

Third Session – Forty-Second Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Social and Economic Development

Chairperson
Mr. Doyle Pivniuk
Constituency of Turtle Mountain

Vol. LXXV No. 7 - 6 p.m., Wednesday, April 14, 2021

MANITOBA LEGISLATIVE ASSEMBLY
Forty-Second Legislature

Member	Constituency	Political Affiliation
ADAMS, Danielle	Thompson	NDP
ALTOMARE, Nello	Transcona	NDP
ASAGWARA, Uzoma	Union Station	NDP
BRAR, Diljeet	Burrows	NDP
BUSHIE, Ian	Keewatinook	NDP
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	Kildonan-River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
DRIEDGER, Myrna, Hon.	Roblin	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne, Hon.	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GORDON, Audrey, Hon.	Southdale	PC
GUENTER, Josh	Borderland	PC
GUILLEMARD, Sarah, Hon.	Fort Richmond	PC
HELWER, Reg, Hon.	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek, Hon.	Interlake-Gimli	PC
JOHNSTON, Scott	Assiniboia	PC
KINEW, Wab	Fort Rouge	NDP
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMONT, Dougald	St. Boniface	Lib.
LAMOUREUX, Cindy	Tyndall Park	Lib.
LATHLIN, Amanda	The Pas-Kameesak	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Malaya	Notre Dame	NDP
MARTIN, Shannon	McPhillips	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
MOSES, Jamie	St. Vital	NDP
NAYLOR, Lisa	Wolseley	NDP
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Turtle Mountain	PC
REYES, Jon	Waverley	PC
SALA, Adrien	St. James	NDP
SANDHU, Mintu	The Maples	NDP
SCHULER, Ron, Hon.	Springfield-Ritchot	PC
SMITH, Andrew	Lagimodière	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Vérendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
TEITSMA, James	Radisson	PC
WASYLIW, Mark	Fort Garry	NDP
WHARTON, Jeff, Hon.	Red River North	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT

Wednesday, April 14, 2021

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Doyle Piwniuk
(Turtle Mountain)**

**VICE-CHAIRPERSON – Mr. Scott Johnston
(Assiniboia)**

ATTENDANCE – 6 QUORUM – 4

Members of the Committee present:

Hon. Mr. Cullen, Hon. Mrs. Guillemard

*Messrs. Altomare, Johnston, Ms. Naylor,
Mr. Piwniuk*

APPEARING:

Ms. Cindy Lamoureux, MLA for Tyndall Park

PUBLIC PRESENTERS:

*Mr. Alan Campbell, Manitoba School Boards
Association*

Mr. Donald Nikkel, Lakeshore School Division

Mr. James Bedford, Manitoba Teachers' Society

Mr. John Wiens, private citizen

*Ms. Lise Legal, Pembina Trails Teachers'
Association*

*Ms. Anne Lindsay, Thompson Teachers'
Association*

*Mr. Chance Henderson, Mountainview
Teachers' Association*

Ms. Anna-Maria Coniglio, private citizen

*Mr. Kevin Rebeck, Manitoba Federation of
Labour*

Mr. Mark Behrendt, private citizen

Ms. Kelly Friesen, private citizen

Ms. Jan McIntyre, Prairie Spirit School Division

Ms. Nancy Karpinsky, private citizen

WRITTEN SUBMISSIONS:

Vanessa Lylyk, private citizen

Maureen Ferley, private citizen

*Jerry Sodomlak, River East Transcona School
Division*

Lynsey Lodge, private citizen

Justin Rempel, private citizen

Charlene Sacher, private citizen

Jay Ewert, Evergreen Teachers' Association

*Marcela Cabezas, Louis Riel Teachers'
Association*

Lindsay Vieira, private citizen

Rowena Lavarias, private citizen

Julie Ching, private citizen

Nicole Peake, private citizen

*Cameron Watson, Pine Creek Teachers'
Association*

William Taylor, private citizen

MATTERS UNDER CONSIDERATION:

*Bill 45 – The Public Schools Amendment and
Manitoba Teachers' Society Amendment Act*

* * *

Clerk Assistant (Mr. Tim Abbott): Good evening and welcome to another evening of the Standing Committee on Social and Economic Development. Can the committee please come to order.

