



Fifth Session - Thirty-Sixth Legislature  
of the  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
on  
**Law Amendments**

*Chairperson*  
*Mr. Jack Penner*  
*Constituency of Emerson*



**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON LAW AMENDMENTS**

**Wednesday, May 19, 1999**

**TIME – 2:30 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Jack Penner  
(Emerson)**

**VICE-CHAIRPERSON – Mr. Peter Dyck  
(Pembina)**

**ATTENDANCE - 11 – QUORUM - 6**

*Members of the Committee present:*

Hon. Mr. Stefanson

Mr. Ashton, Ms. Barrett, Mr. Doer, Mrs. Driedger, Messrs. Dyck, Faurshou, Helwer, Laurendeau, Penner, Reid

**APPEARING:**

Mr. Kevin Lamoureux, MLA for Inkster  
Mr. Gary Kowalski, MLA for The Maples

**WITNESSES:**

Mr. Ian MacIntyre, Manitoba Teachers' Society  
Mr. Ray Orr, Private Citizen  
Mr. Alex Forrest, United Fire Fighters of Winnipeg  
Mr. Jon Gerrard, Leader, Liberal Party of Manitoba

**MATTERS UNDER DISCUSSION:**

Bill 27–The Essential Services Amendment Act

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**Mr. Chairperson (Jack Penner):** Would the Standing Committee on Law Amendments please come to order.

This afternoon, the committee will be resuming consideration of Bill 27, The Essential Services Amendment Act. This morning, the committee had heard three presentations on the bill, and there are still several others who have registered to speak on the bill. I will now read the names of the persons who are still on the list who have registered up till now.

They are Ian MacIntyre, Manitoba Teachers' Society; Ray Orr, private citizen; Alex Forrest, the United Fire Fighters of Winnipeg. If there are any others who feel that they would like to make a presentation, they can register at the back of the room with the Clerk's staff. Those of you who are making presentations, if you have written presentations, we need 15 copies of the presentation for distribution. If you have not, you can make oral presentations. It is up to you. If you need copies made, you can indicate to the Clerk's office in the back of the room that you need copies made, and they will assist you with that.

If there are any others in the room who have not yet identified themselves as wanting to make a presentation, please do so now.

We will now continue with the presentations, and I will call on Ian MacIntyre, Manitoba Teachers' Society to make his presentation. Do you have a written presentation for distribution?

**Mr. Ian MacIntyre (Manitoba Teachers' Society):** It is written, but it is going to be oral.

**Mr. Chairperson:** Please proceed.

**Mr. MacIntyre:** Thank you, Chair. I welcome the opportunity to stand before you this afternoon and appear in speaking to this piece of legislation.

I would like to start with a quote if I could: In the years since the strike the Province of Manitoba has enacted legislation which

recognizes workers' rights to participate in free collective bargaining, to organize, and to healthy and safe workplaces.

This is taken from the 1919 Winnipeg General Strike commemorative plaque placed in the hallway of the Legislature in June 1994, and it was put there by the Honourable Gary Filmon and the Honourable Darren Praznik, Minister of Labour at that time.

Today I stand before you on a very sad occasion. Another piece of spontaneous legislation has suddenly been introduced to the Manitoba Legislature. Again, this government has introduced legislation that will curtail and effectively eliminate the rights of working Manitobans without consultation.

I wanted to quote someone else: "The fact of the matter is there is no threat, there is no club and there never will be from this Government. We will act in good faith at all times in the open free collective bargaining process with all of the employees with whom we have to negotiate." Gary Filmon, Hansard, November 6, 1990.

The public school teachers of Manitoba have also experienced unilateral and arbitrary actions by this government. The public school teachers of Manitoba know what the loss of bargaining and the dispute resolution rights mean. We live it daily and, therefore, I felt moved to appear here today before this committee to oppose Bill 27.

Let me give you some history. In 1955, teachers, school trustees and government sat down; they sat together, they negotiated, and they agreed to a process to bargain teachers' working conditions and compensation. This resulted in more than 40 years of labour peace and collective agreements that were mutually beneficial to employees, employers and the citizens of Manitoba. That is the way things used to work in Manitoba.

Forty years later, and without consultation, Bill 72 imposed by this government changed public schooling, and here we go again, Bill 27, 1999, amendments to The Essential Services Act following upon Bill 26, 1996, amendments to

The Labour Relations Act, and Bill 72, 1996, amendments to The Public Schools Act.

With this bill before the Legislature, the right to strike is taken away, and no meaningful and workable process is put in place to allow Manitobans to solve problems. A balanced dispute resolution mechanism is essential for fair and open bargaining, and that mechanism is binding arbitration.

Services to citizens is an issue for another venue, the bargaining table. Let the City of Winnipeg support binding arbitration for all its workers whom I and 7,000 other public school teachers as taxpayers in this city pay for.

I would agree that ambulance attendants consider themselves essential, and we heard that this morning. In fact, one of my neighbours considered them essential on Sunday night, 12:30 in the morning, but this legislation goes far beyond consideration of ambulance attendants as being essential. In fact, Chair, negotiations is a balance, a balance of rights, those of the employers, yes, but those of working Manitobans, as well, and that balance includes a dispute resolution mechanism.

Firefighters have binding arbitration. Police officers have binding arbitration and such as it is, teachers have an arbitration option. Why then should ambulance attendants not have the right to binding arbitration?

This government is renowned for its simplistic answers to complex issues. This over-reactive legislation is typical of them. Just as an aside, this morning I asked the government House leader as to how much time was being allocated to individuals to make their presentation, and instead of getting a minute amount, I was told, if you are thinking about filibustering, we will cut you off, which speaks to the over-reaction and hypersensitivity of this government on many issues.

The simplistic Bill 72 has not solved any of the original stated problems. In fact, it has complicated negotiations across the province. Bill 72 will also present long-term consequences. Teachers are not covered by The Labour Relations Act, and we have been

removed from the list of essential services, but let me put you on notice that 98 percent of teachers at our 1998 annual general meeting voted in favour of inclusion under The Labour Relations Act with access to binding arbitration, because we felt inclusion under The Labour Relations Act with access to binding arbitration provides the only meaningful and workable process for resolving working issues of Manitoba public schools.

Public school teachers of Manitoba support the ambulance attendants in their right to negotiate a contract. The public school teachers of Manitoba support the right of ambulance attendants to solve their disputes with the tools allowed them by legislation. The MTS, Manitoba Teachers' Society, is strongly opposed to this simplistic and heavy-handed legislation that eliminates the rights of Manitobans.

\* (1450)

Again: "The fact of the matter is there is no threat, there is no club and there never will be from this Government. We will act in good faith at all times in the open free collective bargaining process with all of the employees with whom we have to negotiate." Gary Filmon, Hansard, November 6, 1990.

I ask the government to live up to Premier Gary Filmon's commitment. Withdraw this piece of legislation in favour of the City of Winnipeg and ambulance attendants negotiating their own settlement, and failing that, allow them to solve their dispute within the legal means allowed them under The Labour Relations Act. Thank you.

**Mr. Chairperson:** Thank you very much, Mr. MacIntyre, for your presentation.

**Mr. Gary Doer (Leader of the Opposition):** Thank you, Mr. MacIntyre, for your presentation. The binding arbitration process, notwithstanding Bill 72 and the dispute on the changes that were made in that act a few years ago, as I understand it, provides binding arbitration for all teachers. In other words, it covers 100 percent of the services to kids through the process in place now, is that not correct?

**Mr. MacIntyre:** Yes.

**Mr. Doer:** I am sure you have looked at The Essential Services Act, which is, in itself, a misnomer in my estimation, because it is part services and part not services. If The Essential Services Act would apply to teachers, would there be 100 percent of the teachers still providing services to kids as opposed to binding arbitration?

**Mr. MacIntyre:** I think in reading the act and understanding it, there would be a process available to us that not all teachers would have to be in the classroom.

**Mr. Doer:** You mentioned you were listening this morning to the presentations made. It seems to us that it is only logical to have 100 percent of the ambulances available on the streets like there are in Brandon and Thompson with arbitration. A process to have binding arbitration that has been agreed to and recommended by Mr. Fotti this morning would provide 10 ambulances on a Friday night under the binding arbitration process and something less than 10 under The Essential Services Act. With your expertise in collective bargaining, would that also be your assessment, and what do you think the public impact of that would be?

**Mr. MacIntyre:** Yes, that is my assessment of what previous speakers have said and what I understand from the act. I certainly know that my neighbour to the left of me at home would also be in favour of having as many ambulances on the road as necessary considering the need for their need on Sunday evening.

**Mr. Chairperson:** Are there any other questions? Thank you, Mr. MacIntyre, for your presentation. I call next Mr. Ray Orr, private citizen. Have you a presentation for distribution?

**Mr. Ray Orr (Private Citizen):** No, Sir.

**Mr. Chairperson:** Thank you. You may proceed.

**Mr. Orr:** Thank you, Sir. Just to introduce myself, I am a consultant who is working for the paramedics right now. I am assisting them with

negotiations with the city, just so you know who I am. I did work for the city for 30 years; I retired in 1997. What I wanted to do basically was go through a little bit of history of arbitration with the city. I will be very careful, since there is nobody here from the city, that I do not get into anything that could be disputed; there will be strictly factual history.

I would like to elaborate a little bit on the approach that has been taken to negotiations with respect to this question of arbitration, given the comments that were made by Mr. Shepherdson and Mr. Shoemaker this morning. Also, I would like to bring you up to date of where we are at in terms of getting back to the bargaining table as we understand it.

First of all, you should know there are three groups in the city that have access to arbitration to resolve their interest disputes. The firefighters who have the firefighters arbitration act which came in in the '70s, I believe. In the middle '80s, the police had the right to strike, and I think given a contemplation of the possibility of a police strike, I believe the city sought in their interest to negotiate that away with the police association. They did that. Subsequently, the police have the right to binding arbitration, and that was put into The City of Winnipeg Act.

There is a group of middle managers, I believe there are around 650-700, called the Winnipeg Association of Public Service Officers with whom the city entered into a voluntary agreement to utilize arbitration as a dispute resolution process. What we have asked for at the bargaining table is to have access to the same type of process that WAPSO has; that is the middle management group. We did not ask to be legislated, we did not ask to go under the firefighters or in The City of Winnipeg Act, but we said look at us voluntarily.

When Mr. Shepherdson and Mr. Shoemaker were here today they said, well, they kind of opened the door, I thought I heard, to say, well, maybe we could look at this in the future, maybe it is something that we could consider down the road. I have to tell you very frankly that is not at all what we have heard at the bargaining table. At the bargaining table it has been simply a flat

no, we will not discuss it, we do not have a mandate to discuss it, we will not do that.

On that point, in terms of where we are at, I must say that your Conciliation Services have been very helpful. We are dealing with an officer from the Department of Labour. She is working very hard to bring the parties together. She is going back and forth. I think she is kind of beating us both up. At least we hope she is beating up the other side as much as she is beating us up.

We are back to conciliation tomorrow morning at 9:30. It is our desire and our intent, as the paramedics, to negotiate a collective agreement. Part and parcel of that for us is to have some movement on our major issue. To this point we have not been able to reach that to a satisfactory degree, so we are hopeful to be able to resolve that. We have told the city that we have no intention of taking any job action as long as there are fruitful discussions going on—the operative word being fruitful.

That is all I have to say. Just wanted to let you know that.

**Mr. Chairperson:** Thank you very much, Mr. Orr, for your presentation.

**Hon. Eric Stefanson (Minister of Health):** Ray, it is good to see you again. It has been a while. How long have negotiations been basically suspended? When was the last time that you met?

**Mr. Orr:** Pardon me, Sir?

**Mr. Stefanson:** When was the last time you met?

**Mr. Orr:** A week ago Friday.

**Mr. Stefanson:** Okay. Mr. Chairman, with the conciliation officer now calling a meeting for tomorrow morning, was that part of the normal process?

**Mr. Orr:** What we indicated to the city when we broke off the negotiations was that it was our intent to go to the membership to present the membership with the city's last offer so that they could consider that by secret ballot, and to have

a strike vote by secret ballot, and that we would then want to come back and resume discussions. The city was of the view, for whatever reason, that if we took a strike vote we would not be successful in getting a strike mandate from the membership. That was proved to be not the case, as the strike mandate was 94 percent. We saw that as a strong indicator of the members' views, as a strong indicator of their solidarity, and we wanted to bring that back to the bargaining table and proceed to negotiate from there. I came to see them yesterday, and that is when we found out for the first time about this process.

**Mr. Doer:** This morning's presentation from Mr. Shepherdson and Mr. Shoemaker indicated: we want this act, Bill 27, passed and this could lead or would lead to arbitration.

Have you read The Essential Services Act, and are there any sections in that act that provide for arbitration?

**Mr. Orr:** Yes, Sir, I read it, and no, Sir, there are no sections in there that I see that provide for arbitration.

**Mr. Doer:** Mr. Shepherdson and Mr. Shoemaker also indicated that the number of ambulances required under this act, The Essential Services Act, would be something more than a fraction and something less than a hundred percent. As a citizen I want to know—I keep asking this very simple question—if there are 10 ambulances out there on a Friday night and if any one of my neighbours is hurt, how many ambulances are going to be there? I could not get an answer yet with the committee. I hear it has gone from a fraction to perhaps half, and I have even heard that is maybe even higher. But have you been told how many of those 10 ambulances would be operating under this Essential Services Act?

**Mr. Orr:** I have not heard officially. I have heard scuttlebutt that it would be pretty much all of them.

**Mr. Doer:** So if it is half of them, we have a problem in terms of services to the public. If it is all of them, we have a problem because there

is no way to resolve the dispute, because you have the right to strike with nobody being allowed to strike. Is that not correct?

**Mr. Orr:** That is right.

**Mr. Doer:** I am concerned about services. So the bottom line is, under arbitration, a hundred percent of the services are provided, no guesswork on the one hand; on the other hand binding arbitration would provide to the public of Manitoba, to Winnipeg rather—well, the public of Manitoba in Brandon and Thompson have it; the people of Winnipeg are going to get something less than a hundred percent, maybe it is 99 percent, but it is still less than—binding arbitration would provide a hundred percent of the services to the people. Is that not correct?

**Mr. Orr:** That is correct, Mr. Doer, and I guess it should be pointed out here also that we are not just talking about paramedics here. We are also talking about the people who work in dispatch. People who work in dispatch are, again, the link in that very critical chain. As far as I know, most of the people working there have come from the ranks of the paramedics. It takes a great skill set to work there, and anybody who has ever phoned 911 I think would certainly realize that. So we are not just talking about paramedics, we are talking about our dispatchers as well.

I think from our perspective we have a hard time understanding why it is fair for these groups over here but not for this group here. There was a link made by Mr. Shepherdson to health care, because that is basically what is covered by the Essential Services agreement. We are not in health care; we are in the fire department, the emergency services department. The ambulance department does not exist anymore. The fire department does not exist anymore. We are together. We ought to be treated the same.

\* (1500)

**Mr. Doer:** There is a statement made that the City of Winnipeg essential services are covered by legislation to avoid service disruptions, including the fire department and Winnipeg Police Service. As I understand it, the fire

department and the Winnipeg Police Service are not under The Essential Services Act, which is before the Legislature now, they are under different acts. Is that not correct?

**Mr. Orr:** Yes, firefighters are under the firefighters arbitration act. The Winnipeg Police Association is under The City of Winnipeg Act.

**Mr. Doer:** As I understand it, when the Schreyer government brought in The Labour Relations Act, the firefighters arbitration act was put in place as a balance between the public right to service and the ability to have a free collective bargaining process. Arbitration was the method chosen. You go back—

**Mr. Orr:** I do not go back quite that far.

**Mr. Doer:** Okay, you do not go back quite that far. Okay, well, I know you go back as far as the former deputy mayor, who may have, as I recall, been involved in the police officers arbitration, but I am not going to go back in history here.

**Mr. Orr:** Mr. Irving would probably go back that far.

**Mr. Doer:** Oh, he does, he goes back longer than all of us, I know that.

I am asking the question about, the firefighters are under a separate act that provides binding arbitration, which is considered to be the balance of collective bargaining rights and public good. Is that not correct?

**Mr. Orr:** I would think so, Sir.

**Mr. Doer:** The police service act, as I recall, I may recall correctly, it was in the mid-'80s, maybe '86, '87. I would like to ask when the date was. I think we were in office still and the minister was then the deputy mayor, if I recall correctly, and it was perceived to be in the public interest to have our government, I believe, and I am going by memory, bring in arbitration, binding arbitration for the police. Is that not correct?

**Mr. Orr:** I believe that was the case.

**Mr. Doer:** As a citizen of Winnipeg, can anybody explain to me why middle-management people have binding arbitration and why it is proposed that you have recommended binding arbitration and the people, the ambulance providers and the dispatchers, are not given that as a way of resolving a dispute? It seems to me that I would like an ambulance at my door, nothing against the senior managers, but is there any explanation given to you why the public good is better served with arbitration for middle managers and not better served for ambulance services in the city of Winnipeg?

**Mr. Orr:** We have had no explanation. I will not speak for the city, Mr. Doer.

**Mr. Doer:** Well, perhaps Mr. Laurendeau gave that away when he was on council to the senior managers. The other issue then is it makes sense for the workers providing the service; it makes sense for the public. It will provide a level of service that is obviously acceptable to the public in the sense that it is already a stretched service because of the hallway situation, ambulances going from hospital to hospital. Did the government consult with you or with the employees before they brought this legislation in yesterday? I know they consulted with City Hall. It usually is our belief that both parties, if they are going to be affected by legislation, should be consulted. We phoned both parties yesterday as fast as—we only had about an hour. Were the people consulted that were directly affected by this legislation beforehand to explore the option of binding arbitration before this act was put in the Legislature?

