking about are people that on average nobody ever hears or sees.

Mr. Storie: Mr. Chairperson, I appreciate the comments. I think that Ms. Graham's understanding of the issue is much like mine. These people have effectively no voice. In fact, Ms. Graham was not here when the Chamber of Commerce effectively said that they had a deal with the Liberals and the Conservatives to repeal final offer selection and that was that. They were not going to let good arguments, the fact that they were trampling over the rights of other people, stand in the way of that political commitment.

It was interesting when you were talking earlier about the stages you went through in your own negotiations with Local 459. You said that your position was on the table and the company said, that is ridiculous, here is our counteroffer, we are cutting benefits, we are hacking away at the collective agreement. Yet, they kept coming back. Why did they keep coming back, in your opinion?

Ms. Graham: It is my personal opinion that the reason they kept coming back is because they knew of, at

that point in time, the two options that are out there, which is strike and FOS, neither of which they want to deal with.

Mr. Storie: Again you have raised the point that we believe is a strong selling point for final offer selection, and that is that it forces reasonableness. It would be my guess that of course they kept coming back to the table because they knew that the position they had put on requiring cuts, cutting back on benefits and wages et cetera, was unreasonable, that it was not necessary and it was not defensible. Final offer selection forces reasonableness. Can you think of any argument, or has an argument been presented to you, which would say that a tool that creates reasonableness around the collective bargaining issues is unwarranted?

Ms. Graham: No. It is my opinion that any tool, no matter how far fetched it may seem to some, that will encourage two opposite parties to sit down and come to a mutual agreement can be of nothing but benefit to every group of parties that exist in this province, no matter who they are.

Mr. Storie: I have asked for the opinion of presenters before with respect to the position that has been taken on this legislation by the Liberals and the Conservatives and I will ask yours as well. It seems to be the belief of the Liberals, who represent some of the areas where workers are most affected by final offer selection, live in areas where there are more workers affected by a lack of final offer selection, I should say— they seem to be of the opinion that no one cares, other than perhaps a few New Democrats and a few big labour bosses, in their words.

I am wondering if you can tell us whether there are those in the communities that you referenced, the Filipino community, the Chinese, the Vietnamese community, who are concerned about final offer selection, and perhaps ask the other question, why have they not come to committee?

Ms. Graham: As I mentioned earlier, on average there are some 10 different languages spoken in a shop that would have approximately 200 workers. Out of the 8,000 people approximately that we represent, or that are in the garment industry today, there is not just 10 different languages spoken. There is closer to 15 or 20 of them. There is very little—I would venture to say probably 10 percent of those people only speak enough English to be able to be well understood, let alone to make a presentation of this nature. That is one thing. (2) Again I hark back to the fact that new immigrants to Canada, besides having the language barrier problem, do not have an awareness of the rights of Canadian workers.

* (1210)

Going farther with the language barrier, they do not read the newspapers and know what one Government is saying or another Government is saying or this political Party or that political Party. They cannot go to the library and get books in their language that explain FOS so that they can have an understanding of it. There is just no way that—the way the scenario

is set up, these people cannot come out on behalf of themselves. But I dare you, any of you, to go into their homes and explain it to them. Give them an impartial explanation and ask their opinion, because we have done it many times with our membership, in meetings, in their homes, in coffee shops, in the workplace, and in every single case I can honestly stand here and say, not one of my members said FOS is not important.

Mr. Storie: Again, Ms. Graham has not been at all of the committee hearings, perhaps, or listened to all of the debate, but there has been virtually no defence of this legislation by the Minister responsible. Other than a press release, at closing debate usually a Minister would take some time to deal with the arguments that were presented in opposition to FOS and the Minister let second reading conclude without any addressing of the arguments that have been made. To my knowledge, the Minister has asked one question, to which she got an answer she did not like, I believe, in committee.

The Liberals continue to defend the myths that they presented as arguments against final offer selection. One of the reasons why there may have been no change of opinion by the people who oppose this legislation has been that there have been too few phone calls, letters from people who oppose the repeal of final offer selection.