Our first item of business is the election of a Chairperson.

Are there any nominations? Are there any nominations? *[interjection]* Oh, sorry, I need to recognize you.

Mr. Scott Johnston (Assiniboia): I would nominate Mr. Piwniuk.

Clerk Assistant: Mr. Piwniuk has been nominated.

Are there any other nominations?

Hearing none, Mr. Piwniuk, will you please take the Chair.

Mr. Chairperson: Good evening. Will the committee—standing committee of social economics—*[interjection]* Okay. Oh, of course, he's—our clerk has already gone that far.

Our next item of business is electing a Vice-Chairperson. Are there any nominations?

The honourable Minister of Climate and Conservation—or Ms. Guillemard? Ms. Guillemard, would you want to nominate the honourable minister Johnston for Vice-Chair?

Can everyone hear me? Can you put up your hand if you can hear me?

Mr. Nello Altomare (Transcona): I nominate the MLA for Assiniboia, Mr. Johnston.

Mr. Chairperson: Mr. Johnston? Okay, Mr. Johnston, you're Vice-Chair—Mr. Johnston has been nominated.

Are there any other nominations?

Hearing no other nominations, Mr. Johnston is elected to Vice-Chair.

This meeting has been called to consider Bill 45, The Public Schools Amendment and Manitoba Teachers' Society Amendment Act. I would like to inform all in attendance of this provisions of our rules regarding the hour of adjournment.

The standing committee meeting is considered—a bill—must not sit past midnight to hear public presentations or consider clause-by-clause of a bill except for unanimous consent by the committee.

Writing submissions from the following people for Bill 45 have been received and distributed by the committee by the following members: Vanessa Lylyk, private citizen; Maureen Ferley, private citizen; Katrinka [*phonetic*] Stecina, private citizen; and Jerry Sodomlak, red—River East Transcona School Division. And there's also Lynsey Lodge, private citizen; Josh [*phonetic*] Rempel—[*interjection*]—oh, Justin Rempel, private citizen; and Charlene Sacher, private citizen.

Does the committee agree to have the documents appear on Hansard transcripts of the—of this meeting?

We need somebody to agree. [*Agreed*]

Public presentation guidelines: prior to proceeding with the public presentations, I would like to advise members of the public regarding the process of speaking in a committee. In accordance to the—our rules, a time limit of ten minutes has been allocated—allotted for presentations, with up to another five minutes allowed for questions from the committee members.

If a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If presenters is not on the attendance and—when the name is called a second time, they will be removed from the presentation—presenter's list.

The proceedings of our meetings are recorded in order to provide a 'vermatim'—'vermated'—wait,

'vermatim' transcript. Each time someone wishes to speak, whether an MLA or a presenter, I first have to say the person's name. This is a signal that the Hansard recorder—to turn the mic on and mic off.

Also, if a presenter has a written materials for distribution to the committee, please send a file by email to the moderator, who will now distribute to all the committee members.

Thank you for your patience and we will now proceed with the public presentations.

Bill 45—The Public Schools Amendment and Manitoba Teachers' Society Amendment Act

Mr. Chairperson: I will now call on—first presenter, Alan Campbell, from the Manitoba School Boards Association. Alan Campbell, if you can—okay. Okay. I ask the moderator to invite them into the meeting.

Please unmute yourself and turn your video on, please.

Floor Comment: Okay, I'm unmuted. I just want to make sure—

Mr. Chairperson: Oh, first—I'll just call your name first. Mr. Campbell, you can do your presentation now.

Mr. Alan Campbell (Manitoba School Boards Association): Good evening, committee members. It is with mixed emotions that I have here before you to address Bill 45.

In doing so, I wear two hats: the first as a locally elected trustee for my community, and the second as president of our association, being elected by the community of school boards of Manitoba to bring their voice to such proceedings.

For 150 years, school trustees in Manitoba have represented the employing authority for all staff who make a difference in the lives of our communities, students and schools. From the days of the one-room schoolhouses through to the dawn of cyber academies and virtual schools, we have brought the employer relationship to the bargaining table with our teaching staff.