**Mr. Orr:** Not that I am aware of, Mr. Doer.

**Mr. Marcel Laurendeau (St. Norbert):** Mr. Orr, you seem to have a very good grip on this stuff. I am interested in finding something out. When we talk about conciliators, are those appointed? Do they need permission from both sides to have a conciliator?

**Mr. Orr:** My understanding of the process, Mr. Laurendeau, is that if one party believes that bargaining would be assisted by the services of a conciliator, one party can request that.

**Mr. Laurendeau:** A mediator?



**Mr. Orr:** No, in this case, a conciliator.

**Mr. Laurendeau:** How about a mediator?

**Mr. Chairperson:** Mr. Laurendeau, could we please let Mr. Orr respond and then we will ask the next question? Could you please pull your mike up a bit closer?

**Mr. Orr:** So in this case the union applied for conciliation. We applied to the Minister of Labour. Then Mr. Fleury from Conciliation Services assigned a conciliator to work with us, and subsequent to that the conciliator has called us together. She is quite aware of where we are at in this process and has called us back to meet tomorrow.

**Mr. Laurendeau:** Would another step after that, if we did not seem to be coming to resolution, would that not be a mediator, and is that under the same process?

**Mr. Orr:** As I understand it, the minister could appoint a mediator. I am not right up to speed on that legislation. I do not know if the parties could request it or not, but as I understand it, a mediator could be appointed, and that is another step in the process that could be gone through. In fact, I think Mr. Fox-Decent was appointed to deal with the nurses' situation. It would be similar to that.

**Mr. Laurendeau:** I keep hearing about consultation from members on the other side. When we talked about some of this, the firefighters, the police, the police agreement in the '80s, was that not agreed to by both parties prior to being brought to the Legislature for the City of Winnipeg amendments?

**Mr. Orr:** Yes, I believe it was, Sir.

**Mr. Laurendeau:** You said you were not aware about the 1970s, but I do not believe that was—that was done arbitrarily by government I believe to be correct. Both parties were affected by it but neither party wanted it in the '70s, but are you aware of that?

**Mr. Orr:** No, Sir, I am not.

**Mr. Kevin Lamoureux (Inkster):** Mr. Chairperson, you make reference in terms of the

binding arbitration, that there was very little discussion that had taken place, that in fact it was brought up at the table but very quickly turned down. Can you speculate as to what you feel? Is that the general feeling of City Council as a whole? Was there any canvassing ever done of city councillors? Is that a majority opinion, that binding arbitration should just be a no go, right off the word go?

**Mr. Orr:** We deal with the bargaining team that comes to the table to represent the city, and we can only assume that they are representing the views of City Council at the end of the day, perhaps through the Executive Policy Committee, so basically that is where we are at.

**Mr. Chairperson:** I do this job only because I am asked to, and the only reason I spell out your names is because your mike is going to be switched on and your comments are going to be recorded. If I do not mention your name, the mike does not get switched on.

**Mr. Lamoureux:** Has there been any discussion, maybe between union membership and some of the councillors? Are there any councillors that are on the record in regard to it in any way outside of the management committee?

**Mr. Orr:** No, I am not aware.

**Mr. Lamoureux:** One needs to take a look in terms of—because you have it with the police service and the fire department, and I did not know that the middle management had it until this afternoon, but particularly with those two essential services and now with paramedics being deemed as an essential service, at least in the eyes of the ones that are bringing forward this bill, in the eyes of most it has always being perceived as an essential service. What sort of a feeling or arguments—I do not know if I can even ask that question. What sort of arguments would have been put forward or response would have been given if you say that, look, you have fire and you have police receiving it, why not us? Was there ever any arguments as to why binding arbitration is just not feasible for paramedics?

**Mr. Orr:** At this round of bargaining there has been no discussion about it whatsoever. The

discussion has been no, it is not our mandate to discuss this, we are not going to talk about it. I understand that in past rounds of bargaining what has happened is that the paramedics have been told well, you are not an essential service, you are a utility. Therefore you do not get binding arbitration.

\* (1510)

**Mr. Lamoureux:** Would that have been the same people or different people making up the negotiating committees at that time, like were they totally different sets of individuals?

**Mr. Orr:** There is a different group of people involved this time around that is pretty much—top to bottom it is relatively new.

**Mr. Lamoureux:** In terms of its importance you had mentioned that you felt it was necessary to get a strike mandate, and an overwhelming strike mandate. I think you said 94 percent which is very impressive in terms of percentage for a strike mandate. This came out of the blue and surprised you, as it did members of the opposition. Can you indicate in terms of what your strategy was, like was there a strike date that was already set? Maybe I have not followed the news as closely as I could have, or should have, but was there a strike date set? What seems to be the real sense of urgency in dealing with this legislation?

**Mr. Orr:** One of the reasons that we thought we had to go and get a strike mandate was because it seemed to us that our main issue, which was this disparity between the firefighters and the paramedics, was simply not being addressed. We had talked about it, talked about it, we had been talking informally about it since last summer. The new group was formed this fall. We formally exchanged proposals in December, but discussions have been ongoing around this issue. To say that we were stonewalled is probably an accurate description of how things went. In the last package that the city brought to the bargaining table, they did at least put something in writing to us. I think it was described earlier as having a number of caveats attached to it, such that if the paramedics agreed to that as a process, it was very possible that nothing would ever happen, and that the issue would simply go away. By agreeing to

that process, the paramedics are basically precluded from discussing the issue in the future, because you have bound yourself to that process.

The city, it seemed to us, was not paying attention to us. We felt that we had to bring the matter to their attention. We felt we had to get it to the political level so what we did was we broke off the bargaining. We told the city that we were going to be taking the step that we took. We wrote a letter to the mayor and to all the councillors. Subsequent to that, for the very first time, to writing that letter, I actually got a call from a couple of city administrators saying to us, well, we would maybe like to know a little bit more about your proposal on how you are going to deal with this disparity. Up until that point in time it had been strictly no.

The other side of that was, basically, we do not think you guys are going to get a strike vote, so we are not really going to deal with this issue until we see where you are at with your strike vote. We got our strike vote, we came down, we said let us get back to the bargaining table, folks, and we heard about this.

**Mr. Gary Kowalski (The Maples):** This round of negotiations has been going on for how long now?

**Mr. Orr:** Officially, since December. Unofficially, we have been talking to the city since last summer.

**Mr. Kowalski:** Some people are accused of campaigning from the left and governing from the right. Glen Murray, when he ran for mayor, one of the things he often said was how the previous mayor did not have good relationships with the unions. I believe Glen Murray received a lot of support from organized labour and unions and that. Are you surprised that someone who received so much support in the last civic election has requested this draconian legislation?

**Mr. Orr:** Yes, Sir. We were surprised. We had been told by the city on, I think it was, the day that we were taking our strike vote. I was told by Mr. Shepherdson that if we got this strike vote, the city was going to apply to have us

included as an essential service. Silly me, I thought we would be getting back to the bargaining table first, so we were somewhat surprised to find out yesterday when we went down to City Hall to talk to them that this was going to happen.

**Mr. Kowalski:** You are not the only one surprised. As has been mentioned numerous times here is that the opposition parties were not given notice that this was coming forward. Only Mayor Glen Murray's letter to the government, there was no consultation with any other people in the Legislature about this, and the mayor nor any of his representatives have chosen to come before the committee and represent their views and explain anything, so you are not the only one surprised.

They have put this Legislature in a difficult position and have failed to come here and present their viewpoint. I am very disappointed that they have done that. They have asked us to bail them out and then have failed to come here other than to send the representative of the administration who could not comment on policy issues. To me, I am very disappointed in Mayor Glen Murray and his Executive Policy Committee that they have not come here and represented their viewpoint

Now I am trying to understand the logic here. The police are deemed a service that we cannot do without, so they have been given binding arbitration. So in other words, if someone calls that someone is going to shoot someone, we want to have all the police officers present. Now, if someone is shot, well, we will have essential services agreements, so we will have some of the ambulance attendants able to respond. Does that make sense to you?

**Mr. Orr:** I think the paramedics can probably talk to that a lot better than I can, Sir.

**Mr. Chairperson:** Are there any other questions, comments?

**Mr. Steve Ashton (Thompson):** Just briefly again, because I want to put in context the situation we are dealing with.

**Mr. Chairperson:** Could you pull your mike up just a wee bit closer.

**Mr. Ashton:** I mentioned this this morning because as House leader, from our side in terms of the NDP, we did not know about this until yesterday. It was presented to us, by the way, not by the city. We talked to the city and to representatives of the union since, but the presentation to us by government was that this was urgent. They asked for leave to get this into the House, and while we do not agree with what is being proposed, we were told it was urgent. I can only assume by that that the government was assuming that there was an imminent strike situation. Now I am just wondering, is that the case because what my understanding is conciliation is ongoing? The fact there has been a strike vote does not indicate there is an imminent strike situation.

I am trying to get some idea of this because we were told yesterday basically this was urgent, that we had to deal with this immediately, and we are trying to get some sense—I know in our caucus, we have proposed an alternative—but what is the situation in terms of a potential strike?

**Mr. Orr:** Prior to the mayor leaving, last week we gave information to the city that it was our intent to not engage in any disruptive action until after he returned providing we were making progress in our discussions. If the city was going to simply sit there and say: no, no, no, no, no, then in fairness to them, all bets are off. But our intention was—and I work for the paramedics, and I have told the paramedics that I see my job here is to go back and get a collective agreement. We have a bargaining committee, we have a public relations group, we have a strike committee, as I guess would happen in most of these circumstances. The main priority is to get a collective agreement.

The reason that we went and got the strike vote was because it seemed to us that we did not have the attention of the city in terms of dealing with our main issue that we wanted to deal with. We think we have the attention. We are not sure that we really thought it was going to show itself this way. We are more than happy to go back to the bargaining table to sit down to talk with the city, and we are quite hopeful that we can work something out. If we cannot, then I guess we will have to see what particular deck of cards we

are dealt with from this process, and then go from there.

**Mr. Ashton:** I want to confirm again that the government did not bother to contact the paramedics on this because you know we are dealing here not just with a request by the city. I mentioned this earlier, I mean the city requests all sorts of things the government says no to. In this particular case, the government rushed this in yesterday. I had about four different urgent phone calls before I finally got this notice. I would have assumed that the Minister of Health (Mr. Stefanson), who, I understand, did meet this morning with representatives of the paramedics, might have actually met with them before this happened because we were basically under the impression—you know, as House leader, I was told this was urgent, there was an imminent strike. I mean, all this thing a bit built up, but I just want to clarify that the Minister of Health and the government did not contact you or anybody else prior to bringing in this bill to find out what the real situation was?

\* (1520)

**Mr. Orr:** To the best of my knowledge, no.

**Mr. Ashton:** Mr. Chairperson, I do not know. Something keeps ringing in my head today, and that is "Fools rush in where angels fear to tread."

I do not know why, but I am wondering if you do not feel that probably the appropriate thing for the government to do in this case, recognizing that they did not even bother to contact yourself or anybody else to find out what was really going on and rushed in with this—I can only, I hate to attribute motives here, assume that there may have been some political agenda perceived which I just quite frankly cannot understand, because if they cannot figure out, in this case, that they are proposing a situation in which you will end up with less service for ambulance because you are basically setting up a situation in which a strike might happen, and I recognize bargaining is going on, as compared to what we have suggested which would result in 100 percent service, which is what you have with arbitration, you settle it without a strike action—I am wondering if, given the circumstances, you do not feel that the

government itself, quite apart from whatever the city has indicated, might be better off, instead of rushing into this, perhaps taking some time, perhaps letting the collective bargaining process continue in this case and perhaps looking at some of the alternatives that we have put forward and I think have some significant benefits.

I really sit here and I wonder if maybe part of what we have here is not a colossal communications gap. By the way, I point this in the direction of the government, because as much as people can criticize the City of Winnipeg for applying for this, you know, it is the government that is bringing in this bill. I am still wondering how they can bring in a bill like this based on relatively limited information, as we are finding out today, information that presumably was completely inaccurate.

So I am wondering if you do not feel there maybe needs to be some cooling off, some clearer heads on this particular situation, and perhaps some moving toward some more creative solutions, rather than what we are dealing with.

**Mr. Orr:** We would be quite happy to consider any alternatives that might be suggested. As we have said all along, we are here to try to negotiate a collective agreement. That is what we would like to do. If somebody would like to speak with us about doing something different than what is being contemplated right now, we would be happy to talk to whoever wanted to do that.

**Mr. Chairperson:** Mr. Lamoureux, for a very short question.

**Mr. Lamoureux:** A very short question, just so that I am clear on it. You had indicated that the very earliest opportunity for a strike would have been when Mayor Murray had gotten back. When would that actually be?

**Mr. Orr:** In fairness to the city, Mr. Lamoureux, we could strike right now. We had indicated that we would not take any action along those lines, not a disruption or anything like that. He will be back at the end of May. There is a meeting of the Executive Policy

Committee, I think it is either the 2nd or 3rd of June, which is a Wednesday of that week, and we had said that we would want to see what is going to have happened by that time and that if we saw ourselves to be making progress, to be heading in the right direction, that we were more than prepared to continue to do that.

The other side of that coin, again, in fairness to the city, is if that was not happening, then we do have the strike mandate. We are not trying to hide that particular issue.

**Mr. Chairperson:** Thank you very much, Mr. Orr, for your presentation and your indulgence on the questions.

**Mr. Orr:** Thank you.

**Mr. Chairperson:** The next presenter I call is Mr. Alex Forrest, the United Fire Fighters of Winnipeg.

Mr. Forrest, have you a presentation for distribution?

**Mr. Alex Forrest (United Fire Fighters of Winnipeg):** Yes, I do, Mr. Chair.

**Mr. Chairperson:** Thank you. The Clerk will distribute. Mr. Forrest, you may proceed.

**Mr. Forrest:** I appear here today on behalf of the firefighters of Winnipeg. Firefighters have always made the public well-being and safety our paramount concern. We are here today because we are concerned about that public's well-being, and we are seeing an injustice being done to the paramedics.

These are highly trained, highly professional people who work side by side with the firefighters of Winnipeg. No one knows the value of the paramedics to the citizens of Winnipeg better than the firefighters. To take away their right to strike and not give them binding arbitration is wrong and does no service to the citizens of Winnipeg.

We have given up the right to strike for decades. However, we have also had the right for binding arbitration. The end result is that the firefighters of Winnipeg have never taken any

job action, and the citizens of Winnipeg have never been without firefighting protection. If you go forward with this piece of legislation, I believe it will not mean uninterrupted paramedic service to the city of Winnipeg.

I have looked over this legislation quickly and, quite frankly, I really do not understand what this idea of partial ability to strike will mean. It is being rushed through, I agree. It is being rushed through, and that is a dangerous thing to do when you are dealing with people's lives and the partial ability to strike.

If you move forward on this, does this mean that it has to go to the parties to negotiate what the right to strike will be? Is that not why we are here today? The paramedics and the city cannot come to any understanding, and now you are asking them to say what is essential service and what is not essential service. Does that mean that if a person here, if a strike occurs, if it is a heart attack, the paramedics will come and serve that person and take him to the hospital, but if that same person falls and breaks a leg, he has to stay there and will be without an ambulance, be without paramedic service? Well, that scares me. That scares firefighters because we are going to be the ones there. We are going to be the ones, and we may have to load them in the back of our rescues and take them to the hospital because that is the contingency plan that we are being told, even with this piece of legislation, and that is wrong.

If you pass this legislation as it stands, it is a recipe for future problems. You will have frustration, anger, and hard feelings. You have to look at the percentage that their membership went to their executive with with a strike mandate. It was in the 90s percentile. Binding arbitration does not pose any problems for the negotiation process. For decades we have had a collective agreement with the Winnipeg Fire Department and no problems have arisen. It is merely a tool to further labour relations between management and unions, and it has worked well in the fire department.

As a matter of fact, our last two collective agreements that we went for did not have to go to binding arbitration. We can get together and we can do it, but if you take away that right of binding arbitration, you are taking away the right

of the union to be able to negotiate properly. What you are doing is you are basically penalizing a group of individuals for wanting to serve the public. Well, you serve the public, and I believe the public would want fairness to be given to these paramedics. That is all we are asking for. That is all the paramedics are asking for, and that is all firefighters are asking for to assure that we will not have any interruption to paramedic services in this city.

Why you do not wish to support these individuals, who every day deal in life and death decisions, firefighters just cannot understand that. We are trying to muddle through this. We are trying to do whatever we can. We are the ones that are going to be out there. We are the ones that are going to have to respond to every medical emergency, which we do now, and we are going to have to make decisions. All we are asking for is fairness, honour and order, and these are the reasons why the paramedics should have binding arbitration. Thank you, Mr. Chair.

**Mr. Chairperson:** Thank you very much, Mr. Forrest, for your presentation.

**Mr. Doer:** In earlier presentations today, it was indicated that the ambulance attendants are located in four out of the five fire halls in Winnipeg. Is that correct in terms of the location of the people there?

**Mr. Forrest:** Actually we have 26 fire stations and, I believe, there are paramedic machines in five fire halls. I could be wrong, but I believe it is five.