If I read you right, you are saying, obviously many of the people who miss legislation supports simply do not have the tools to communicate, would feel intimidated in doing that, and yet they are supporting the legislation and understand how important it is to them.

Ms. Graham: Yes.

Mr. Storie: Perhaps you can explain this anomaly to me. It seems that the Liberals and the Conservatives are prepared to support the right to arbitrate with respect to the highest paid doctors, and yet the only right they are prepared to give the people that you represent is the right to strike, a right which is an untenable right in the position many of those people find themselves—poor wages, very little other support in the community or in the province perhaps. Does that seem fair?

Ms. Graham: No, never has been. That is why I am here. I do not necessarily in general involve myself in things of this nature. I leave it for other of the staff people to do. I like to just do my job, deal with my members and their concerns. But I cannot, in all good conscience, stand aside and watch this Government with the support of the Liberal Party demolish something because of a bloody platform proposal or an election promise, a campaign promise, when it shows itself so clearly to be working 100 percent. I just cannot do it.

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

Mr. Edwards: Thank you, Ms. Graham, for coming forward today. I enjoyed your presentation and your answers.

I want to start by indicating that my friend, the Member for Thompson (Mr. Ashton), referenced the Women's Agenda. I believe he said or indicated, hinted that there was some unanimity or that there was a high level of support. In fact, there were 12 who abstained, 12 groups, I believe, out of 36 who abstained from that vote and one went against. So it was somewhere in the neighbourhood of 23 out of 36, I believe, that support it.

Mr. Chairman: Mr. Edwards, I just want to remind you, have you a question for the presenter?

Mr. Edwards: Yes, I do, Mr. Chairperson. I would appreciate some latitude. I think my friends have certainly had lots in, perhaps not this presenter, but others, but I simply want to—

Mr. Storie: Mr. Chairperson, just on a point of order.

Mr. Chairman: Point of order, Mr. Storie.

Mr. Storie: The Member for St. James is quite right, we have had quite a good deal of latitude and given that there is still room for another foot in the Member for St. James' (Mr. Edwards) mouth, I would suggest you let him talk.

Ms. Graham: I have no problem with letting him talk.

Mr. Chairman: Thank you. I just want to remind you, all Members, that the purpose is to hear presenters and ask questions of the presenters. So let us try not make statements.

Mr. Edwards: Mr. Chairperson, there is no room left in the Member for Flin Flon's (Mr. Storie) mouth.

With respect to the assertion, or the statement, that you appear to indicate that employers as well would be served by this process, and I think you said that the employers in this industry have been hard done by, by recent changes in this industry, by the Government consistently doing things to hurt them, and indeed the workers—

Ms. Graham: That is what I said.

Mr. Edwards: I simply want to indicate to the presenter that we are certainly doing what we can to get rid of this Government, unlike the other two Parties. We have been doing that for a good year and a half at this point, and we are very proud to be trying to send a message to Mr. Mulroney by getting rid of the Tory Government here.

An Honourable Member: So you can repeal final offer selection, that is progress?

Mr. Edwards: The Member for Thompson (Mr. Ashton) knows full well that one of the feet in his mouth is that

they have propped up this Government for a year and a half.

In any event, I want to ask you if the employers in the workshops in which your members work—given what you have said, it would appear that they would support final offer selection as well. Is that your feeling knowing the employers involved in the workplaces in which your members work?

Ms. Graham: No. No, it is not.

Mr. Edwards: So you are saying that despite the fact that in your view they cannot afford a strike, and despite the fact that in particular with this present Government and this free trade and the present regime, a strike would hurt them greatly, they do not agree with final offer selection as a way to resolve disputes?