One size does not fit all when it comes to education in Manitoba, and this also applies to the compensation, benefits and working conditions that we strive to establish locally. Important distinctions in terms of community character, program interests and regional economic diversity means that retaining the power to bargain with one's teachers, division by

division, has provided this province with the most effective way to address local needs.

It is ensured that, subject to a broad framework of provincial co-ordination, there remains sufficient allowance for each community to adopt those collective agreement provisions that serve their best interests.

Bill 45 represents the discontinuance of this proud legacy, a legacy that has always ensured that Manitoba remains a destination of choice for teachers, by way of promoting recruitment and retention that benefits our students and helps meet their academic and developmental needs.

It is for this reason that the formal policy statement of MSBA in respect of human resources, as adopted through the democratic and collective voice of school boards province-wide, emphasizes that local bargaining ought to remain untouched.

But the government has had ample time to consider the impacts of the path it is now choosing under Bill 45 and the oath that it has taken in respect of our province and its people. This last statement is the upper extent of the decorum that I can maintain regarding the full impact of what Bill 45 proposes to change.

It is indeed a sad day for local communities across our great province. An important part of our social fabric and what makes us who we are in terms of communities, welcoming and working side-by-side with their teachers, will be forever removed under Bill 45.

I have therefore said all that needs to be said in keeping with local democracy's final hurrah in matters of teacher employment authority, should Bill 45 pass. This is where I will now remove my hat as an elected community school trustee and conclude my presentation as president of the Manitoba School Boards Association.

* (18:10)

According to this role, I must concede before the committee that, while our policy statements reflect a broad consensus as to what is and what should be the statute that enables us, the MSBA act also provides that, as a corporate entity, we shall at all times comply and conduct ourselves in keeping with the laws of Manitoba. Therefore, should Bill 45 undoubtedly pass to receive full assent and eventual proclamation, we as an association shall become bound by its provisions and shall work faithfully to implement those mandates

and requirements, for no one is above the law, and all are under the law.

As I hope all members of this committee well understand, the exercise of democracy must be protected and prevail. This for us is a core guiding value. In this respect, our staff as MSBA have already invested a significant amount of time to conceptualize what the role of employer bargaining agent would mean, as is provided to our association under the act.

With the same professionalism and expertise that they have always bestowed upon our province, our staff at the association have conducted comparative analysis of how provincial teacher bargaining has been operationalized in other jurisdictions. They have drawn important lessons, models and procedures from the Canadian experience and have brought forward options for further consideration, not as endorsement for Bill 45, mind you, but at all times to ensure unfettered and unhindered service continuity across any legislative amendments that may apply to their work. This has been undertaken to guarantee their ability to remain always responsive to meeting the needs of our communities.

Central to the options and procedures that our staff have explored has been the recognition that until otherwise notified, school boards shall remain the employing authority for all teachers. As such, it is critical that any bargaining mandate that our staff receive when serving as agent reflect the traditional process that has always been used for everyone's mutual advantage.

Staff believe that, through the establishment of a representative steering committee comprised of regional and other interested representatives, such a model would strike a balance between local and provincial bargaining interests, just as occurs in every other Canadian jurisdiction, where school boards exercise local voice and local choice, the provincial bargaining process need not diminish local interests. Rather, it embraces them through carefully constructed structural mechanisms, as our staff have learned from their counterparts.

Should the minister, under Bill 45, thus extend the employee-agent role to MSBA, please note that our staff are more than ready and have investigated the most practical way forward in this regard, one that brings all actors together with shared purpose to ensure that Manitoba's collective working environment for our students, teachers, teaching staff and schools remains agreeable and strong.

To conclude, what I will say is that in view of the parallel introduction of Bill 64, The Education Modernization Act, most of what is embodied under Bill 45 would be rendered inconsistent or to no force or effect upon the assent of that other act. As it is not the purpose of this committee to address that bill at this time, I will simply indicate that 10 minutes does not allow for a full clause-by-clause treatment of all that is drafted under Bill 45, nor does it permit for a cross-referencing of provincial teacher bargaining provisions under both 45 and 64. Many challenges and questions concerning the co-operation of both statutes will be immediately noticeable by anyone who reads both drafts.