**Mr. Doer:** The government's press release yesterday stated: The minister noted that the City of Winnipeg essential services are covered by legislation to avoid service disruptions, including the Fire Department and the Winnipeg Police Service.

Is it not true that you do not have the government's Essential Services legislation in your way of resolving disputes? You have The Fire—and I am going to get the right term here—The Fire Departments Arbitration Act, is that not correct?

**Mr. Forrest:** That is correct.

\* (1530)

**Mr. Doer:** I am a little concerned that the press release then gives the impression that the method of establishing or resolving essential services in the city of Winnipeg for the Fire Department and the Police Service is The Essential Services Act which is a separate and complete and total act providing for binding arbitration. Is that not correct?

**Mr. Forrest:** That is true.

**Mr. Doer:** You mentioned the contingency plans. Obviously, firefighters are going to be affected by any contingency plans because on the response you are there and you work with the ambulance attendants, what is your understanding now of how this Essential Services legislation will work?

We asked in committee today, in some of the media reports it was quoted as saying a fraction of the ambulance attendants would be required for essential services, and then there was another comment about up to half. If there are 10 ambulances on, on a Friday night, we know that all 10 will not be on, but we do not know how many will be on. What will that mean for the public good, in your estimation, based on what you have heard about contingency services?

**Mr. Forrest:** That is an excellent question because we have posed this to Chief Shoemaker and we have asked him what this contingency plan is centred around private ambulances and centred around the firefighters absorbing with the rescue units. We have rescue units that are available to transport individuals on life and death exceptional circumstances. Last year, I believe, we transported three to four times in the back of a rescue.

What I am concerned of is right now we are strapped in staffing levels. We have recently had 52 firefighting positions cut from our service, and now we are going to be asked to cover the paramedic services and to be asked to transport when we do not have members trained in person transport. How would you like to be transported in the back of a rescue? I do not think that is a viable alternative and we have

told Mr. Shoemaker that. It will cause labour problems between us and the chief and the council if they attempt to try and use firefighters in that way.

**Mr. Doer:** Well, I can answer your question. I would like to be in the ambulance as opposed to the situation you described. So when they are asking us to pass this act, there is no contingency plan.

**Mr. Forrest:** As I understand, there are many different aspects that the chief has looked into: private ambulances, and what he has discussed with me. As for what is going on beyond that, I cannot comment on.

**Mr. Doer:** So when the people say that this legislation will protect the public interest, in your estimation as somebody on the front lines, that is not entirely true is it?

**Mr. Forrest:** As a matter of fact it could hurt the public interest just as much as if there was a full-blown strike.

**Mr. Doer:** So there is no contingency plan, not all services will be provided, the public was already stretched on the firefighters side and on the ambulance side. Have you heard any good reason why middle management at the City of Winnipeg has binding arbitration and ambulance attendants do not?

**Mr. Forrest:** No, cannot answer that.

**Mr. Doer:** It is our responsibility to take requests from the city and sometimes accept it and sometimes reject it. This Legislature is not a surrogate of the city, and right now, there is a standard of settlement for ambulance attendants in Brandon and in Thompson. As we understand it, it is binding arbitration. Have you studied the situation, and does it work well for the people of those communities?

**Mr. Forrest:** No, I have not looked into that situation well enough to comment on that at this time. I am sorry.

**Mr. Doer:** The people in Brandon and Thompson do work with the firefighters, and the firefighters in those communities, as I understand it, have binding arbitration and again

have not withdrawn services in those two communities, along with the ambulance attendants for decades, as you have described here.

**Mr. Forrest:** That is correct, but you have to realize that it is dual-trained firefighter-paramedics there. It is a bit of a different situation.

**Mr. Doer:** Yes, I accept that situation. You are basically saying that you have studied this act, and it is the partial ability to strike in your estimation, is it not?

**Mr. Forrest:** What worried me yesterday was watching the media conference in which Councillor Vandal and Chief Shoemaker were explaining this act. One of the things that they put forward to us was, well, we are not taking away their total right to strike. We are just going to try and figure out what is essential service. We will come back to the table. We will negotiate that, and then you guys can strike on what you want.

Well, as I said before, that is the reason why they are here right now is they have not been able to agree on anything and now you are going to ask that. What is going to happen is I am very concerned with this because there is going to be action outside this legislation. They are going to try and push this legislation. Why not have a complete legislation that is well thought out, put forward, so that the citizens of Winnipeg know exactly that they are going to receive proper paramedic services and that firefighters will not be put in a position of conflict of interest?

**Mr. Doer:** You mentioned that firefighters would be put in a position of conflict of interest. Could you describe what they would mean for the public, its impact on the public?

**Mr. Forrest:** What happens is that right now our priority is fire suppression, rescues of every nature. Now what happens is that they are going to be taking us into the situation of performing medical transfers. For instance, in south Winnipeg, right now after the cuts, we basically have one fire pump that is going to be doing the medical response for all of the south Pembina, St. Germain and St. Norbert area. What will occur then is that machine is going to

be run ragged transporting. Well, that is wrong because then that area will not have fire protection.

As well, you have to realize we work day in, day out with paramedics. They are in our stations, they eat with us. They are working with us on a daily. We go to every single medical call with them, and now the chief is going to ask us to work with scab labour and in private ambulance systems. Well, if that is not going to cause more labour unrest, I do not what will.

**Mr. Doer:** If you were told today that "essential services" legislation would in fact protect the vital services to the citizens, that it provides the balance between free collective bargaining and access to lifesaving care in an emergency, if this legislation and this amendment was proposed for the firefighters, would you accept that as the result of this legislation for our firefighters?

**Mr. Forrest:** We would do everything we could within our power, and we would ask the public to support us. We would do everything we can to stop this type of legislation, because it is not in the public's well-being.

**Mr. Doer:** So the statements from the government that this would provide for lifesaving care in an emergency and be a balance of free collective bargaining, and it would be our first concern to ensure patients do not have to worry about this lifesaving care, in your estimation as somebody on the front lines, this amendment is not achieving what the government is saying it will achieve by this proposal before us today?

**Mr. Forrest:** That is 100 percent correct. You have to realize you have to look at the high percent of paramedics that felt that they were being treated unfairly. If you ordered them back to work, would you not want a paramedic that is there that wants to treat you if you are having a heart attack rather than a paramedic that is having a gun to his head saying, you have to be there? It just does not make sense.

**Mr. Doer:** So in order for the government to achieve the ability to have free collective bargaining, which the members of this

Legislature support through other legislation and have the first concern that patients do not have to worry about being able to access lifesaving care in an emergency, our proposal is going to be binding arbitration for the ambulance attendants as an alternative to this legislation. Their proposal is The Essential Services Act, but we all agree on the objectives. I mean, we are not disagreeing on the objectives with the government and the paramedics are not either or the ambulance attendants are not either. Would the binding arbitration option be a better option to achieve the objectives that the government has in its press release, which I think are obviously the priorities of the public?

**Mr. Forrest:** All the paramedics have ever wanted was a fair deal from the city. What this would do is it would enable an objective third-party person or a chair to come forward and say exactly what paramedics are worth to this city. That is all they are asking for is fairness.

\* (1540)

**Mr. Doer:** We had Ms. Johnson present a brief this morning, and as I can recall it, she said there is a chain of interventions for the citizens of Winnipeg, a chain of people. One is the firefighter. The second link on the chain is the ambulance attendants and paramedics that are in dispute now and before this legislation today. Of course, the third group would be taking a person to the emergency ward which would be dealing with a doctor. The doctors now have arbitration voluntarily by the government, and it took us about 30 days to convince them it made more sense. I hope it does not take 30 days for the ambulance attendants. The Fire Department has arbitration, so it seems like two links of the chain have arbitration and one link does not. Does it not make sense for the chain to be equally protected with the protection of binding arbitration?

**Mr. Forrest:** Yes, it does.

**Mr. Ashton:** Just briefly, I am increasingly concerned as I see this unravel here with this piece of legislation that was rushed in by the government, because from your presentation I think we are probably getting a clearer answer than we did earlier today from the city itself



about what might happen if this legislation is passed.

In fact, the city went out of its way to say: oh, no, no, under this Essential Services legislation we will make sure there is a strike. They will be able to draw some level of services and that, by the way, is sort of the paradox we are in here in the sense that we are proposing what we feel is probably a more sane alternative, something the paramedics themselves are looking at, but it is obvious if that happens, the first thing that happens is you have reduced paramedic services.

What you are saying then is if we have this legislation, and there is a strike which the paramedics do not want, they would prefer arbitration, that there will be reduced fire services as well because you will essentially be putting firefighters in the position of having to do the work of paramedics, and quite apart from the legitimate point you raise about what relationship this is going to lead to, putting firefighters in that very difficult position, obviously that is going to come at the expense of firefighting services from what I understand. Is that not basically the ramifications of passing this bill?

**Mr. Forrest:** That is exactly it. We are one big puzzle from medical response within the city of Winnipeg. You take one piece out of the puzzle, other areas will suffer. Fire suppression will suffer if the paramedics go on strike in any way.

**Mr. Ashton:** Well, then, Mr. Chairperson, I might add by the way we have these legislative committees on all bills; it is actually one of the unique features of the Manitoba Legislature. If ever I have seen a case for what we are hearing at the committee showing just how ill advised the course we are on is, and I say "we," it is really the government that has chosen this, but obviously all members of the Legislature have to be involved, it is this.

By the way, I want to thank you for pointing out clearly the fact that unless some other course is chosen, other than what the government has agreed to in this case, we could be looking at a situation within a matter of weeks or even a shorter period of time where you may end up with, and I am just trying to put this in

perspective, paramedics being on strike when they do not want to be on strike, they want to go the route of arbitration. The people of Winnipeg –by the way I am from Thompson, so we are under arbitration, we do not have to worry about this—may be in a situation of having reduced paramedic services and having firefighting at risk.

I just, quite frankly, do not understand how the government got themselves into this situation. I am wondering if there are any suggestions I suppose other than withdrawing this and going the arbitration route that you might have for the government and how they can get out of the mess I think they have created by rushing in yesterday without contacting the paramedics. I assume, by the way, if they have not contacted the paramedics, they have not contacted you either, because it just makes no sense to my mind to deal with legislation this way, to sort of rush things in.

As I said, where fools rush in. I do not to mention what that analogy applies to, but it seems to be rushed. It seems to me to my mind that the public interest, as the Leader of the Opposition has pointed out here, and the city of Winnipeg is very much at risk on this. I guess I thank you for giving us in this committee a real sense of what will happen if this legislation is passed.

**Mr. Chairperson:** Thank you, Mr. Forrest.

**Mr. Kowalski:** Yes. At scenes of fires, major fires, is there usually an ambulance that stands by in case of an injury to a firefighter?

**Mr. Forrest:** That is true. At all major fires there are ambulances. Many times, if it is a major fire, you will have two ambulances with paramedics there. Everybody knows how dangerous firefighting is, and again firefighters will need the services of paramedics as much as any citizen in Winnipeg. So we have a vested interest in this as well.

**Mr. Kowalski:** That is what I was thinking when you were talking about the difficult position that your members would be put in. You talked about having to do the service for the

ambulance attendants but also hear the clients of that. If there is reduced ambulance service, it is putting your members at risk, is it not?

**Mr. Forrest:** That is correct.

**Mr. Kowalski:** I am still very puzzled here because, you know, I am a member of the Winnipeg Police Association, a member and part of that bargaining unit. I know the climate under Susan Thompson, there was a feeling that maybe that Executive Policy Committee of that administration was not that friendly to unions. Since Mayor Glen Murray has taken office, I understand now that a budget has been produced that reduced the number of fire positions by 52 firefighters, that now this legislation is asked by Glen Murray. Is the firefighters association surprised by the tactics or the way Mr. Glen Murray is proceeding with its labour unions in the city of Winnipeg?

**Mr. Forrest:** We were vastly disappointed with Mayor Murray when he cut the 52 positions when we were already short-staffed. I will tell the committee here today that very few, if any, firefighters have any confidence in our mayor today.

**Mr. Chairperson:** Thank you very much, Mr. Forrest, for your presentation and your indulgence in the questioning.

I call next Dr. Jon Gerrard, the Leader of the Liberal Party of Manitoba.

I would still ask to maintain order and decorum in the proceedings. Dr. Gerrard, have you any written presentation that you would like to distribute?

**Mr. Jon Gerrard (Leader, Liberal Party of Manitoba):** Because of the speed with which this has moved, I will make an oral presentation but not a written presentation.

**Mr. Chairperson:** Thank you, Dr. Gerrard. You may proceed.

**Mr. Gerrard:** I am here today to call for a little bit of calm and reason and fairness, rather than a sort of hasty, knee-jerk, short-term reaction, which I believe that the bill in its present form represents.

I think that, first and foremost, it is very important that we have respect for the health care professionals, the paramedics who are involved here. We recognize that they have worked very hard for the people of Winnipeg for many years, often in the last few years particularly under very difficult conditions, in many circumstances putting in a lot of overtime and working hard for citizens, saving lives, doing and being and acting very responsibly in their efforts to do the very best for people of Manitoba as they work in the ambulances and providing what is very important health care for people in Winnipeg and, indeed, people from outside of Winnipeg who end up for one reason or another in the city.

I would suggest that given what is happening with the re-organization of services, the fact that the paramedics and the firefighters are really working side by side, that due consideration really does need to be given to the parallelism in terms of the legislation dealing with firefighters and with paramedics, and that the introduction of binding arbitration as part of the solution here would be a responsible measure which would provide a parallelism with how firefighters are treated to how paramedics are treated.

It would also appear to me that it is rather important to have input from the City of Winnipeg. I think we have heard from members of the paramedics as a responsible people who have worked hard on behalf of citizens to provide good health care, that they are not rushing into a strike but rather, given reasonable discussions, are ready and willing to wait until Mayor Murray returns. Quite frankly, I think that the mayor himself probably does not feel that this has the sort of urgency that the current provincial government seems to be giving it, because if he felt that it had this sort of urgency, he would immediately be coming back to deal with it.

I suspect that Mayor Murray, himself, must feel that this matter can be dealt with on an ongoing basis with a responsible union who have felt that they have a duty to people in Winnipeg to provide service and much-needed service. We should thank them for that service, and the government should be prepared to deal

responsibly and pass legislation which has an aspect of fairness and that there is indeed some time for a calm and reasoned approach, rather than a rushed approach to put this legislation through.

\* (1550)

**Mr. Doer:** I am not sure whether you are for or against the bill. I know you do not want it to go as quickly as it is being proposed, and we wanted to slow it down yesterday. If the city does not agree to binding arbitration, and if the employees do—I mean, I know we need the input, but the city has met with the government twice and it has got a letter on the table today requesting Essential Services legislation. Are you then supporting binding arbitration as a method of resolving this dispute?

**Mr. Gerrard:** It would seem to me that given the discussions, that we should not rush this legislation. It should not be rushed through, but the mayor should be given an opportunity to rethink his position vis-a-vis the request he has made and to make a request that would include binding arbitration. This, clearly, should be on the table, and from a perspective of a balanced approach, it would seem to me would provide a better balance than the current legislation.

**Mr. Doer:** Well, I agree that it is best to have two parties agreeing when we deal with the public interest, but, right now, we have one party asking for essential services and we have another party asking for binding arbitration. Yesterday, in Hansard, the member for Inkster (Mr. Lamoureux) stated that it would be desirable to have both sides agreeing to binding arbitration; that is what we would like to see.

So would we. It would be the responsible thing to do as it goes to the committee, but if we do not see that consensus coming from the city, I think, then, there is a responsibility for us to look at essential services as being the answer to resolving this particular issue. So I just want to know where we are going.

#### Point of Order

**Mr. Lamoureux:** Mr. Chairperson, the reason why it is a point of order is because we have a

presentation, and I would not want the quote to be taken out of context in order to solicit an answer. I think in fairness to the presenter or anyone else, they should ensure that they understand the complete context of the speech.

In no way did I say that we would support the legislation being given third reading. I did indicate that we were prepared to see it go into committee. So I would not want the Leader of the New Democratic Party to try to give the impression that I had no problems in terms of supporting this particular bill.

**Mr. Chairperson:** The Chairman notes the concern here and asks that when questions are put that relevant accuracy be directed to the presenters when questioned, because there are times when presenters are not aware of all the relevant information, and I think it is only incumbent upon us as committee members to ensure that the presenter be presented with the relevant information.

I indicate that Mr. Lamoureux does not have a point of order, but the point well taken.

**Mr. Ashton:** On a point of order, Mr. Chairperson, the normal procedure in this House is that when a point of order is raised, the Chair seeks advice from other members. I note that our Leader and certainly myself were interested in giving advice.

I think it is highly inappropriate to only allow the member to make a point of order and then for you to say afterwards, without advice, that it is not a point of order and then say the member has a point. By insinuation, Mr. Chairperson, it could be taken that you are suggesting that the comments were taken out of context when, in fact, we read them directly from Hansard.

I know we have a critical issue here. The presenter is here as the Leader of a political party. Obviously, he is putting forward the views of his political party on this issue, and I think it is a very important question here, whether the Liberal Party supports arbitration under the current circumstances which is where it certainly is agreed to by the paramedics or whether they are saying they will support it only

if the city agrees to it, in addition to the paramedics, which indeed I believe was the point put forward by the member for Inkster (Mr. Lamoureux) yesterday.

I think it is appropriate, and I would hope there was no suggestion from the Chair that we were doing anything other than asking what would be a normal question to the Leader of a political party here, whether indeed there is a consistent position on this issue, a consistent position from the Liberal Party, which is very much directly related to this bill. So I hope that was not the intent, Mr. Chair.