Ms. Graham: No, I say, or if I have not said it, or if I misled you before, then let me clarify it. The employers in my industry, in my opinion, will benefit from the use of final offer selection in exactly the same fashion that my members will benefit. I guess they do things just as democratically as we in the labour movement or those of you in Government do. You vote on an issue, you choose your Party and you stand behind it, and their Party has said we are going to repeal final offer selection, and those of them that do not belong to that particular political Party belong to another political Party that is I believe the Liberals. They have said they are supporting the Conservatives at this point in the repeal of final offer selection and they have democratically said they stand behind their Party. That is why they are not agreeing to leave final offer selection in. That is why they are not here speaking on behalf of it today.

* (1220)

Mr. Edwards: Mr. Chairperson, in fact what was interesting about the debate in 1987 was that many unions who ascribed support to the New Democratic Party in fact felt it was important enough at that point to break with their Party position. We have not seen, at least as yet, any employers come forward feeling that this was an important enough issue to break with any Party traditions, and I assure you I think there are a fair number of businesses which ascribe to the New Democratic Party. In any event—(interjection)—Well, small businesses, the Member for Churchill (Mr. Cowan) says. I ate in the restaurant his wife owns on Saturday and the food was great, I must say. The food was just excellent. I am looking forward to knowing if that is an organized workplace, Mr. Chairperson. Soon enough, the Member for Churchill says.

Mr. Chairperson, with respect to democracy and the assertions that there is a democratic process in place for union members for all important matters.

Ms. Graham: I believe I said for all matters, not just the important ones.

Mr. Edwards: Fine, for all matters, Mr. Chairperson. In fact, under this present regime, correct me if I am wrong, but employees only get a chance to vote on

the process. They do not get to ratify the details of the collective agreement which will rule their workplace in the coming years. It seems to me that that is an erosion of the democratic link between workers and their union leadership and indeed the rules that will govern them in the coming years. That is correct, is it not?

Ms. Graham: No.

Mr. Edwards: In your unions, does that mean that you take a different approach? I would be interested to hear about it, because I know that members who vote, vote on the final offer selection process. Now in some cases it may be that the union would put forward at the same time as they ask for the vote the details of the final offer they are going to submit. But there is absolutely no way that I can see that members would get a chance to ratify the agreement itself that was chosen by the selector.

Are you saying that that is wrong? Could you explain?

Ms. Graham: You are saying that the members, or what you basically said, I believe, although you are doing your trying or doing your damndest to link it to a ratification, you are basically saying that the members would not have any input into what is going to be their final offer and therefore cannot ratify it.

Let me tell you, the process that all unions have is such that anything that goes on the table, before an application for final offer selection, before the very first negotiating meeting you have ever had, is ratified or passed or approved by the membership. Every single article, every single clause in a proposal for revision of a collective agreement is passed, approved, by the members. At all stages that occurs. Right through, every time there is a change, that occurs, right through the entire process. It would occur right up to the point of putting it on the table if a selector had to be chosen for our particular side.

What the employers would put on, no, naturally our members are not going to ratify it. But, you know something, there would be a motion on the books. I venture to say in every case it is always unanimous, not just my union, other unions. It says that if you are making that application for FOS and if a selector has to choose one, then let us just say they choose the employer's side, that happens, I mean we have a fair system here, then it is already on the books that that is acceptable to those members, whichever agreement is chosen.

Mr. Edwards: Precisely, and I guess that goes back to my point that what is voted on, what is ratified in the final offer selection scenario, is the process, is an acceptance of the process and the fact the selector will decide and that decision will be accepted. What is not ratified is the contract itself.

Ms. Graham: The only time the contract itself would not be ratified is if the selector chose the employer's proposal, and again I will state very emphatically, before that ever occurs, the membership has seen what those

proposals are and is prepared to live with them if that is what they have to take. If they do not want to take that chance, they will not apply for final offer selection. Did you ever think of that? In other words, basically it is ratified, not necessarily in the fashion you are talking about, but basically it is done.

Mr. Edwards: Mr. Chairperson, I sense perhaps we are going around it again. I do not take issue with the last statement, that what workers do when they agree to go to final offer selection is agree to take a chance, and they agree to the process which puts what happens in their workplace up to a third party, and to that extent they take a risk, a chance. FOS is a risk and of course that is the theory behind it.