To that end, our tabled written submission will, we believe, serve to provide additional observations pertaining to the specific clauses that appear in current form under Bill 45. We reserve our right to address Bill 64 at a later date and at another forum.

As has always been true over the course of MSBA's 115-year history of service to Manitoba, our staff are further available to inform and research any matter or issue of consequence for public education. They are further mandated to co-operate with any Crown department in any project of mutual advantage.

In keeping with our role to promote these causes, any questions you may direct to MSBA, at the close of this presentation, we will take away and reserve for full written response following tonight's hearing.

As staff in the Department of Education—indeed, at the highest levels of the civil service—are no doubt aware, labour relations is a profession of highly technical sophistication. This was undoubtedly why MSBA was included under Bill 45 as a prospective employer-bargaining agent. You are well aware that we did not seek this role ourselves and only came to learn of this intention when the bill was initially published. The role and responsibility of providing technical expertise and information therefore rightly falls to our associations, labour relations and human resources professionals.

Accordingly, you can forward questions to MSBA following tonight's hearing or ask them now as our staff will note any questions you may have for further and later response.

Thank you for providing an opportunity for the Manitoba School Boards Association to address this bill.

Mr. Chairperson: Thank you, Mr. Campbell, for your presentation.

And now we'll go on to questions for five minutes, and the first question will go to Mister—the Minister of Education, Mr. Cullen.

Hon. Cliff Cullen (Minister of Education): Thank you, Mr. Campbell, for your submission. I do look forward to your written submission as well, and I will just say that I look forward to future discussions in respect of Bill 45 and 64.

So, with that, I thank you for your thoughtful presentation tonight.

Mr. Campbell: Thank you, Minister.

Mr. Chairperson: Mr. Campbell, do you have a response, or do you want to add to it or—

Mr. Campbell: No.

Mr. Chairperson: Any other questions for the—from the committee?

Mr. Nello Altomare (Transcona): Thank you, Mr. Campbell, for your presentation this evening. It certainly does paint a bit of a picture and gets us ready for what I anticipate will be some very interesting committee hearings when we get to Bill 64.

Mr. Campbell, if you can expand a little bit more, you were talking about how this bill may impede the recruitment of professional staff in Manitoba.

Can you talk a little bit about that a little bit more and kind of flesh that out for us?

Mr. Campbell: Thank you for the question, Mr. Altomare.

I think, in terms of providing—I'll say a comparative analysis in terms of what we identify from a labour relations perspective at the association, we can certainly provide you more details in that regard.

But what I would reference, as the chair of a board who has a solid working relationship with the president of our local teachers association and who can bring the needs of the local school community to the bargaining table, having been directly connected to the parents and the communities that our schools serve, the relationships that inform the bargaining—the local bargaining process in Manitoba today and the community connections and mutual pride and mutual continued work for the good of all of our local schools in each of the communities that we represent, is something that will be lost with the passage of Bill 45.

And when you consider that, I think for most of my trustee colleagues that are across the province, the local teachers association attends every one of our public board meetings and we have the opportunity to engage with them in formal questions as a matter of the public question period, which is a standing item on every public board agenda, they have the opportunity to publicly engage with the board on matters of COVID-19, you know, recognition of the work that senior administration teams are doing and the like. And when that local association piece, in collaboration with the local school board, is lost, so much of that important connection that informs the work that happens in public schools will be lost along with it.

Mr. Chairperson: Anybody else have a question for the—for Mr. Campbell?

Ms. Cindy Lamoureux (Tyndall Park): Thank you, Mr. Campbell, for your presentation and all the work you do with Manitoba school boards. And I really appreciate how you came to committee with both hats, being able to share some perspective from different sides, as well.

Now, you did start to answer my question in your last answer, but I was wondering if you could elaborate a little bit more about the work that goes between local communities being able to work side-by-side along with teachers, and just how that would be tangibly changed with this legislation.

Mr. Campbell: Thank you for the question, Ms. Lamoureux, and you're right, I touched on a bit of that in my last response.