**Mr. Chairperson:** Thank you, Mr. Ashton. I will give you the same kind of comment. I believe that your point of order is really not a point of order, but I take your advice as advice being offered, and I accept that.

\* \* \*

**Mr. Chairperson:** Now, Mr. Doer, to continue your question, or, Dr. Gerrard, with yours.

**Mr. Gerrard:** I understand that the Leader of the Opposition (Mr. Doer) has a strong and clear difference of opinion with the mayor of the City of Winnipeg, but rather than to seek conflict, it would seem to me to at least give the mayor an opportunity at this juncture to revise his position before the provincial government arbitrarily proceeds with binding arbitration. I think that given due consideration, given some time for input from the mayor, binding arbitration is a reasonable approach to take, but I think that there is time here for calm and reason rather than to foment conflict, and let us see if the mayor would, in fact, revise his position.

**Mr. Doer:** Are you aware that the proposal to go to binding arbitration has been on the table for a couple of years now and has been rejected by the city?

**Mr. Gerrard:** Well, I think that we are dealing with legislation which was put before the Legislature clearly in some haste, that, yes, we are dealing with issues which have some history and some duration, but I think there is time for some calm and reason at this point and that the

mayor should be given one other opportunity. [interjection]

**Mr. Chairperson:** I would ask that the members maybe quiet down a bit, so I can at least hear the presenter's response and the questions.

**Mr. Doer:** Well, I agree that it is desirable to have the city and the union in agreement to come forward with binding arbitration. When we were in office, we did that with the police officers. When we were in office, we did that with the firefighters. I have talked to people at the city; I have talked to the union, and in a perfect world, we would have agreement, but we do not. We are dealing with a dispute, and our job in the Legislature is to deal with the public interest

I guess my question to you is, the city sometimes is right, this Legislature sometimes is right, sometimes it is wrong. It does not mean it is conflict. It just means that we have the ability to disagree. I disagree with the city. I have no hesitation saying that. I would like them to come to an agreement with our proposal on binding arbitration. Having said that, the union is saying binding arbitration. The firefighters are saying binding arbitration. I think the public would prefer to have 100 percent of the services provided, rather than The Essential Services Act which is less than that, and, yes, I would love a perfect world to hope that we could get approval from the city.

That is obviously the best alternative, but saving that, is it the position of the Liberal Party that they would support the Essential Services legislation, albeit at a later time if the city at a later time did not agree to arbitration?

**Mr. Gerrard:** I think that we are here because we want to preserve the public interest, and we do not want to have a loss of ambulance services, paramedic services. I believe that it is quite clear that the sort of hasty legislation, you know, taking away the right to strike, is not the answer. As we saw with the NDP government in Saskatchewan and their approach to the nurses, this, in fact, did not eliminate the potential for strikes, but there needs to be, as I pointed out, some calm and reasoned approach. It seems to me that in that calm and reasoned

approach, the next step is to go back to the mayor and to press upon the mayor the importance of reconsidering his position. Should he not, then we are in a hypothetical situation. My view, and our view as a Liberal Party, is that binding arbitration is a preferable solution to this bill.

\* (1600)

**Mr. Doer:** I am not going to go through the history of the federal government and collective bargaining with public employees. I think it is counterproductive to this bill, nor do I want to defend everything that happened in Saskatchewan all the time either.

**An Honourable Member:** We do not want to be here until midnight.

**Mr. Doer:** No, that is right. We are going to be moving an amendment. We are at second committee now. We would obviously like the government to slow down. We would like it to allow us to try to get a consensus with the city. I am sure you have talked to people at the city, so have we. We have talked to the union representatives, it is great. This province has rejected the advice of the city before. The city proposed in the mid-'90s, I recall, that the collective bargaining agreement agreed to by the civic workers be overturned by legislation. The province in its wisdom, in the public interest, said no.

The province has the ability to accept proposals from the city under good advice, or not accept them in the public interest. We think that the binding arbitration amendment which we will be moving today is superior to The Essential Services Amendment moved by the government, and I would urge your support on that amendment when we make it. Yes, in a perfect world we would want perfect agreement, but in an imperfect world we have to deal with the public interest first, and we think the public interest is best served by binding arbitration, and we will be moving that amendment at committee. We hope we get all-party support for it. Would you support that amendment?

**Mr. Gerrard:** Well, I look forward to seeing the amendment when it is written out and to

having a discussion on that once we see that. As I said, I think that binding arbitration is a desirable alternative, but I think that what this province needs is a co-operative relationship between the province and the City of Winnipeg, and that we should work very hard to achieve that rather than one party working arbitrarily on one side or the other.

**Mr. Laurendeau:** Dr. Gerrard, I have looked forward to having you before a committee for some time actually. I have a whole list of questions for you, but then I left them back in the office. Where I would like to start is, Dr. Gerrard, the Liberal Party, I think, has made a stand here today, because I heard you speaking about the arbitration process. So would you support compulsory arbitration for all services covered under The Essential Services Act?

**Mr. Gerrard:** We are dealing here with the paramedics, right, and the ambulance. I think that my appearance before the committee really is restricted to the bill that is here rather than trying to make sweeping policy suggestions for everybody who is covered under the act.

**Mr. Laurendeau:** Then you are aware, though, that today we are dealing with The Essential Services Amendment Act which is actually The Essential Services Act in that these employees that you are speaking of, the paramedics, would fall under the same category as all other services within the provincial government that fall under this act. To make one compulsory, the way you are speaking of now, or making one compulsory through an amendment as the NDP are looking at, we would probably be looking at, in fairness, compulsory, not negotiated, but compulsory arbitration for all people within the civil service. Is that correct?

**Mr. Gerrard:** I would suggest to you that it is beyond the scope of what I would comment on here, right, but I will say this: I think it is important in the context of the role of the paramedics in the emerging close working relationship between paramedics and fire-fighters, that these two groups be treated in a similar fashion in terms of the binding process of the arbitration or the negotiation process and the legislation.

**Mr. Laurendeau:** Thank you, Dr. Gerrard, for that answer. So you are saying that we as a Legislature today should somehow roll the paramedics in with the firefighters arbitrarily without going through the city for consultation or negotiations.

**Mr. Gerrard:** I think I said very clearly that I would like input from the city, right, before taking the next step because I think that this is a situation where there is some time for common reason, and that the city and the province seem to have rushed this forward without fully considering the situation of the paramedics and the fact that their situation is quite similar to firefighters as emergency workers and that there needs to be due consideration of the position of people who are paramedics in relationship to firefighters, and that that is a closer connection than with some of the other people that you are talking about who are now covered by The Essential Services Act.

**Mr. Laurendeau:** Thank you, Dr. Gerrard. You know, I am glad you clarified that because I had some concerns that you were starting to slip to the other side and starting to support the NDP on their position of compulsory arbitration. That scared me because that is what the NDP did in 1970 with the firefighters. They never negotiated; it just happened. At least in the '80s when the police were brought under the arbitration, it was agreed upon by the Police Service and the City of Winnipeg. I do believe that is exactly how this should be taking place, in negotiations between the city and the paramedics. I do believe that the City of Winnipeg and the paramedics should be given that opportunity.

So, now that we have this act before us, did I understand you to say that the Liberals were bringing forward an amendment—[interjection] Well, no, I thought that is what I understood someone to say.

**Mr. Gerrard:** What I have heard is that the NDP are bringing forward an amendment, and we would look very carefully at the nature of that amendment and then come to a position.

**Mr. Chairperson:** Thank you, Dr. Gerrard. Mr. Laurendeau?

**Mr. Laurendeau:** No, I am done.

**Mr. Chairperson:** Thank you. Are there any further—

**Mrs. Myrna Driedger (Charleswood):** Just a comment, Dr. Gerrard. You opened your comments by talking about respect for paramedics, and I just want to say that as a former nurse who has worked for many, many years with paramedics, I have absolutely huge respect for their ability to do their job, and that this legislation does not have anything to do with anybody's lack of respect for their ability to do their job. They do an excellent job of what they do, and I have a huge respect for them. So I just wanted to make that comment.

**Mr. Stefanson:** Mr. Chairman, we have had a very good discussion on this issue over the course of the day. Mr. Gerrard, I am curious, I did not quite understand your comments, did you or did you not have a discussion with Mayor Murray?

**Mr. Gerrard:** Well, it is my understanding that Mayor Murray had put a letter on the table making this request. It would seem to me that in the current situation that there is some time for a calm and reasoned approach, and that the next step should be to go back to Mayor Murray and to say, look this is not similar to how the firefighters are treated. It is a short-term solution, but I do not believe it is in the best interests of Manitobans as a long-term solution, and I think there is time to do this better.

\* (1610)

**Mr. Stefanson:** So I take it then you did not have a discussion with Mayor Murray. I am assuming that you read the letters of May 13, the letter of May 18, from the mayor of the City of Winnipeg, and I am assuming that your colleagues have provided you with a copy of the letter dated May 19 from the acting mayor of the City of Winnipeg, Lillian Thomas, where she goes on to say, and she refers to the copy of Glen Murray's letter of May 18 to the Minister of Health, which letter asks the government to bring forward this bill at the earliest opportunity. You have read those letters, I assume? They seem to contradict the impression you were

given from a discussion that you did not have with Mayor Murray is all I am suggesting.

**Mr. Gerrard:** I talked about a personal discussion with Mayor Murray. I do understand that the government, right, is in agreement with the position stated by Mayor Murray and that the opposition is opposed to the position of Mayor Murray, but it seems to me that we do not have to immediately ram this legislation through and that we need time to look at an amendment being brought forward, that we need the time to go back to the mayor and to ask the mayor if this really is his final position on this.

**Mr. Stefanson:** A simple question: I take it you agree that this is an essential service? The paramedics and the ambulances services, do you agree that it is an essential service?

**Mr. Gerrard:** This clearly is a vital service, right, for Manitobans, and we need to be assured for Manitobans that we will not have a strike, but I think that the best way to do that is not necessarily this legislation because, as we saw in Saskatchewan, legislation itself does not guarantee that you do not have strikes.

What is important is that the paramedics be treated in a fair and professional fashion and that legislation treats their rights as a union as important as public rights as well. I think that there is room for agreement and movement here from the current bill to something that is more balanced.

**Mr. Stefanson:** As I have indicated, we are having a good discussion about this legislation and options and variations to it, but I guess I was taken aback by a comment about a hasty reaction. It would seem to me, Mr. Gerrard, that you think, you seem to acknowledge that this is an essential service.

I am sure you are aware that they are in a legal strike position as of Monday evening. If you are suggesting it is a hasty reaction for us as legislators to bring in a bill amendment, to get into this forum, to have delegations, to make a decision, you would prefer to sit back and do nothing and put the citizens of Winnipeg at risk.

**Mr. Gerrard:** I think that given the circumstances that we are in, that there is a union which has indicated in good faith that they are not going to proceed with a strike unless things get to a severe impasse, until Mayor Murray returns, that there is time at this juncture for some common reason rather than an approach which would have this bill put through in an overly hasty fashion.

**Mr. Stefanson:** Mr. Gerrard, surely you can appreciate, we have a request from one of the parties outlining a concern. One of the letters goes on to talk about, it is imperative that the safety and security of the citizens not be put at risk during the process. By having introduced this amendment to this legislation, it has led to this opportunity to have this discussion and come to some resolution.

Obviously, that is an important part of this whole issue, as opposed to sitting back and doing nothing, when you can put the citizens at risk. So I am going back to your comments suggesting that we are acting hastily, and so on, by having introduced an amendment to essential services that I think you agree is an essential service that is leading to ultimately a solution here, I believe, that will protect the citizens of the city of Winnipeg.

**Mr. Gerrard:** I think we have had an opportunity right in the committee here to hear circumstances surrounding this legislation. That is quite beneficial, but clearly the government was asking for leave to move this forward at a very rapid pace. What I would suggest in my remarks is solely that there is some time here and that it is important that we move forward in a way that is effective, recognizes the professional nature and the responsible actions of the paramedics, as well as the request from the City of Winnipeg, and that perhaps there is room here for a more balanced approach than this legislation in its initial form has suggested.

**Mr. Stefanson:** On the assumption that you agree that this is an essential service, I want to go back to Mr. Laurendeau's question. I did not quite understand your response to it whether or not you support compulsory binding arbitration for all employees that are covered by Essential Services legislation.

**Mr. Gerrard:** As I have indicated earlier, I believe in this instance we are dealing with the paramedics, the ambulance drivers and so on, that their situation is a close parallel to the firefighters, and that they should be treated in a similar fashion to the firefighters. Rather than at this point try to suggest how everybody should be treated who is regarded as an essential service, I think let us focus in on the issue at hand which is the paramedics and their circumstances.

**Mr. David Faurichou (Portage la Prairie):** Mr. Chairman, in light of no written address here, I just wanted to be perfectly clear. In your opening remarks, you stated that the paramedics, in your professional opinion, are effectively professional health care providers and an integral part within the health care delivery system in the province. Now, are those the two statements that you made in your opening remarks?

**Mr. Gerrard:** Yes. I think that the paramedics play a very important role, that they have had very substantial training for their role as paramedics, that they need to be treated as professionals and that they have a very important function, as I said, within the health care delivery system.

**Mr. Faurichou:** Thank you very much, Mr. Gerrard. Before just leaving commentary, the honourable Leader of the Opposition at the committee table designed or described the linkages within the health care delivery system. I just want to put on the record that when the patient is delivered to the hospital, before the emergency room doctor sees that patient, there is the emergency room nurse who triages that patient. So indeed, there is another link within that, and I just wanted the record to show the importance of the emergency room nurses. Thank you.

**Mr. Ashton:** Mr. Chairperson, I just want to ask a very direct question because at the committee process within a few moments, we are going to be into clause by clause. We in the New Democratic Party have been hoping very much for support from the Liberal members, and I know certainly listening to the comments from the member for The Maples (Mr. Kowalski) this

morning, I think we are very much on the same wavelength.

In a moment, we are going to be moving an amendment. Actually it is written now, and we are quite prepared to share it with members of the committee. Just to understand the sequence, we have this bill. Unless the government pulls the bill in a few moments, we are going to be dealing with either amending the bill or, in this case if the amendment is not successful, of voting on that bill afterwards.

I am just wondering if you can give us some sense of what the Liberal position would be on our amendment—and I am quite prepared to do it in a moment. I guess in a way I am hoping there is not going to be a situation where I think we are developing towards a consensus on the opposition side. If we move arbitration under the fire departments act, I assume from your comments you would at this point in time not support that. I assume you are suggesting that we somehow track down the mayor—I believe he is in Greece, actually—and if that be the case, since after that if we are defeated by the government on that amendment, we are then faced with a vote on the bill as a whole. Would you recommend supporting the bill or opposing the bill? Because I think our position is fairly clear. We are moving the amendment, and we will not support the bill if it is not amended. We have already indicated, by the way, that we will bring in a separate bill, if necessary, to bring paramedics under the same treatment as firefighters. So we are very clear in our position.

I am just wondering if you could give us some idea of the official Liberal position on (a) yes or no to arbitration at this moment, (b) yes or no on the bill, and (c) should there be another bill that brings it in. Unfortunately, in a perfect world again, we might have time to sort of think about this, but in the world of the Legislature we have to make a decision in a few moments. I am hoping that your statement will be consistent with the Liberal members and the press, and actually we hope to have a united Legislature on this. Surely, when it comes to paramedic services in this province, we can work together. So I appreciate your comments.

\* (1620)



**Mr. Chairperson:** I am not sure which question I am supposed to ask Mr. Gerrard now, but I am going to ask Mr. Gerrard to see whether he can sift, out of all the comments made around the table, the response to Mr. Ashton.

**Mr. Gerrard:** It would appear to me that there is a logical sequence here, that the amendment should be proposed and seen. We have Liberal members of the Legislature who are well prepared to comment at which time that amendment has been proposed, and we will speak for the Liberal position once we have seen what the amendment is.

**Mr. Doer:** As you know, opposition members, the Liberals and New Democrats included, have less latitude on moving amendments than the government, so hopefully we can look at the substance of binding arbitration which amends two acts as opposed to an amendment that is more difficult. I would encourage you to encourage the government of the day, let us go to an all-party consensus on binding arbitration and find the technical ways to do it. Would you not agree?

**Mr. Gerrard:** We await your amendment with great interest.

**Mr. Chairperson:** Thank you very much, Mr. Gerrard, for your comments and your indulgence.

This now concludes the presentations that are before me, and I ask if there are any others in the audience that would like to make a presentation? Seeing none, we will then proceed. The next order of business would be comments from the minister.

**Mr. Stefanson:** We have had a very good discussion on this entire issue today, a number of options, alternatives put before us. I think we should all thank the people who have made presentations for providing us additional information and food for thought on this very important issue. Again, I am at least encouraged and pleased by everybody supporting the overall objective of protecting this very important service for the citizens of Winnipeg.

Based on the presentations that we heard this morning and now this afternoon, I will be proposing one amendment to the essential services bill. We certainly continue to believe, and it was apparent to everyone present today, that ambulance services are an essential service and the citizens of Winnipeg must have the assurance that essential services will be there when needed. It is for this very reason that we have proposed that ambulance services of the City of Winnipeg be included within the definition section of The Essential Services Act, but at the same time we have listened to the representatives who have indicated that the negotiations process has not been completed, and it would be somewhat premature to consider alternatives to the negotiation process. I am sure everyone here today agrees that a negotiated settlement of the current dispute is best resolved by the parties themselves.