Mr. Chairperson, with respect to—the presenter indicated that for the first time in 45 years she said that the union was prepared to strike. I presume she wants to have FOS available for that particular situation. Can she indicate in what circumstances she would consider using the second window of final offer selection? What are the—I think it would be helpful for the committee to know from someone committed to using final offer selection where the issues are important enough to strike on, what circumstances the first window would be looked to and what circumstances the second window would be looked to.

Ms. Graham: I suspect that there is—I think I have lost the question now. I suspect that there is a—at different times throughout the process you look at different things. It is my understanding that you can start collectively bargaining six months before your anniversary date. By the time you get down to your 60 days before the anniversary date, or the termination of the contract, you have a very good idea of what is on the table. I would suspect that you may start only after the fact and find yourself in a strike situation where you have to take that strike. If you are still out there at the end of that time because nobody has moved I suppose then you would look at that FOS as well.

I mean there are various times throughout the process that you are going to look at one or the other window, okay. The issues have to be of such extreme importance in the first place for either of those two options, it is my personal opinion. In this particular situation they were. We had employers asking us to carve out parts of our bargaining unit. Throw these people out of the union, they said. That is basically what they said. How can a union do that? They cannot. It was important. It was an issue. It was a principle. They wanted to cut back on the benefits. They literally wanted to cut them in half, and they are low at the best of times compared to, I would venture to say, yours.

It was extremely important given the fact that they do not have money in their pay cheques to go out and buy some of these benefits that they now enjoy. They wanted to cut back wages by as much as \$4 an hour in some cases. There was no way those people could afford it. They wanted to take away a couple of the stats that my workers enjoy, and by stats I mean company holidays over and above the stats allowed by law. They do not get very many holidays in my industry. They sure as hell do not get anything for nothing other than things like stats.

They cannot afford it. They cannot afford to lose one single thing they have. For the last 10 years they have been on average 2 percent below the average cost of living. That is what their settlements have been for the last 10 years. They cannot afford it any more. It had to be that extreme before my membership was willing to do something like that and believe you me, this time it was.

Mr. Edwards: Mr. Chairperson, it might interest the Members from the New Democratic Party and the presenter to know that some Liberals have been members of unions. I can only speak for myself. I have been a member of two.

Ms. Graham: How active were you?

Mr. Chairman: Mr. Edwards, we only have a couple of minutes left here. I wonder if we could wrap it up rather than get into a debate here.

* (1230)

Mr. Edwards: Certainly, Mr. Chairperson.

Can the presenter indicate—she has indicated that the use of the two windows, one of the factors anyway, the one she cited, was the timing of the bargaining and when it got started in the particular process.

I certainly know of many relationships in this province in which bargaining is fairly traditionally well on in the process and does not get started in any real fashion until very close to the end of the collective agreement. I cannot say if that is the majority or what percentage that is. In her industry, what is the tradition? Is the tradition to start bargaining very early on or is it generally left later on, closer to the end of the collective agreement?

Ms. Graham: Well, about half of my collective agreements we started bargaining right around the anniversary date; probably a quarter of them we start two or three months before, and about a quarter of them we start any time from the anniversary date and usually run on for two or three months. So it varies.

Mr. Edwards: So can I take it from that answer and the one before that the presenter would feel that in those half where bargaining traditionally started only right around the anniversary date, those people would be more likely to look to the second window of final offer selection in the event that there was an issue which, as the presenter has said, is important enough to consider the strike or FOS, anything other than just straight negotiating?

Ms. Graham: Well, I am not necessarily exactly sure how it is written, because it is not something I have studied in a lot of detail. I have been too busy negotiating lately. I do understand that if you have gone past the termination date of your collective agreement, you do not have an option on FOS until you have been on strike something like 60 days. So I would assume, in that case, yes, we would have to look at it in those circumstances. If it was before, we would look at it

before. When it is appropriate to look at it, we would look at it at that time. That is the answer.

Mr. Edwards: I thank the presenter for giving evidence about her industry in which roughly 50 percent do not even get to it until the anniversary date.