* (18:20)

When you consider the programming that exists in schools distinctively—that is distinctive to the community in which the school resides, be it cultural programming or specific language immersion programming, be it some of the resources and programming that are in place for students with exceptionalities or with additional needs. All of that inherently locally derived knowledge, either from the elected representative who has been democratically selected to serve their constituents or the teacher, or the local teachers' association, which is—which—who are immersed—represent their membership, who are immersed in the delivery of that programming or in the execution on those resources that are made available by the local board.

Those two things complement each other very well. And I'm not here to paint a picture of local

bargaining as a perfect—you know, we don't all—we don't just get together and talk about how wonderful everything is. Local bargaining can be very difficult for all of the other reasons that I've also listed because when you—

Mr. Chairperson: Mr. Campbell, your five minutes is up for questions. Thank you very much for your presentation and the questions that you asked—that were asked by our members here on the committee.

So now I'll call on the next committee member—the next presenter, Donald Nikkel from Lakeshore School Division. I'll ask the moderator to invite them to the meeting.

Please unmute yourself and turn your video on.

Okay, there he is. Mr. Nikkel, you can present, please.

Mr. Donald Nikkel (Lakeshore School Division): Hello. Yes, thank you for allowing me the opportunity to join tonight.

My name is Donald Nikkel. I'm the superintendent of human resources at Lakeshore School Division, and I have been asked by our board to speak on behalf of our region here tonight on Bill 45.

So, as a small rural school division, we serve a large, sparsely populated region. It's approximately the geographic area of PEI, and we have about 1,000 students enrolled. And we're acutely aware of both the challenges and benefits of being a small entity, and I think it's really led us to having a very personal and unique approach to education in our region.

And at the core of our system is our teaching staff, who work really hard to put our students first every day, and over the past number of decades, our board has worked very hard and collaboratively with our local teachers' association to develop a collective agreement that really reflects that relationship we—that we have, as well as the local area.

And so there's certain language in our collective agreement that varies from other entities across the province, and we do feel strongly that we want to protect our ability to have our voice heard locally. And I think that it was appropriate that I followed on the presentation of Alan, who mentioned, kind of, those local needs and local interests. And when you take a look at the difference between a region of our size and our student population versus an urban region, there's significant differences in terms of our operational and educational needs.

So, while our board agrees that the teacher bargaining process can certainly be streamlined, and there could be some efficiencies found there, there are concerns of certain language in Bill 45 that would effectively sideline the voice of rural areas.

Of particular concern is 99.9, which talks to the voting process for employers organization. And in this section it lays out the process to follow if voting is required by the employers, and it stipulates that each district will have their voices weighted to reasonable effect—reflect the size of the unit of teachers for each member school division or district.

In effect, because of the difference in numbers between urban and rural divisions, the fact that it would go by the number of teachers in each region effectively sidelines the voice of rural areas with low populations.

So, regardless of what system changes may be coming, and I understand, you know, that there are obviously, as Mr. Alan—as Alan Campbell pointed out, there, you know, there's likely some discrepancies here between Bill 45 and Bill 64, but we can say that whatever changes occur to teacher bargaining in the future, we would strongly recommend that the wording be made in such a way that rural areas have a voice in teacher bargaining and that we have an equitable system of coming to the table. For example, each region could be allocated one vote, by virtue of representing a geographical area, and then there could be an equal number of votes to the number of regions that are distributed according to the number of teachers—so, both a popular voting mechanism as well as a geographic area allotment as well.

So, just wanting to highlight that as one of the concerns in Bill 45, and also just wanting to highlight that there is significant differences between rural and urban areas. And, when we're looking at a single collective agreement being proposed for governing all teachers across the province, we need to make sure that there's allowances for those differences.

Some key examples of that that to kind of paint that picture in a clear light would be transfer agreements, for example. So if we're moving a teacher from one school to another school in our region, it's a very different situation than a division or district that's moving a teacher from one school to another in an urban area. And these things need to be reflected in a collective agreement, and I believe that it's important that rural areas have a voice in the process.

Mr. Chairperson: Thank you, Mr. Nikkel, for your presentation, and now we'll go on to questions.

And does any committee members have questions for the presenter?