Both parties, we believe, should make all efforts to resolve their differences, and both parties have a responsibility to reach an agreement on all matters. At present the bill would come into force on the day it receives Royal Assent which potentially could occur as early as today under our parliamentary process. We will be proposing an amendment which will provide that the bill will come into force upon a day fixed by proclamation.

The effect of the proposed amendment will be to permit both the City of Winnipeg and the ambulance workers to continue with the collective bargaining process without the imposition of Essential Services legislation into that negotiating process. As long as both parties—and we heard that from most parties, all parties, here today—are prepared to continue to negotiate in good faith toward a satisfactory resolution of outstanding issues, there will be no requirement to proclaim the bill at this time.

We believe that the proposed amendment will meet the needs of Winnipeg residents by ensuring that essential services be in place and will allow the two parties to attempt to resolve their differences without forcing either party into a dispute resolution process not acceptable to the parties.

We would fully expect that both parties will return to the bargaining table with the support of a conciliation officer, and we hear that the parties are back at the table tomorrow morning, so they should be returning to the table immediately meeting that requirement with the view to meet a collective agreement at the table. So that is the amendment that we are proposing. We have copies to distribute to all members of the committee, and I would urge and request all members to support the bill amended and that particular amendment. Thank you for the opportunity to make a few comments.

**Mr. Chairperson:** Thank you, Mr. Minister. Do the opposition members have a comment?

**Mr. Daryl Reid (Transcona):** Mr. Chairperson, I would like to begin by thanking all of the presenters that came before this committee here today. I know it was a long process and we appreciate that you have taken the time to come here and your patience in waiting for your opportunity to present. We have heard a number of issues dealing with this piece of legislation, but I think before I go into dealing with some of the comments that we heard today it is important to talk first about the letters that we only just yesterday became aware of.

Now the government has had letters—apparently we now have copies of—that were sent to them on May 13 of 1999 from Mayor Glen Murray asking for The Essential Services Act to apply to the collective bargaining between the Emergency Response Services Employees and the City of Winnipeg. It is interesting to note that the government held this letter and did not deal with it until May 18, some five days later.

Now you could have dealt with that letter at that time and I know, I do not know if members of the public know this, but when you are drafting amendments to legislation as we have had drafted for us, legislative counsel is very, very efficient in their operations and if the government was intent on drafting this bill they could have tabled this bill last week. But instead they decided to hold this bill until Tuesday of this week which just coincidentally happens to be one of the potential days for an election, a provincial general election to be called. So I am

not sure if there was some ulterior motive that was perhaps involved in the Minister of Health holding this particular letter until such time as he would table his bill about a week later.

In addition to that, it is interesting to note too that when the essential services bill first came before us in 1997, that bill was tabled by the Minister of Labour and perhaps I am a bit naive on this, but you would expect when you have an amendment to The Essential Services Act which falls directly under the responsibilities of the Minister of Labour, you would have the Minister of Labour tabling an amendment to that act, but here we have again the Minister of Health tabling an amendment to The Essential Services Act. I am not sure if that ties in with the government's attempt to try and foster up some disagreement between members of the public service in this province, and in particular in this case the paramedics, to try and get offside to give the government an issue with which to go to the polls in this province. But perhaps I am reading something into this that the government was not intending to do, at least I hope they were not.

When we go to the discussions with respect to the presentations here today, and I know that we very much, all of us, I believe, at least I hope, want to ensure that there is a protection for the health and safety, life and limb of the public. That is our first duty and responsibility, and I know in listening to the presentations that were made here today by the paramedics and the firefighters and others that it was very, very clear that you wanted to protect the life and limb, the security of the public. That is your first duty and responsibility, and you made that very clear in your presentations here today. We respect you for that, and we agree with that.

What we were asking for here today and what we asked for in our comments yesterday when the government sprung this Bill 27 on us without any consultation, I might add, on very short notice, is that we want the opportunity to have fair treatment take place and what we see is that in this case the government is proposing to have The Essential Services Act apply to members, paramedics that are providing the ambulance services for the citizens of Winnipeg. I hope what the members of the public who are

listening to this today recognize by the government's impending amendment that we have going to be coming before us here today is that you will continue to have this hammer hanging over your head through your negotiations process. As long as this government has the ability to proclaim that piece of legislation, you will be under extreme pressure because at a moment's notice they can have that bill proclaimed and enacted into law.

\* (1630)

In addition to that, the question remains: who is going to decide upon proclamation of that bill? Is it going to be the Minister of Health (Mr. Stefanson) and the government that is now bringing in this piece of legislation to include you—without any consultation, I might add—with members of the ambulance service employees association, or are you going to do it with the council, or are you going to do it with the mayor, or are you going to do it as a unilateral decision on the part of the government?

You have a demonstrated history. Since the government has a demonstrated history of no consultation with the employees directly affected in this, I have to assume or suspect that you will continue to take the same course of action, not consult with them, and that you will proclaim this at your own wish.

Who knows what conditions you have set down? You have not described any criteria for us here on what your intentions are with respect to your amendment. So I suspect that the employees and their elected representatives are going to continue to have this hammer hanging over their heads as they continue in their negotiations. I hope that those negotiations are fruitful and successful, but you will be under extreme pressure as a result of the amendment that the minister is proposing here.

It is interesting to note, too, that this government, when we talk about The Essential Services Act, they can have binding arbitration for teachers. You can have binding arbitration for firefighters. You can have binding arbitration—now we hear today about middle management employees for the City of Winnipeg. You can have police under binding arbitration, but, in your opinion, you do not think

it is right to have binding arbitration for the very essential, critical services, ambulance services in the city of Winnipeg.

I do not comprehend the logic that the members of the government are using, when you can have teachers under binding arbitration, you can have police officers under binding arbitration, you can have firefighters under binding arbitration, you can have middle managers of the City of Winnipeg under binding arbitration, you have doctors in arbitration, but you will not have paramedics, ambulance service employees, under binding arbitration here. I do not understand the logic of the government when it comes to those decisions.

I listened to the comments that were made by the representatives of the firefighters in the city of Winnipeg here when they said: "To take away their right to strike and not to give them Binding Arbitration is wrong, and does no service to the Citizens of Winnipeg."

Now these are the same employees who are dedicated to protect life and limb, the same as the paramedics who are here with us today. They have binding arbitration. They know what the impact is going to be, and yet you are refusing to listen to the very experts, the front-line workers who are providing those vital, crucial services to the residents of Winnipeg. That is exactly what it is: essential services. It is crucial. It is a critical service they are providing. As one of the presenters said here today: we bring emergency services right into the living rooms of Winnipeggers who need it.

I think that is a very telling statement. They are telling us that they do not want to disrupt services, that all they want is to have a fair and reasonable collective agreement, and they are willing to work towards that. They are also telling us that they are willing to give up their right to strike in exchange for binding arbitration. I think that is a reasonable position to take. I do not understand why the government would be against such a reasonable position that has been presented here today by members of the public. I do not understand your logic.

So, Mr. Chairperson, I would suggest that this government should rethink the way you have brought forward this piece of legislation.

We think you have acted in haste. We know that the City of Winnipeg has made other suggestions to you in the past, as my Leader has referenced, with respect to when they wanted to roll back the wages in a freely negotiated collective agreement between the City of Winnipeg and its employees. The government, I think wisely, at that time said, no, we are not going to take that course of action. We think that you should today, step back from this, look at what the request has been and take another course of action that will serve the residents of the city of Winnipeg to make sure they have that crucial service available to them, because, as we heard from the presenters, that if you go down the road of essential services, we risk losing some of the ambulance services here in such a situation. I do not want to have the residents of my community or the residents of the other communities in Winnipeg here put at risk as a result of your actions.

I have to ask, if something happens to one of those residents, who is going to be responsible for that? Because I think that is a crucial decision that you are making here today. If somebody dies as a result of this decision, who is going to be responsible for that? I hope you have taken that into consideration. I know you did not take into consideration and consult with the people who are affected, the paramedics. You only listened to one side of the argument and then you acted, I think, in haste.

So I hope you would step back from the precipice, in this case, and recognize that there is a better way to deal with this. You can make a better decision to protect the critical services for Winnipeggers and to make sure that there is fair and just treatment for the paramedics. All they want to do is to continue to provide those crucial services to Winnipeggers who need that service. All they are asking for is fair and just treatment. Thank you, Mr. Chairperson.

**Mr. Chairperson:** We thank the member of the opposition for his opening statement. The next item on the agenda is the consideration of the bill. We are all aware that during consideration of a bill, the title and the preamble are set aside until last. I will then deal with the bill on a clause-by-clause issue.

Clause 1. Shall the item pass?

**Mr. Lamoureux:** Mr. Chairperson, we did not necessarily get the opportunity to have opening remarks on it, and this is a good opportunity for me to also pose a few questions to the minister in regard to this particular bill.

There is a lot that can be said in terms of the presenters, the types of presentations that we have had. As I have indicated in the past, one of the nice things about the way in which we make final legislation is that we have the public input in our committee stage, and I have always very much valued that. I, over the last 11 years, have seen legislation amended because of the representation of individuals who have taken the opportunity to make presentation to the committee. I would applaud the efforts of all those who made presentation before the committee. As I had indicated prior to second debate coming to an end that I was looking forward to committee meetings, we had not taken any sort of a position on this particular bill, rather we wanted to be somewhat open-minded in terms of addressing this issue, and I think that that is important.

#### Point of Order

**Mr. Kowalski:** I am trying to listen to my colleague, and the minute he started speaking people rose from the table, the minister's staff started circulating things. There is no consideration to listen to my colleague and to be quiet during his presentation. Now I know we are not members of this committee, but we are members of the Legislative Assembly, and we could ask questions. I would like to hear his questions and the minister's response.

**Mr. Chairperson:** Thank you very much, Mr. Kowalski. You certainly do have a point of order, and I would ask that order and decorum be maintained around the table. Thank you.

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**Mr. Chairperson:** Mr. Lamoureux, you may proceed.

**Mr. Lamoureux:** Thank you, Mr. Chairperson. I thank the member for The Maples.

As I was indicating that through representations before committees in the past, we have seen a lot of positive things come out of it. There are a number of presentations that I had learned from in terms of information that I did not know prior. A good example of that was the middle management. I was not aware that middle management had binding arbitration. It helped reinforce and solidify in my mind a number of concerns that I had going into the committee. It is always good to be able to engage the presenters in order to try to get a little bit more of an understanding, so that we know at the end of the day what it is that we need to do.

\* (1640)

When you look on the surface, the amendment that is being proposed by the government, if you compare what the minister is proposing to what we have today, one could argue that he does make the bill better, but, Mr. Chairperson, what we are being asked to do is to trust the government—[interjection]

I do not know if that is, in fact, what Manitobans would want us to be doing on this very critical issue.

The Leader of the Liberal Party was very clear in terms of posing the question of what is the urgency. Is there not any sort of an obligation whatsoever of this government to look at the reality of the situation?

**Mr. Chairperson:** I am going to ask members one more time. If you have something to discuss or comments to make, there is a way to do that without interrupting the proceedings, and that is outside of the room and/or to the side of the room, as some are doing here. So I would ask the members around the table—[interjection] Please give some consideration to the presenter. Thank you.

**Mr. Lamoureux:** Mr. Chairperson, as I was pointing out, the reality of the situation put in terms in which I believe all Manitobans, in particular people living in Winnipeg, who clearly understand that you have emergency services, the top three in Winnipeg: your police service, your fire department and your ambulance service or your paramedics,

absolutely critical services. I do not think anyone inside this committee room would challenge the importance of all three of those.

We sat through and listened to presentations. The Leader of the New Democratic Party time and time again raised the issue of from 10 ambulances down to five ambulances and the impact that is going to take. We hear presentations from the fire service, a representative from the fire department, in terms of the impact that was going to have. I did not see a pretty picture being painted on it.

Now, if I take a look at those three areas, the Winnipeg Police Service has binding arbitration; the Winnipeg Fire Department has binding arbitration, and I think that is something which we as legislators should be taking into consideration. There is a responsibility on our part to put things into some sort of a context in which we can evaluate and make a decision in which it is to the betterment of all Manitobans, who we want to put first and foremost ahead of whatever sort of decision we are in fact going to be making.

One has got to ask the question: Why then are paramedics not being provided that same option of binding arbitration? I would have welcomed the opportunity to pose that question to a number of the members of City Council, some city councillors. Like many MLAs I try to keep myself fairly busy. Unfortunately, I was not, even though the attempt was there, able to talk to any councillors direct. I am very much interested in knowing: Are there councillors—or what is the majority opinion of city councillors? Do they see what many perceive as a natural injustice by not having the paramedics a part of the binding arbitration and having two other essential services being given binding arbitration? Do they not see the inequity in there, and if so, why then no presentation to that effect?

I think the member for the Maples (Mr. Kowalski) brought up some valid points. When he says that there was no representation coming from the other side, from the City Council, the people who are asking us to pass this legislation, when the Leader of the Liberal Party says that we do not have any inclination from Mayor Glen

Murray on whether or not he and the local government would be prepared to look at binding arbitration. You know, these are things which I think are important.

I can appreciate the sense of urgency no doubt that some might perceive with respect to this. I, too, am not going to do anything to compromise the health of, in particular, Winnipeggers or other Manitobans who rely on this service. I do not believe the paramedics are trying to put in a scare tactic. In fact, when we posed the question, the whole issue of why it is that they had the strike vote, I thought it was very telling as to why they went for the strike vote in the first place, and then to get a sound endorsement of 94 percent, overwhelming, I think that we as MLAs should take note of the 94 percent that said that they wanted to give the strike mandate.

We have to at least try to understand why it is that the union sought that particular strike vote, and it was to try to get better negotiations on the issues that are important to them, and one of those issues was in fact binding arbitration. We cannot say that was not an important issue, Mr. Chairperson. How can you blame, if you are a paramedic and you look at the individuals you are working side by side with, and they are told that they are an emergency service, they are essential but you are not, so you are not going to be given binding arbitration, at least until this legislation came forward. Now they are being told that they are a part of the essential services. Well, many of us would have argued that they have always been a part of the essential services, and one has to respect that fact.

When we look at the reasons as to why they had the strike vote and the indication was from the presenter that their inclination was not to exploit the strike vote as long as there were some signs of forward movement, that they were not going to be running into a strike, at least until our mayor returned providing the mayor and City Council another opportunity to address the issue. At least that was the impression that I was given. That is why the amendment that the minister is putting forward is to say well, look, we want to be sensitive to what was being said today in committee, so what we are prepared to do is we will pass this legislation, and after we have passed it the only change we will make to it

is we will not make it law the moment it gets Royal Assent. Well, whoopee.

**Mr. Chairperson:** I wonder if the honourable member would allow me to interject just for a minute or two to indicate to the committee that we have been given leave to continue sitting after five o'clock during private members'. So the House has given the committee leave to continue the sitting and deliberation.

You may continue, Mr. Lamoureux.

**Mr. Lamoureux:** The issue that is before us, and I think it can be put quite simply, is the Minister of Health (Mr. Stefanson) this afternoon has recognized that there is no need to have this legislation implemented today. He has recognized that, Mr. Chairperson, because he has said in a motion that it will be whenever the government wants to pass the Royal Assent. Well, we think that is a positive. That is a step forward. It shows that the government was, at the very least, listening to some of the presentations.

The Minister of Health has been around for a number of years. I look to the member for Thompson (Mr. Ashton) as the NDP House leader, other members who have been here for a good number of years. We all know the rules and how this procedure takes place, how quickly legislation could pass. If we wanted to, this could become law within 10 minutes. We all know that. If the political will was there to make it law, it could pass within 10 minutes.

\* (1650)

**An Honourable Member:** That is pretty fast.

**Mr. Lamoureux:** That is pretty fast, as one member says. You are right. It is fast. Now if the government has recognized that there is merit to what is being said this afternoon and earlier this morning that we do not have to make this law today, well, you know, I would look to the Minister of Health and the government of the day and ask them to make it a full step as opposed to a half step. There really is no need for us to be having to deal with this today. In fact, Mr. Chairperson, I would suggest to you that we do not even need to deal with any amendments today. There is absolutely nothing wrong with this committee rising. We did not even have to get the leave in the Chamber in

order to get it to extend. There is absolutely no reason why today our paramedics and others, including all Manitobans, cannot feel that the provincial government was going to behave in a responsible fashion and do what it should be doing, and that is going out and getting feedback on this legislation. There is a responsibility of this government—[interjection] You know, someone says meanwhile, Mr. Chairperson, that they can strike. I think we have to listen. We had to listen very closely to what was being said at the committee stage. There is no sense of urgency.

We got the letter. You know, there are three letters that have come to surface. It was interesting when the Leader of the Liberal Party was making presentation. I thought maybe a few members were trying to possibly plant some traps, and the Minister of Health (Mr. Stefanson) was one of them, making reference to the three letters: Has the Leader of the Liberal Party read the three letters? Well, I should let the Minister of Health know that that third letter I got from having to reach across the table. That letter was not given to me, so I did not even get it until we were actually in the committee room. Someone actually referred to someone else, and I said: what is that? That is when I found out about that third letter.

I think we have to maybe slow things down a little bit here, that maybe it is not as urgent as people try to say that it is that we pass this legislation. I think it is a cop-out, Mr. Chairperson, if the government is trying to say that we are thinking of the safety of Winnipeggers, we are thinking of the safety of Manitobans, and that is the reason why we have to pass that legislation today, or why we need to be given that Royal Assent hammer. I think it is a cop-out.