Mr. Chairperson, I just have one other question. To the extent that so many of the workers in the garment industry are women, and as the presenter said, many are of child-bearing age, a good percentage, one of the discussions I had with the Manitoba Federation of Labour, which we came to an agreement on, was that one of the problems with final offer selection was that it represented an enshrinement of the status quo in many respects.

When it was looked to in respect of progressive innovative change in the workplace, which might not be the normal issues like pay or job security which tend to be the focus of negotiations, the hardest bargaining and indeed strikes—those progressive innovative changes which might come after four or five years of a union raising it or of it just being around, which would come from unions in some cases and employers in some cases, they do not have a chance of being put into place under final offer selection, because what is looked to as the prime piece of evidence, of course, is the previous contract, as well as other contracts in the industry.

If you were to be innovative or progressive, you would not put that into your final offer for fear that it might taint your offer as out of the ordinary and be seen as unreasonable.

It was interesting to me that I had some agreement from—

Mr. Chairman: Mr. Edwards, our time is running out now. I wonder if you would put your question so we can wind up here. We have 30 seconds.

Mr. Edwards: I do not want to lose this presenter, Mr. Chairperson. I think all Members will go an extra few minutes to hear her. My friends from the New Democratic Party had a lot of chance to question her.

What are your views with respect to that feeling that final offer selection has a down side in the sense of innovative progressive changes in the workplace? Of course in recent years the most progressive and innovative things have revolved around women's issues, like job sharing, day care, maternity leave benefits, those types of things. What are the presenter's views?

Ms. Graham: In terms of things like day care and things of that nature, yes, those are extreme concerns to a basically female industry like mine. It is something that we look with favour on. It is something that we take every option to try and put in place.

In a case of where a person is applying for FOS, in a case where I in particular had to look at that or a strike, or whatever the case the may be, I did not look at it because I could not get innovative ideas into my

collective agreement at the bargaining table. I was looking at a strike or FOS because I was losing what I already bloody well had, and that is when FOS is needed, and that is why that option cannot be taken away.

Mr. Chairman: Okay, thank you. Mr. Edwards, I am sorry -(interjection)-

Mr. Edwards: One further -(interjection)- Mr. Chairperson—

Mr. Chairman: The time is now past 12:30—

Mr. Edwards: Point of order—

Mr. Chairman: The time is now 12:30. What is the will of the committee?—

Mr. Edwards: Mr. Chairperson, I do not want to have to force this presenter to come back. I would like to ask one further question with leave. Do we have—

Mr. Chairman: Just a minute, before you carry on. Do we have leave for Mr. Edwards to ask one more question? Agreed.

Mr. Edwards: Mr. Chairperson -(interjection)- well, the Member for Thompson (Mr. Ashton) makes another gratuitous uncalled-for comment.

I am trying to explore the resource we have in front of us and a very experienced person in this particular industry, with respect to her last comment. You are not saying, of the 72 cases which have gone to final offer selection, everyone of those or even a majority of those was a situation in which a strike was imminent or even likely, are you?

Ms. Graham: Sir, I am not privy to why those 72 applications went in. I do not sit or work for those unions. I have no idea what they were doing at any point in time, what was on the table or what was not on the table. All I know is they democratically felt a need to apply for FOS and they did so.

Mr. Edwards: Thank you.

Mr. Chairman: Just prior to rising for the day, thank you for your presentation this morning, Ms. Graham.

Ms. Graham: Thank you.

Mr. Chairman: Just prior to rising for the day, I would like to remind committee Members and members of the public that the committee will also be meeting on the following days to hear public presentations: Tuesday, tomorrow, February 27 at 10 a.m. and at 8 p.m.; Wednesday at 8 p.m.; Thursday, March 1 at 10 a.m. and at 8 p.m.; Friday, March 2 at 2 p.m.; and Saturday, March 3 at 10 a.m. and 2 p.m., if necessary.

Time is now 12:38. Committee rise.

COMMITTEE ROSE AT: 12:38 p.m.