Mr. Cullen: Thank you, Mr. Nikkel, for your presentation tonight on behalf of your board. Thank you for sharing your perspective, obviously from a rural perspective, small, population-wise, but a large geographical area. I do appreciate your perspective on that.

So thanks again for your time and your presentation.

Mr. Chairperson: Mr. Nikkel, do you have any response?

Mr. Nikkel: Thank you, 'minicin'—Minister Cullen. I certainly appreciate that, the time that you're taking to listen, as well.

Mr. Altomare: Well, thank you, Mr. Nikkel, for your presentation and for kind of painting a picture for us of what Lakeshore School Division is like. I think sometimes that when we're in the city here we kind of lose perspective about what's going on outside the Perimeter and how truly unique some of the situations and circumstances are in our schools. And our schools certainly reflect our communities.

So can you just maybe tell us a little bit how your community is actually represented in some of the collective agreements that you have reached with your teachers?

Mr. Nikkel: Yes. Absolutely. So, I, you know, I think if you take a look at our transfer agreement, as I brought up a little bit earlier, in section 12 of our collective agreement, there's some unique language in there, and I think that unique language is reflective of the fact that we've had an excellent relationship with our local teachers association over a number of decades, and it really speaks to a very collaborative process in that process.

So if we have a need in our division where we're—where we need to bring, for example, a teacher from one community to another, the process there is that we need to look at our needs as a division but then we're also consulting and entering a dialogue with that employee. And we've been able to make that work really effectively over the last number of decades.

And, you know, when you take a look at, once again, at urban areas, there's some differences in the wording, in the language there, and I think that when

it comes down to it, it's reflective of that relationship that we have with a smaller number of teachers and also due to our larger geographical area.

Mr. Chairperson: Any third questions from the committee? No other questions?

Ms. Lamoureux: Thank you, Mr. Nikkel, for your presentation. And by the looks of it, you might be in a classroom right now.

I really appreciate that you brought forward the recommendation of transfer agreements, and on that same note, I was wondering if you'd be able to recommend an amendment to the bill that would provide some confidence that voices for those who are living in rural areas will be heard and fairly represented.

Mr. Nikkel: Yes. You know, there are a number of different systems that could be looked at.

* (18:30)

So, if you look over to Saskatchewan, you know, there's a mechanism where the Province overall is responsible for some aspects of the collective agreement, and then there's another tier where boards are responsible for some other details. So that could be a system that could be looked at more.

As well as what I mentioned earlier with just ensuring that if there is a employer voting mechanism, that there's a balance there between the rural areas and the urban so that if there's a number of urban—or, sorry, rural regions that collectively get together because a issue is very important to them, that when it comes down to a vote, that their vote counts. And so we need to have that balance as many democratic systems have between a popular vote and a vote for regions.

Mr. Chairperson: Is there any further questions from the committee? We have probably one more minute.

And if there isn't any, thank you, Mr. Nikkel, for coming and presenting today. We appreciate it.

Now we'll move on to and the next presenter, Jan McIntyre, board chair of the Prairie Spirit School Division. And moderator to invite—I would ask the moderator to invite them into the meeting.

Please unmute yourself and turn your video on.

Ms. McIntyre, if she can—she hasn't been up on the Zoom yet. *[interjection]* Okay, is Ms. McIntyre—we'll bring her down to the bottom of the list.

And now we'll go onto Sandy. Our next presenter is Sandy Lethbridge, from the board of trustees from

St. James Assiniboia School Division. I'll get—have the—ask the moderator to invite them into the meeting.

Please unmute yourself and turn your video on. *[interjection]* Oh, Sandy, not on the video.

Now we'll move down to the next presenter, presenter No. 5, James Bedford, from the Manitoba Teachers' Society.

Do we have James? Would the moderator invite them into the meeting and please unmute yourself and turn your video on. Okay, we do have James here.

Mr. Bedford, you can go ahead and have your presentation.

Mr. James Bedford (Manitoba Teachers' Society): Yes, thank you very much. Good evening to the committee. My thanks for the opportunity to speak to you this evening. My thanks also for the work you do on behalf of all Manitobans.