What is the government trying to imply? That the paramedics are not going to do what is right for Manitobans? I would suggest to you that we have to treat our health care professionals with more respect and treat them in a more honourable fashion, Mr. Chairperson. I think that we have to give the benefit of the doubt in this particular case, I would argue, given what presentations that we have had, that we have to give the benefit of the doubt to our

paramedics. They have given ample examples. They have given ample evidence to clearly show and demonstrate, along with other outside organizations—and I will argue, the constituents who I represent would be very supportive of ensuring that our paramedics are, in fact, being treated fairly. Well, how would one define being treated fairly?

As I pointed out when I was asking questions, well, what about if I was a paramedic. If I was a paramedic and I was working in a fire-hall, I would want to be treated in the same fashion, especially when it comes to labour negotiations. How do we get an understanding that a paramedic is not eligible for binding arbitration, while a fireman or a firewoman is entitled to binding arbitration? I have a hard time adjusting to that, and I think a lot of Manitobans, a lot of Winnipeggers would have a tough time trying to understand that, and justifiably so.

I think that we have to recognize that, and how do we recognize that? Well, we can still respect the wishes of City Council, given certain circumstances. That is why I am surprised. How can we be expected to pass this legislation today when we cannot even be provided an opportunity to question individuals as to why it is that they want it passed today? Some important stakeholders—city councillors, is one example of those stakeholders. I cannot, with all honesty, tell you or members or my constituents—most importantly, my constituents—Mr. Chairperson, if a majority of city councillors support or do not support binding arbitration.

I am trying to save the Minister of Finance (Mr. Gilleshammer) from having egg on his face. Could you imagine? Mr. Chairperson, think about it, think about it. If we went ahead and we passed this legislation, right, if it is going to follow along on this, and then all of a sudden you get a motion from City Council that supports binding arbitration. Is that possible? Well, you know something. I have seen City Council operate in the past and that is quite possible. I have seen it, and it is quite possible. I would like to see City Council debate the issue of binding arbitration. I would suggest—[interjection] Calm down, calm down. It is a good way to relieve stress if you let people know

what you really think. That is what my doctor has told me and it has worked. I have not had an ulcer since.

**An Honourable Member:** Was that Dr. Gerrard?

**Mr. Lamoureux:** No, it was actually Dr. Cheema. [interjection] He is beating up on those New Democrats in B.C., I believe. Mr. Chairperson, that takes me a little bit off topic. Sometimes maybe it is important to add a little bit of humour when you are speaking.

Mr. Chairperson, I have a very good question, a very good question, and I think that I will be given due time to pose the very specific. But I think it is important to be able to set the stage of posing the question, because I want very much so for the Minister of Health (Mr. Stefanson) who is conferring with the government House leader, (Mr. Praznik) to understand the optics of what it is that he is trying to suggest.

I sat very patiently, and I listened to a number of people speak on the bill in second reading, and so did the Minister of Health. I sat through very patiently and listened to the presenters, and I learned something from those presenters. I want to make sure that their efforts do not go down the pipe. That is why in part, you know, the minister says that is why we have the amendment, and I acknowledge that the minister at least in part has made the bill a little bit better. I guess if you happen to be a staunch Tory you are not going to have any complaints with this particular amendment because you no doubt have what we would classify as blind faith.

You know, we have not made the jump of voting for your budget, but we do not necessarily have complete faith that we pass the amendment and then tomorrow the government can give it its Royal Assent. We still have—

\*(1700)

#### Point of Order

**Mr. Laurendeau:** On a point of order, Mr. Chairperson. I need some information. On a

point of order, I am just wondering what the rules are. Is there a time limit for this debate, or is this question time, or what exactly are we dealing with at this time? I mean, if this is a time for us to put forward our views on this situation, I would be wanting to put my views forward when the honourable member is finished. If it is unlimited time, I am willing to accept that, but I think that we have an important matter before us, and I do believe the member could be looking at debating specific issues on the lines when we get to that area of the bill, but right now we seem to be drifting more into policy of the Liberal government. I do believe his Liberal Leader was here. Even though we did not get any policy out of him, he was here. So maybe you could bring some order to this or tell me where we are headed.

**Mr. Chairperson:** Mr. Ashton, on the same point of order.

**Mr. Ashton:** I do believe that the member for Inkster (Mr. Lamoureux) is quite within his rights to speak. I do believe an occasional example where I have gone on a little bit longer than five or 10 minutes on certain issues, and I do believe it was in committee—I am not suggesting the member for Inkster go as long as I did on this particular bill, but he is certainly entitled to go as long as he wants. This is debate on a clause in a bill. The question of relevance is, I think, lodged in the eye of the beholder. I was a little bit puzzled about the references to the budget. I do not quite understand how that is relevant to the bill, but generally speaking the member for Inkster is quite in order, and I would certainly say our caucus would support any member's right to speak as long as they want on a bill, and I can say that from a very strong personal conviction.

**Mr. Chairperson:** Thank you for your advice and thank you for the question raised. My advice is from the Clerk's office that the relevance should be the questioning of the bill at this time and that the debate to the bill could be done in the House at a later time without retribution or without time limit. There is, however, in questioning, no time limits set in committee, so as long as the member is in the process of asking a question, I as Chairman will not intervene. However, I was having great



difficulty trying to find a line of questioning in what I have been listening to over the last half hour or so, so I will now again recognize Mr. Lamoureux for a question.

### Point of Order

**Mr. Ashton:** On a point of order, quite seriously, I believe we were into clause by clause, and it actually is appropriate in clause by clause really to debate that point on the clause. Whether it might be more appropriate for the member to speak, say, on the bill being reported or some other item, I could accept that, but I would hope that we would not adopt the practice at this point of restricting comments strictly to questions. In fact if anything, I think questions are by leave of the committee; debate is something that is accepted by all members. So once again I urge the committee to support the right of any member, including the member for Inkster (Mr. Lamoureux), to speak as long as he wants, or I might advise that this may not be the best area to do it. It might be better under one of the more general sections of the bill, unless he is referring to Section 1 which is very restrictive in its focus. So I support his right to speak, but perhaps maybe on a different line item.

**Mr. Chairperson:** Mr. Ashton, I thank you for raising the point of order, however, I believe that as far as a point of order, you were not in order. The advice that I offered was advice that I was given from the Clerk's office. So I would suspect that would be correct information, and therefore, I would suggest to Mr. Lamoureux that he continue his line of questioning at this time and that the bill can be debated once it goes back to the House.

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**Mr. Lamoureux:** I do believe in posing the question that it is important for the Minister of Health to be aware of the circumstances around the question in which I am actually opposing. There are many different reasons why one might want to give detailed explanation. I appreciate the member for Thompson's sticking up for my rights to be able to do that, as I know the Chair and others would have done, but I can assure committee members, and particularly the Minister of Health, that the real purpose of

having this emphasis is to try to get the government to recognize that the amendment which the minister makes reference to is not necessarily going to answer the concerns that have been raised today.

So what I see is a minister who, at the very least, is acknowledging that there is a problem here, yet I believe that with, hopefully, friendly persuasion in part, the minister will see the benefits of not even having to proceed. Earlier in my comments, I made, for example, reference to the fact that if we do not pass this bill—like if we just stop right now and adjourn it—I think that there would be a lot of happy people. I really believe that. I think that it would even be better than any other form of amendment that could be brought forward. I think that there is an obligation for us to at least consider that option.

So before we go into the line-by-line questioning of the bill itself—and we will get amendments brought forward, and those amendments will be dealt with in due course—I think that it is imperative for the Minister of Health to listen to what has been said. I do have some more questions. I am very much interested in knowing from the Minister of Health why it is that he feels it is necessary to even go beyond this point. Why would the Minister of Health just not agree to adjourn the committee and whether it is one day, two days, when he has had the opportunity, when all parties have had the opportunity to gauge what is happening at City Hall and the city councillors' position on binding arbitration, why would he not do that? I do not understand that.

**Mr. Stefanson:** It is a good question with a fairly long preamble, but to the member for Inkster, let us just look at the history of binding arbitration. As we heard today, we have the firefighters' that was put in place in the 1970s, done at that particular time by a unilateral decision of the provincial government of the day. That is 1970s with the firefighters. We then have the police in the 1980s coming to an agreement with the employer and jointly asking for legislation under The City of Winnipeg Act. We then had the administrative group that we heard today, WAPSO, that they have voluntary arbitration not in any legislation, they must have it in their collective agreement that they go to

arbitration. So that is the history of arbitration. In one case, 25 years ago or whatever, a government doing it unilaterally, in the 1980s a government doing it on the basis of both parties asking for it and supporting it, and in another case where the employer does it on a voluntary basis with the employee group.

So I want to go to his question. What this does here today, what this bill amended and then with the subsequent amendment: first and foremost it protects the public. We have heard that over and over today. I am assuming that the member for Inkster (Mr. Lamoureux) supports that, that there is a health risk today—as small as one might say it might be, because of everything we have heard from all of the parties, and the good will of all of the parties—that by passing this allows us some degree of protection from that. That is first and foremost, as Health minister, from my perspective, why this bill is important here today.

\* (1710)

Then, with the amendment that we made—and the member spoke to it—it allows the parties to negotiate. They are back at the table tomorrow without proclaiming this particular piece of legislation. It allows the parties to talk about solutions. It allows them to talk about binding arbitration on an agreed-to basis. It draws on the opportunity to jointly request a mediator. It allows the opportunity for the Minister of Labour to decide to appoint a mediator as was done in the case of the nurses' union. It does not preclude doing legislation on the issue of binding arbitration if we get agreement about parties, what the member is talking about. So I would say this is a very important step along that path. It provides additional protection for the public today as it relates to the health of the citizens of Winnipeg, allows the parties to get back to the table. I think with what we have done today and with the amendment that we have put in place, it addresses the majority of issues that the member for Inkster has spoken to today, along with his Leader.

So I hope that explanation is somewhat helpful, and I hope the member ends up supporting the bill as amended.

**Mr. Lamoureux:** I appreciate the minister's response and a bit of the history as to the fire and the police service. My question is more so, as in opposition, we were not given any sort of advance notification as has been duly noted on numerous occasions. Has the Minister of Health had any communication outside of the letters that were actually tabled with respect to the legislation that we have before us?

**Mr. Stefanson:** Mr. Chairman, I had a meeting Thursday morning with representatives from the City of Winnipeg. It included the mayor, included the chair of their protection committee, Mr. Dan Vandal. It included the chair of their intergovernmental committee, Jae Eadie, and some of their administration were in attendance. That was Thursday morning. That was May 13.

The first letter that we received on the issue was sometime late in the day on Thursday, May 13, and that is where, in terms of the legislative process, of course, we were not meeting on Friday, but we also knew that parties were at the table, that the offer from the employer was going to the union on Monday night, and that obviously a vote was going to take place on all of the issues related to this. Therefore the degree of urgency in terms of the whole issue that I talked about initially to the member for Inkster (Mr. Lamoureux), the issue of any risk to the health of the citizens of Winnipeg, was not there.

Subsequent to the vote on Monday night, we received the letter then on Tuesday, the May 18 letter that we have also tabled. I believe some time that morning our House leader tried to make contact with the member for Inkster (Mr. Lamoureux). I know he tried to make contact starting early in the morning with the opposition House leader. I know I started phoning at about 8:30 that morning to my critic, the Health critic for the opposition party, again to obviously bring this issue to attention, and I think subsequently our House leader tried to make contact with the Leader of the Opposition (Mr. Doer), but that was later in the morning. That is my understanding of the sequence of events.

**An Honourable Member:** I was getting my election haircut. I missed that call.

**Mr. Stefanson:** It will not do any good. It will not help.

So we certainly, on that morning, just to conclude, made efforts to contact members of the opposition, and then the member is fully aware of the events subsequent to that, the introduction of the bill, the discussion we have had in the House, and we are here today. So that is why the issue unfolded the way it has. I hope the member understands that and appreciates that as a reasonable process.

**Mr. Chairperson:** Are the other members of the committee finished with the debate now?

**Mr. Lamoureux:** At the Thursday morning meeting, did the issue of binding arbitration come up at all?

**Mr. Stefanson:** Well, Mr. Chairman, as some are speculating, I would say all or most options were brought forward by the City of Winnipeg at that time. As you have heard us say, we certainly encouraged them. That is partly why we made this amendment here today, to be at the bargaining table, to be driving to get an agreement at the bargaining table, whether they can do it through the conciliation officer, whether they do it through agreeing to binding arbitration, whether they do it through requesting mediation, or whether a mediator is ultimately appointed for them.

The member has watched different collective bargaining processes, the recent one with the nurses and others. There are various ways to ultimately reach an agreement through the process. We certainly are encouraging, we were encouraging, and on Thursday we continue to encourage all parties to try to do it through the collective bargaining process. This amendment certainly allows that to continue to occur.

**Mr. Lamoureux:** Mr. Chairperson, I have seen the minister skate before, and I think he did not necessarily answer the specific question. The binding arbitration, was that in fact raised at that particular meeting? To that extent, has the Minister of Health had any sort of discussions whatsoever with any three on that particular morning regarding binding arbitration?

**Mr. Stefanson:** The simple answer is yes. We have heard today, at this particular point in time the City of Winnipeg—they could go to binding arbitration right now through agreement of both parties. We heard from the parties that the ambulance attendants and paramedics have indicated a willingness to do that. At this particular point in time, the City of Winnipeg has indicated that they are not prepared to do that. Unless we are going to do it unilaterally, which is what some people are talking about doing here, and I did not get that sense from the member for Inkster, you do not, at this particular point in time, have the agreement of both parties to do it through legislation. That is why I tell the member for Inkster this is the best approach. It protects the citizens of Winnipeg. It drives the process. It gets the parties back to the table, and hopefully gets an agreement through the collective bargaining process.

So, unless you are going to do it like in the mid-'70s, if that is the position of the Liberal Party, on a unilateral basis, you do not, at this particular point in time, have agreement of both parties. That is why we have to take it a step at a time, and that is why this is the responsible thing to do today.

**Mr. Lamoureux:** It is amazing how one answer can fuel probably about another 15 questions.

Mr. Chairperson, I looked at the Minister of Health, and I understand then that the group that he met with, there was discussion about binding arbitration. It was decided amongst those individuals that that is just not an option, that they want the essential service legislation. Can the Minister of Health indicate whether or not he has had, or maybe even the Minister of Urban Affairs has had any other dialogue with other city councillors? Is this something in which the minister feels very comfortable in believing, that a majority of city councillors do not see any benefit in terms of the fire, the police and ambulatory or paramedics being provided the same binding arbitration?

**Mr. Stefanson:** I am probably being repetitive, but I think everybody has to understand that the City of Winnipeg made it clear they are not asking for binding arbitration. They are not

prepared to ask for binding arbitration through legislation at this particular point in time. That could happen at some future point in time. It has not happened at this particular point in time. They did make a request for the issue of essential services. We are then faced with the issue of what do we do to protect the ambulance services to the citizens of the city of Winnipeg.

We have discussed the options. You could arbitrarily and unilaterally make a decision of this Legislature to impose it, even though you know that you do not have a request from both parties, or you could include it under essential services which includes certainly a significant degree of protection for that service. With the amendment that we put in place today, we believe that the parties will drive towards an agreement at the table. That is certainly our objective.

**Mr. Lamoureux:** I am learning things from the minister's responses. I am quickly becoming of the opinion the minister's personal feelings on the issue is that he does not see any problem with the fire department and the police service having binding arbitration and the paramedics not, even though they are being amalgamated, they are both essential services. Is that a fair comment?

Does the minister see any problem with what most would say appears to be somewhat of an unjust way of dealing with it?

\* (1720)

**Mr. Stefanson:** First of all, I think we all have to get a better sense of the long-term plans of the City of Winnipeg on this issue of amalgamation. The member is jumping to the conclusion or assumption that that is definitely taking place. I am not sure that that is the case. So right now you do have two separate units. You have the firefighters and you have the ambulance paramedics and attendants in place.

If you look at our Essential Services legislation, the question I was asking his Leader, we have essential services. Nurses as one example are included; there is no compulsory binding arbitration with nurses. Doctors are included; there is no compulsory binding arbitration with doctors. We have ended up in binding arbitration with doctors through mutual

agreement. Both parties agreed to go to binding arbitration. That option is clearly there right now for both these parties to do the City of Winnipeg and the ambulance attendants. If you look at the majority of the people under our essential services, they are not under any compulsory binding arbitration.

**Mr. Lamoureux:** Mr Chairperson, what I am asking the Minister of Health is to acknowledge that the three essential services, two of which have binding arbitration, does he feel that that is quite appropriate, that there is nothing wrong with that?

**Mr. Stefanson:** Well, I am not sure what the member is really asking here. The police did it through agreement, both parties, the employer and the police. The police union agreed to do it. The firefighters were done in the 1970s by the provincial government. We should get more of the history, but I am told only one party to the transaction was supportive, that both parties were not supportive in the 1970s. Both parties were not supportive to it in the 1970s. Today it would certainly appear both parties are supportive of it.

We have WAPSO, which does have voluntary arbitration. Again, both parties obviously agreed to that. They have done it in their collective agreement. They did not come to this Legislature saying: Give it to us through legislation. They voluntarily agreed to it. All of those kinds of options are open right now to this collective bargaining process.

**Mr. Lamoureux:** What I would ask the minister to acknowledge is that the provincial government is being roped into the process because they want this government to provide a mechanism that would not allow the City of Winnipeg and the union to be able to negotiate in the same fashion in which those other two unions—well, the police service union, is that the one he had indicated where there was mutual agreement?

Now you have taken away, if this were to pass, a fairly significant bargaining tool, one would think, by passing this legislation. Does the minister not believe that there is a disadvantage, if in fact this legislation passes, in

terms of the union's ability to get a binding arbitration in the future?

**Mr. Stefanson:** I think it is important to take one minute and just give a little history of the essential services. I am probably being repetitive from Question Period: that it was introduced in May of 1996, it was passed in November, '96, and originally it was applicable only to provincial civil servants. We then had a request from health facilities to be included in the essential services. In April of 1997, The Essential Services Act was extended to health facilities and child and family service agencies as well. That legislation was passed in June of 1997. We will have to go back and check the record and see how everybody voted on those particular pieces of legislation. That unto itself will probably be interesting to see what happens.

So, as a result of that, the legislation is applicable to the province, to hospitals, to personal care homes, to child and family service agencies, to regional health authorities, to St. Amant Centre, to Pelican Lake Centre, and so on. Those are examples of where the Essential Services legislation covers.

I do not know why the member is having difficulty understanding that we are in a position where the public's health could be put at risk, and we should take steps to address that issue. That is what we are doing with these amendments that are here today.

**Mr. Lamoureux:** I know that other members do want to pose some questions. I just wanted to, I guess, in a final question, try to point out the differences for us and the government. We do not see the same sense of urgency that the Minister of Health perceives is there. If we listened to the presentations, I think that the Minister of Health at least acknowledges in part what we are saying because of the amendment that he is proposing. The difference is the minister is asking us to trust the government of the day with it.

Mr. Chairperson, does the amendment make it—it makes it a little bit better, but it does not really address the issue. The issue that we have before us, I believe, is a sense of fairness and equity. When I look at this and I try to look at it

in the eyes of how the average constituent that I represent would see it, what they would see is three critically important services, two of which have binding arbitration. A third one is having to go through all sorts of loops, all sorts of uncertainties, because of the changeovers and so forth and is not being given the same sort of treatment. I think that is really where we appeal to the minister to look at the whole issue as a sense of fairness.

Yes, we have a responsibility to ensure that our public and the services are going to be there. That is a responsibility which I take very seriously. I would not suggest to the minister to hold off on passing this bill today if I believed that the impact was going to be to the detriment of my constituents. I do believe very, very firmly that the minister will be doing something positive for all parties concerned if we do not even proceed from this point. There is no sense of urgency to it. I guess this is where we are going to differ, because I understand the way in which the rules of this Chamber work. I believe that if we had to, the legislation that the minister is proposing could be passed quite quickly. The minister would have to give justification for its passage, and you would have to then get the cooperation of opposition members. If it is in the public's best interest, then I believe you will be able to get support from all members in the future, that it is not appropriate for us to give the heavy hand to this administration on ultimately whether or not the bill is going to receive Royal Assent.

\* (1730)

I look at the presenters that we had today and I think that what they are wanting to see is that sense of fairness. Even though we have to at least in part respect the independence of other levels of government, there is the broader responsibility that we have to all Manitobans, including people that live in Winnipeg obviously, to ensure that what actions this Legislature takes is in fact fair and equitable. The minister has not been able to demonstrate clearly to this committee that in fact it is fair, that it is in fact equitable. We look to get some sort of leadership from the government on this critical issue and the closest we got to it was just the commitment of a relatively minor

amendment which really does not have that much of an impact. If the government had an excellent record in the past on the whole issue of trust, well, maybe I would be a little bit more generous. I believe, and I appeal to all committee members to really evaluate the need for us to pass this thing through today. In fact, had we not had leave been given to this committee to continue on this afternoon, we would not be sitting here right now, and we would have to reconvene a committee. I think that probably would have been a better thing for us to do, but the leave has already been given, and I realize that we could be sitting till midnight or whatever time it takes in order to pass this thing through committee.

So, having said that, I would ask the Minister of Health (Mr. Stefanson) at this time to adjourn this particular committee and let us make a positive statement for all Manitobans. We can always reconvene sometime in the not-too-distant future in order to deal with the issue, if in fact it is an issue in the future, because I am not convinced that it would be. I have not been convinced of that. As I say, I really wish I could have had the opportunity to ask councillors their thoughts on this particular issue. I know if I was provided that opportunity, even this evening, to again press the issue with some of the councillors, I would like to be able to get what they really think about this legislation, especially when you put it in the context of our fire department and the police service. We want a government that is going to be fair, and that is why we appeal to the minister to halt the committee meeting, adjourn it, and then we will move on.

**Mr. Chairperson:** Clause 1—pass. Clause 2.

**Mr. Reid:** I move

THAT the following be added after Section 2 of the bill:

2(1). The following is added after Section 7. Ambulance service employees of the City of Winnipeg. 7(1). Despite any other provision of this act, if there is no Essential Services agreement in effect between the City of Winnipeg and the union representing its ambulance service employees relating to the

provision of ambulance services, Section 7 does not apply, and The Fire Departments Arbitration Act applies with necessary modifications to the employer, the union, and those employees as though the employees were employees to whom the act applies.

**Mr. Chairperson:** I would like to inform the committee that the item that has been proposed as an amendment is in order and, therefore, I would indicate that the following be added [interjection] It is not in order? I am sorry.

I must inform the committee that the amendment that has been presented is out of order. It is not out of order due to the merits of the amendment. It is out of order because it is beyond the scope of the bill. The bill before us seeks to add a particular group of Essential Services legislation, and it does not address the issue of dispute resolution. However, if there is unanimous consent from the committee, the amendment can be considered.

**Some Honourable Members:** No, no.

**Mr. Chairperson:** There is not unanimous consent.

**Mr. Doer:** We, first of all, think we should be dealing with these amendments on the basis of merit, substance and in the public interest. We believe this amendment is truly within the public interest. It is moving from the narrow bill that is before the Legislature to deal with the second bill that is The Fire Departments Arbitration Act. It does provide for the ability of the union and the city to deal with the provisions of this act, but it also allows that if there is no solution to the essential services, that The Fire Departments Arbitration Act applies.

So we think that the merit of the proposal for the public interest makes sense, and in terms of the scope, we recognize the limitations on opposition members, but if the government believed in the substance, they could agree by leave to the scope or they could move it themselves, but let us deal with the public interest. The public interest is that, if the government had moved the firemen's arbitration act, our amendments would be in order, but in order for us to deal with the singular and, we

say, hasty solution that the government has, we think that this is a proposal that makes sense, and it is in the best interests of the people of Winnipeg which is ultimately who we should be serving.

**Mr. Chairperson:** Is there agreement to consent to the amendment?

**Some Honourable Members:** No.

**Mr. Chairperson:** No. Therefore, I rule the amendment out of order. Item 2.

#### Voice Vote

**Mr. Reid:** Mr. Chairperson, with respect, I challenge your ruling.

**Mr. Chairperson:** There has been a challenge to the Chair. All those in agreement with the ruling of the Chair, would you say yea?

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed to the ruling of the Chair, would you say nay?

**Some Honourable Members:** Nay.

**Mr. Chairperson:** I declare the Yeas have it.

#### Formal Vote

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

**Mr. Chairperson:** All those in favour of the ruling, raise your right hand, and only committee members can vote.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 6, Nays 4.*

**Mr. Chairperson:** I declare the ruling stands.

\* \* \*

**Mr. Chairperson:** Item 2.

**Mr. Ashton:** Just on that, I can indicate our disappointment, obviously, that the government members were unwilling to even put the motion on the floor. I want to indicate that we certainly

will be pursuing this again at the next opportunity in report stage

I hope government members will reflect on the fact that to a certain extent we are operating under a bit of a misnomer with this bill because in regard to paramedics, when we read the title The Essential Services Amendment Act what the government is doing by refusing to consider our alternative, they might as well call their act The Reduced Services Act because that will be the end result of what they are doing. If the negotiations do not go well and there is a strike, they are ensuring by their actions that there will be reduced services in terms of paramedics and reduced services in terms of firefighter services in the city of Winnipeg.

Our amendment, if they had accepted it, at least given it the opportunity for us to be able to debate it and hopefully for them to support it, would have ensured not reduced services but full services because it would have ensured a contract in a fair means which is through arbitration.

I want to put that on the record because I hope the government, before this matter comes before the House, will reconsider. We may even reconsider it if it takes some minor revision of wording to get our intent. We want to vote on this, and we want to know where the government stands because I hope, by the way, that the city of Winnipeg residents do not end up with a strike situation. We all do, but if it does, this government has ensured, by rejecting our amendment, that the people of Winnipeg will have reduced services as a direct result of this rushed, ill-thought-out act today. So I want to put that on the record, and we will be pursuing this in the House.

**Mr. Stefanson:** Mr. Chairman, I think it is important to point out we have obviously had a very thorough discussion of this particular issue, and we know that it is a position with some members of the opposition, but this does exactly what we talked about happened back in the 1970s where a government Legislature will unilaterally make a decision on going to binding arbitration as opposed to having a request coming from both parties, which was the case

with the police in the 1980s, which was the case with WAPSO through a voluntary agreement.

We believe with the bill as amended there is the opportunity for this issue to be resolved at the collective bargaining table. That is certainly our No. 1 objective to see that happen. There continue to be a number of tools available to do just that. They are only at the stage of conciliation. We all know that process could go to binding arbitration if the parties agree; it could go to mediation, if the parties agree; it could go to mediation, if the Minister of Labour (Mr. Radcliffe) appoints a mediator. There are a number of avenues available to reach an agreement at the collective bargaining table without government imposing compulsory binding arbitration without the support of all parties, Mr. Chairman.

#### Point of Order

**Mr. Kowalski:** I am sorry, but some time ago I signalled to you, and you indicated that I was on the speaking order after Mr. Ashton and—

\* (1740)

**Mr. Chairperson:** Mr. Kowalski, in due recognition, I recognize that you were in speaking order, but when we proceeded with the bill, you were not in your chair, and I therefore recognized Mr. Reid. So I recognize your point of order. I think you are out of order.

**Mr. Kowalski:** Thank you.

\* \* \*

**Mr. Doer:** I think the member for Thompson who has experience with ambulance providers in his community where they are provided by binding arbitration is quite correct. This is reduced services versus our amendment of full services. The Minister of Health should know, hopefully, everyone in this committee wants to see a negotiated settlement. If we do not have a negotiated settlement and this government by Order-in-Council or by proclamation from the government implements this bill, if we implement this bill by whatever means the government plans on implementing, we know already that they have met without talking to the

employees once, if they implement this bill and we have, for example, five ambulances on a Friday night rather than the 10 ambulances on a Friday night that we would have by our amendment—

**An Honourable Member:** Hypothetical.

**Mr. Doer:** It is not hypothetical. The member opposite did not listen to Mr. Shoemaker when he said it would be less than 100 percent. If it is 100 percent, you have taken away the right to strike without arbitration, so I do not know what side of it is you are on. You are starting to sound pretty wishy washy on this. Having said that, we will hold—[interjection] Yes, we moved an amendment to prohibit the flushing through of the telephone sales to the government revenue, and it looks like we were right. We will amend the balanced budget legislation in the future to stop you from selling Hydro and breaking your promise again. We have no difficulty in these issues.

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

**Mr. Chairperson:** Order.

**Mr. Doer:** I have never interrupted any other presenter in the Legislature, and I am surprised I am being interrupted now. Back to the point. We are going to hold this minister accountable for any reduction of any ambulance in any corner of this city, because he has specifically rejected and they have ruled us out of order and voted with the chair. They could have by leave agreed this is in order. He could move the amendment himself because the minister can move other acts or amend other acts as opposed to the opposition. So, he has the ability to do so. By failing to do so both on the technical point or on the substantive point in this committee, if there is one or two ambulances short, we are holding him responsible for the health and safety on the life and limb of Manitobans. I want to put him on notice. So, be very careful. Oh, I know he is careful. That is why he wanted us to move through this bill, and we have been careful. We have co-operated with the government, but he has a better solution in front of him, and a better solution is binding arbitration. He is rejecting binding arbitration.



The city does not want to go to binding arbitration, and we know the reason why. If the issue is only public safety, the city would go to binding arbitration. But, if they go to half the services under The Essential Services Act, the management representative at the city has already said this weakens their power of strike in a dispute. So what we have here is a financial decision of the city affecting the provision of essential services to the people of Winnipeg. That is what we have. Money over essential services, because the city clearly states in their presentations that they feel binding arbitration would represent a greater financial risk. It sometimes does and it sometimes does not. Arbitration for firefighters sometimes has produced higher settlements than The Labour Relations Act. It has sometimes produced lower settlements.

But this legislative committee and this minister, if it is being asked by the City of Winnipeg to bring in legislation, it should be doing so. The Minister of Health (Mr. Stefanson) should be bringing in legislation on the basis of public interest and public safety, not on what is better in terms of strategic bargaining for the City of Winnipeg.

Now, we all have contacts at the City of Winnipeg that are elected. That does not mean to say that we agree with them, if it is not in the best interest of the public. We are choosing today the more tactical advantageous law for the management representatives of the City of Winnipeg, as opposed to the option that is in the public interest. This is a tactical proposal of the minister for purposes of bargaining that provides half of the essential services versus the binding arbitration proposal that provides all of the essential services. That is what we are doing. It may be a tactical difference on money versus a complete guarantee of public safety by the binding arbitration.

So I want the minister to know that he is siding with the tactical advantage of management at the City of Winnipeg over the full guarantee of public services at the city. I think he is wrong as a Health minister. I think if the city asked him to get involved in this dispute, and I respect the fact that this is a crucial issue for him, that he has the responsibility to let the

people of Winnipeg have the same rights on ambulance services as the people of Brandon and Thompson. I think they have one law available for the ambulance providers in Thompson, and one law in Brandon, and they have a different law in Winnipeg because of tactical financial considerations. I think this Legislature has failed in principle, and I hold the minister accountable for it.

**Mr. Chairperson:** Clause 2. Shall the item pass?

**Mr. Kowalski:** I am very disappointed that leave was given to continue this committee. You know, what the Leader of the Liberal Party, Jon Gerrard, was saying was to basically allow the city to reconsider their position. After the media attention it has gotten, after the ambulance attendants have come here and made the public presentations and people now understand the position that on sober second thought, on sober second thought, regardless of what they have said in the letters as late as today that I am sure, I am sure, well, I hope that City Council and Mayor Glen Murray will reconsider his position and would support binding arbitration after hearing the debate that went on today.

Unfortunately, because myself and my colleague from Inkster were in this Chamber and we would not have given leave to continue this committee, we will use every tactic that we can to delay this legislation because when it is necessary, as my colleague from Inkster said, we could pass it in very short order if there is an emergency, because we all care about the citizens of Winnipeg. But the minister has a number of times said: how could you arbitrarily bring in binding arbitration to favour—well, at the employees' request. But how can you arbitrarily bring in this Essential Services which now will be a sword of Damocles hanging over the ambulance attendants' negotiators? It is just as unfair, and the ideal situation and it is not that it is not reachable, is to go back to these two parties as a mediator would, as a conciliator would, and say, hey, we have had a debate, stop this process, okay?

And this concept that because it will be on proclamation, then all you are doing is giving the

City of Winnipeg hope that they could take as tough a position because the sword of Damocles is hanging over the ambulance attendants' negotiators, that it could be brought down at any time because it appears Mayor Glen Murray and this government are working together negotiating against ambulance attendants by taking their position.

My question is specific to this clause in the bill. It refers to the definition of an employer, the City of Winnipeg, as it pertains to ambulance services. What I am concerned about, and possibly the staff could make sure, if a firefighter is asked to do ambulance services, then does that mean he comes under the Essential Services agreement, that he comes under that definition and then he does not have the right to strike either? I am not too sure. Well, does he not have the right for arbitration? What I am saying is that this definition now will apply to firefighters, too.

\* (1750)

**Mr. Stefanson:** Mr. Chairman, there seems to be some confusion. Firefighters already have binding arbitration. The police have binding arbitration, so they have the route of going to compulsory binding arbitration already in place. The parties can agree at any point in time to go to binding arbitration. The member has followed the negotiations with the nurses where the employer offered binding arbitration. The nurses turned it down and an agreement was reached through a mediator process.

We can go on and on doing comparisons. What we are talking about here is being sure that we have the mechanisms in place to protect the health of the citizens of Winnipeg. That does not preclude the parties from either voluntarily going to binding arbitration, voluntarily asking for a mediator, having the Minister of Labour (Mr. Radcliffe) appoint a mediator, or both parties ultimately coming and saying we are both requesting legislation like the police did in the 1980s. But we do not have that case today, and we have a responsibility. I would argue the opposite. We have a responsibility to do everything we can at this stage to protect the health of the citizens of Winnipeg.

**Mr. Kowalski:** Maybe I will try to clarify. If the ambulance attendants and firefighters became under one union, which is a possibility, then does that mean the firefighters who are doing ambulance services are treated differently? What happens then?

**Mr. Stefanson:** Mr. Chairman, that is a good question, because if that does ultimately happen in the city of Winnipeg, that is an issue that has to be addressed as part of that total amalgamation, and there are definitions under The Fire Departments Arbitration Act. If the definition applies to the individuals now in that new amalgamated organization, then they might all end up qualifying under the fire department's arbitration act and be subject to binding arbitration. So as part of any amalgamation, if the city is going down that path, then they have to address that issue as part of that amalgamation, absolutely.

So the member looking ahead depending on what the city does, if they are going down the path of amalgamating, they have to address that issue through that process.

**Mr. Kowalski:** Does the minister not see the irony in that? If they were in the firefighters' union doing the same job, they would have binding arbitration. If they amalgamate their union and just because they happen to belong to a different collective bargaining unit, they do not have that right. There is an irony. Maybe there is even a Charter challenge that this one bargaining unit, if they become part of the firefighters' union, they would be. They would have the right to binding arbitration. Just because they belong to a different collective bargaining unit, they are not. It is almost a Charter challenge.

**Mr. Stefanson:** Mr. Chairman, we can certainly share copies of The Fire Departments Arbitration Act, which will give the member the definitions and descriptions of employees that are covered by that. There are separate functions, there are separate unions. This is nothing new in terms of jobs being performed. If you want to go down the path of essential services, we do not have binding arbitration with nurses; we do not have compulsory binding

arbitration with doctors; we do not have compulsory binding arbitration in our Family Services agencies.

How far do you want to take that doing it unilaterally, imposing it by a decision of the Legislature, as opposed to having the two parties say, no, we think this is the right thing to do, this is the process we want and we want it enshrined in legislation?

We are not at that point, I tell the member for The Maples (Mr. Kowalski). We might get to that point as a result of everything that is happening here today, who knows, but at least the vehicles are there for them in the interim to be back at the bargaining table to try to get an agreement. In the interim, at a minimum, what we are asking for today at least provides us a significant degree of protection for the health of the citizens of Winnipeg.

I take the opposite. I mean I believe everything that we heard here today. I think everybody has the best of intentions, I do not doubt any of that for one minute. I think certainly the association, excellent organization, performed great services to the City of Winnipeg, but when you are in a position where you can withdraw services, there is no guarantee. Even as has been pointed out here, even under the Essential Services, there is no guarantee it is necessarily a hundred percent, but those are decisions that the people providing the services will make. They will have the opportunity, if you ever got to the point of having to implement this legislation, so it provides protection for the citizens.

With the amendment we have got before us, we are even saying we are accepting everything we heard from all parties today. There seems to be an awful lot of good will to try and get an agreement at the table using the various instruments that are available. We think the amendment we have done today, the discussion we have had around this table, will help to drive that process and I continue to be optimistic that the two parties will reach an agreement at the bargaining table.

**Mr. Chairperson:** Clause 2—pass. Clause 3, one amendment coming up.

**Mr. Stefanson:** Mr. Chairman, I referred to the amendment in my previous comments and the amendment is:

THAT section 3 of the Bill be struck out and the following substituted:

Coming into force

3 This Act comes into force on a day fixed by proclamation.

**[French version]**

Il est proposé de remplacer l'article 3 du projet de loi par ce qui suit:

Entrée en vigueur

3 La présente loi entre en vigueur à la date fixée par proclamation.

I would encourage members to support this amendment.

**Mr. Chairperson:** Dispense. Shall the item pass?

**Mr. Reid:** Mr. Chairperson, there were some questions that arose as a result of this amendment, and I would like to ask the minister: what are the criteria that he will be using to determine when this act will or will not be proclaimed? What are the set of criteria that he has in mind to use so that members of Winnipeg ambulance services might be aware of what his intentions are?

**Mr. Stefanson:** Mr. Chairman, the overriding criteria would be the issue of public interest and what we have talked about at length here, if the health of the citizens of Winnipeg is going to be put at risk. As I have already indicated, I think there seemed to be a fair degree of good will in both parties, in fairness to the two representatives who appeared on behalf of the city here today as well, and we certainly would like to see an agreement reached through the negotiating process. That would be the overriding criteria.

**Mr. Reid:** Well, I guess public interest is a pretty broad concept. The question here is: can you define "the public interest" then, because

that is just a general term that you have used here? I would like to have a clearer understanding of what you mean by public interest.

**Mr. Stefanson:** I guess in this case it is something we hopefully all agree on. It would be any danger to life, to safety, and to health, would be a partial definition.

\* (1800)

**Mr. Reid:** Well, I understand that that is a part of The Essential Services Act. I guess the question here is: who is going to make that determination? Is it going to be the Department of Health, the Minister of Health, the City of Winnipeg, the Winnipeg Hospital Authority? Who is going to make that determination of whether or not the proclamation would be in the public interest to protect from danger life and limb?

**Mr. Stefanson:** I think, as the member for Transcona knows, that proclamation is done through Order-in-Council which is a Cabinet decision.

**Mr. Reid:** So what will be the precipitating factor that would cause Cabinet to give consideration to the proclamation of this bill? Will it be upon request from the City of Winnipeg? Will it be upon request from the Winnipeg Hospital Authority who, I believe, has some direction or control over the Winnipeg ambulance services? Will it be the minister's advice to the Cabinet? What is going to be the precipitating factor in this decision?

**Mr. Stefanson:** Well, it could be any and all of those. We certainly will consider requests from health authorities, from the public and so on. We will obviously be monitoring the whole situation, the collective bargaining process, to ensure that progress continues to be made on that front.

**Mr. Reid:** So I take it, then, that what the minister is saying is that a single member of the public could come in and indicate a preference to have this piece of legislation proclaimed, that it would be in the public interest, that the minister would take it to Cabinet, and that the Cabinet

would then be in a position to proclaim this piece of legislation, and that in fact the City of Winnipeg would be taken out of the loop in this process of that decision making.

**Mr. Stefanson:** It is not quite that simple. I am saying we would certainly consider requests and refer to the public, health authorities, and so on. We take any requests related to the health, life, safety, security seriously, so we would consider any of those, but they will not necessarily drive that a recommendation goes to Cabinet.

**Mr. Reid:** If I understand what the minister is telling me then, that the decision then is not going to be involving the Winnipeg ambulance service employees association, may or may not involve the City of Winnipeg Council who is responsible for that service, and that this is essentially going to become a political decision made by the Minister of Health, the Cabinet, and the Premier who are going to drive the decision-making process on when this bill will be proclaimed.

**Mr. Stefanson:** Well, it may include all of that. It may include requests from any one of the parties that the member names, whether it is the City of Winnipeg, whether it is the ambulance paramedics attendants, whether it is some other organization. It may also lead to further consultations and discussions with parties most directly affected, be it the ambulance attendants, paramedics, and/or the City of Winnipeg.

**Mr. Reid:** So, since you have already with your government demonstrated an unwillingness to consult with one side of these negotiations, in fact, the paramedics, how are we supposed to have a level of comfort that it will not just be the whim of the Minister of Health, the Minister of Labour or the Premier in acting or proclaiming this piece of legislation? How do we gain that level of comfort that that just will not be a political decision?

**Mr. Stefanson:** Mr. Chairman, that is not entirely accurate in terms of an unwillingness to consult. I, this morning, had a delegation of two individuals from the paramedics association of ambulance employees, Mr. Don Fotti who made a presentation here, and another individual met

with me this morning. We certainly are open to consulting.

**Mr. Ashton:** I guess the difficulty with this amendment in and of itself, I mean, on surface it does appear to be an improvement over the current situation. But the difficulty is I am trying to think of what circumstances would call for the proclamation. I would assume that it would be a strike situation in which there is no negotiated Essential Services agreement, in which case whether it is on proclamation or whether it was approved today, it is the same difference. I am just wondering if there is any circumstance that I have missed here. I mean, this only is in place in terms of a potential strike situation. So I am just trying to run through how this is in any way, shape or form any major improvement to the government's original proposal.

We still end up, as we pointed out, with a government saying they are committed to a course that if there is a strike, they are going to have legislated reduced services provision, reduced paramedic services and reduced firefighter services whether it is proclaimed today or whether it is brought in by proclamation before the strike or even the day of the strike. I am just trying to understand from the minister what the real difference is. For example, the member for The Maples (Mr. Kowalski) had a good point about the sword of Damocles is still there. It is still obviously clear that the government is committed to this course. I am trying to get some indication from the minister where the major difference is.

**Mr. Stefanson:** Mr. Chairman, I think the balance all of us are looking for is trying not to influence the collective bargaining process and to get the parties back to the table and to encourage them to reach an agreement. We will be doing that with both parties, I assure the member for Thompson. Again, I am being repetitive. The reason we need this in place is if we are faced with a situation where health or life is at risk as a result of the actions on any party's part, this would allow us a vehicle to address that issue. But I want to make it perfectly clear that the objective is to at this stage encourage both parties—

**An Honourable Member:** Make it perfectly clear.

**Mr. Stefanson:** Who uses that expression? Anyway, I am being repetitive. We want both parties to reach an agreement at the negotiating table. I think based on everything we have heard here today, that can happen. I think if we work co-operatively, we can make that happen.

**Mr. Ashton:** Of course, everyone hopes that will be the case, but I do not think it has been helpful for the government to rush in as it has yesterday under the assumption that there was somehow an imminent strike and an imminent threat to the public interest. I think by this amendment we are seeing an admission by the government. What they said yesterday is not what they are saying today. I think we have seen a fairly significant shift based on some level of reason being brought to this debate by presenters to the committee and by members of the opposition.

I want to be careful on this because—on the surface I must admit when I first looked at this, I know our caucus looked at it and said it looks better, but then again the reality is whether you bring in this Essential Services Act provision now or whether you bring it in at some future point in time, presumably you are going to bring it in in the case of a work stoppage. That is what the act is about. So you end up with basically the same situation. I just look at it here. I think it is sort of a bit fanciful to expect that the two parties involved with this dispute are just going to pretend that somehow, because it is by proclamation instead of by Royal Assent, that somehow it is not there and it is not going to influence bargaining. I am sure it will.

If we pass the whole bill, as I am saying, it is not this provision that is a difficulty. If we pass the entire bill and reject the course that we put forward, which would not result in reduced services but full services, what you have essentially done is you have (a) interfered in the bargaining process. Let there be no doubt about it, that is what is going to happen, and (b) you have stated very clearly that the government's position is that this is how it feels, that this matter should be dealt with in case of a strike or

presumably a lockout, which is there will be a strike and there will be reduced services, rather than what I think makes sense to most people, which is the option we put forward.

\* (1810)

I am still trying to get the minister to explain something. I do not think we see anything in this amendment—the amendment itself is not that negative, but I am not sure it fundamentally changes the problem that we see with this particular bill. I guess what I am hoping is the minister will see the error they made, the huge error they made yesterday, in jumping into this without consulting with at least one of the parties involved, and then today trying to save face by saying, well, we are not going to rush this in, we are going to bring it in in stages.

It still ends up at the same end point, and it is the same difficulty. I just want to ask the minister if maybe, if he has come as far as he has from yesterday today, I know there may be some face saving required here, but I think this amendment says quite clearly that the government made a serious error in the way it has dealt with this matter. I guess I am suggesting that if you are going to admit that through this amendment, can you not go one step further and substantively do what we have suggested, which is admit the mistake and adopt the correct course of action which in this case will be not reduce services in a bizarre situation where we have the paramedics saying they do not want to go on strike, but instead of that situation, moving toward arbitration which will protect the people in the city of Winnipeg in the same way, by the way, that the people in my community in Thompson are protected right now.

Believe you me, I feel a real sense that we are dealing with some face saving here. Reality is I just cannot understand why the minister does not go the full step here and instead of dealing with this amendment as a way of saying, yes, we blew it, go one step further and protect the citizens of Winnipeg. By the way, this will not do that. This amendment will just mean that if there is a strike or lockout situation, at that point in time, rather than now, you are going to have this put in place. Same difference, same reduced

service, and same threat, we believe, to the people of the city of Winnipeg.

**Mr. Stefanson:** I think we have discussed this issue at length. I think many would suggest that binding arbitration is the ultimate interference in collective bargaining, because there really is no collective bargaining. Again, I think the objective with the amendment today, and I know the Leader of the Opposition (Mr. Doer) can identify with the whole issue of collective bargaining from previous days, but the whole objective here today is to try not to interfere with that process, but at the same time to strike a balance to protect the health services to the citizens of Winnipeg. Under this amendment that is before us, the bill will not be proclaimed. Both parties are going to be encouraged to work at the bargaining table to find an agreement and to negotiate in good faith, and I think they will. I think they can, and I think they will. Therefore, I would encourage the member for Thompson (Mr. Ashton) to support this amendment.

**Mr. Doer:** The minister made the commitment that he would "consult with both parties" before they would proclaim this act and, hopefully, again it will not be necessary. As I recall correctly, the definition of consultation—I think there is a labour relations Black's Law Dictionary term that defines consultation, and that is to have meaningful, discuss meaningful alternatives prior to acting as opposed to just saying: Hi, this is Eric Stefanson. By the way, we are going to proclaim the act. What do you think? Bye. Thank you for your advice.

**An Honourable Member:** On the voice mail.

**Mr. Doer:** No, just relax. I am trying to explain this word to members opposite, because they do not know what the word means. They do not know what the definition means. They have no idea what consultation means. It means to discuss in a meaningful way all the alternatives prior to acting.

Will the minister guarantee that he and his Premier who has consulted—I do not know when the last time he consulted with anybody, but I will be careful on that comment—that he and the Premier, because it is obviously a committee of

one in cabinet, will consult under the full definition of the word before they ever use this power of proclamation?

**Mr. Stefanson:** A lot of the comments have been directed at myself about this issue of consultation and inclusiveness. As Minister of Health, I will commit to do exactly what the Leader of the Opposition has asked for to consult in a meaningful way with both parties prior to any proclamation or any recommendation that I would be making relative to proclamation.

**Mr. Doer:** I respect that. I thank you for that answer. Will you also undertake to get the Premier who is chairing cabinet to do the same before this power—this power is an amazing power that the provincial government is transferring over to a group of employees in the City of Winnipeg that are now covered under The Labour Relations Act of this province. We have provided another alternative, The Fire Departments Arbitration Act. Will he also undertake because the Premier in a cabinet system is a vote of one? There is no vote—[interjection] That is right. And the chairperson might know that as well, although he could not possibly comment on that.

**Mr. Stefanson:** Mr. Chairman, as I have already indicated to the Leader of the Opposition, I can undertake personally to make that commitment and I have done that. I will do that as I have already committed, and I will have a discussion with the Premier relative to that issue.

**Mr. Kowalski:** I just want to understand the intent here. If this contract is settled before this bill goes through tomorrow or the next day, we still have to go through report stage and third reading. Will the minister withdraw this bill that was brought forward because of an urgent situation? He has talked about binding arbitration. You know, he would feel better about it if both parties were bringing it forward, but would he not feel better if the Essential Services agreement was brought forward by both parties and the urgency is gone? Will he withdraw this bill if the contract is settled in the next day or so?

**Mr. Stefanson:** Mr. Chairman, on a go-forward basis, there are many unknowns. We have got a discussion here today about the future of ambulance and fire service of the city of Winnipeg, and so on. Again, I think what I would commit is I would make the same commitment I make to the Leader of the Opposition (Mr. Doer) that prior to any proclamation we will consult with both parties. We are collectively agreeing that this is an essential service. We have talked about the collective bargaining issues and ways to resolve collective bargaining, but they really still are two distinct issues. Ultimately, on a go-forward basis, I think our concern, the way I understand it, a great deal of the concern here was the issue of influencing the collective bargaining. We have said there are various options. If they end up with an amalgamated unit, there might well be a request for all employees to be under The Fire Departments Arbitration Act. There might be a joint agreement of both parties to include arbitration on a go-forward basis. On the collective bargaining, I think we have to let that process unfold, but prior to any proclamation we will consult with both parties.

**Mr. Kowalski:** My question is: if this bill has not passed yet—not if it is passed—will you proclaim it? I do not know how much debate there will be on third reading. There is report stage. This may pass in a couple of days, a week, I do not know, but if this bill has not passed and an agreement has been reached, will you withdraw this bill?

\* (1820)

**Mr. Stefanson:** Again, Mr. Chairman, we are starting to go back to very much interrelating the two issues of collective bargaining and essential services. So I guess I am being repetitive to the member for The Maples (Mr. Kowalski) that we would consult with both parties about the merits of passing this on a go-forward basis in terms of if the collective bargaining is resolved, whether or not they are still—everybody here basically agreed it is an essential service. We heard it from the paramedics, the ambulance. We heard it from the employers. We have all said it is an essential service. What we have been disagreeing on is how we, at this stage, protect that essential service. That has been the

disagreement. Some have talked about legislating automatic binding arbitration with a request only coming from one party as opposed to both parties and so on. Again, I think we really would have to consult with both parties, if they get an agreement at the table, their view of the need for this on a go-forward basis, and the benefits to the citizens of Winnipeg.

**Mr. Kowalski:** If I understand correctly, if there is an agreement in the next day or so, then the minister will consult with the two parties on whether this bill should be withdrawn.

**Mr. Stefanson:** If I understand the question, the member for The Maples (Mr. Kowalski) is saying if something were to happen in the next few days or couple of days, would we collectively consider withdrawing the bill, and I

would certainly consult with both parties on that issue, yes.

**Mr. Chairperson:** Amendment—pass; Clause 3 as amended—pass; title—pass; preamble—pass. Bill as amended be reported.

Committee rise.

**COMMITTEE ROSE AT:** 6:23 p.m.

#### **CORRIGENDUM**

The Standing Committee on Law Amendments Vol. XLIX Vol. 1 – 10 a.m., Wednesday, May 19, 1999, inadvertently reads **COMMITTEE ROSE AT:** 6:23 p.m. It should read **COMMITTEE ROSE AT:** 12:14 p.m.