So, good evening, my name is James Bedford. I'm the president of the Manitoba Teachers' Society. The society represents the 16,600 public school educators who work across the province of Manitoba. I'm here, of course, to speak on Bill 45, the public schools amendment and MTS amendment act.

The bill moves educators from a local to a single-tier provincial bargaining model. The society has supported a provincial bargaining model for more than a decade now. However, this legislation includes an ability-to-pay provision which we would consider to be interference in the collective bargaining process.

Sixty-five years ago when teachers gave up the right to strike, we were guaranteed then a fair, independent and meaningful interest arbitration process in exchange. The ability-to-pay provision reneges on that guarantee and threatens the sanctity of collective bargaining.

Many teachers in Manitoba currently remain without a collective agreement for several years. This is the direct result of interference through bill 28, The Public Services Sustainability Act. This bill was never proclaimed. In fact, it has been deemed unconstitutional by the Manitoba Court of Queen's Bench. Nevertheless, it has had a significant impact on the ability of teachers to achieve new collective agreements.

Recently, the Education Department sent superintendents a letter indicating divisions must now obtain a bargaining mandate from Cabinet's public sector compensation committee prior to engaging in

negotiations. It is fair to say that the government has established a pattern of behaviour when it comes to suppressing the rights of teachers to free and fair collective bargaining.

The ability-to-pay clause in Bill 45 is just the latest in a string of such attacks. The clause put school divisions in the very unenviable position of making difficult choices about whether funds should be directed into student programming or towards staffing.

We have said it once and we will say it as often as what is needed: teacher working conditions are student learning conditions and they are interconnected. This means that funding one aspect while short-changing the other will lead to negative outcomes for both teachers and their students.

We're also concerned about the coming-into-effect date as it is stated currently in the bill. As written, local teacher collective bargaining will end upon the proclamation of Bill 45. This will freeze the terms and conditions of some teacher collective agreements as of July 1st, 2018, until succeeded by a provincial contract. We do not have a date for the commencement of provincial bargaining, but even after we have a date, it must be understood that the complexity of blending 37 local collective agreements into a single provincial agreement can take several years following that commencement of bargaining.

While it is conceivable that salaries, allowances and some other benefits could be bargained retroactively to the July 1st, 2018, date, this may be at a potential cost to other provisions within the provincial contract. Working conditions and rights could be frozen in place for years without some teachers having the ability to amend these or bargain new provisions in response to ever-changing workplace conditions.

In effect, the ability of teachers to bargain working conditions and rights to address circumstances arising during these years would be lost forever. Taking away the right to bargain from teachers and simultaneously freezing the terms and conditions of their local agreements into place, the majority of which have expired on June 30th, 2018, for an indefinite number of years until a new provincial contract begins, effectively eliminates their right to use collective bargaining to address key employment issues.

We know that Manitobans place great value on our public education system, and that teachers play a crucial role in contributing to the success of that

public education system. Teachers deserve the opportunity to negotiate fair terms and conditions of employment through a meaningful collective bargaining process. In fact, the Charter guarantees their rights to such.

Based on this knowledge, we're calling on government to amend Bill 45, the public schools amendment and MTS amendment act, by removing the ability-to-pay provision and making July 1st, 2022, the effective date for the commencement of a provincial collective agreement.

I'll just add one thing that obviously wasn't in my script, and we've heard from several presenters—and I appreciate their presentations, each one, be they superintendent, trustee and now myself, will talk about the relationships that come with collective bargaining.

And I wish to emphasize the importance of those relationships in any collective bargaining process; certainly, they are appreciated by the teachers who work so hard across this province.

Again, thanks very much for the opportunity to present.

Mr. Chairperson: Thank you, Mr. Bedford, for your presentation.

And now we'll go on to questions. Is—any committee members have questions for the presenter?

Mr. Cullen: Thanks, Mr. Bedford, for your presentation. I appreciate your perspective.

I do want to thank you and certainly all your members for their work over the past little more than a year on the COVID front. It certainly has presented us challenges when it comes to education, and we do appreciate all the work that your members are doing to keep both our students and all of our staff healthy through this. So, I wish you all the best—and your staff—your members—in the future.

So, thanks again for your presentation.

Mr. Bedford: Thank you for those comments. We appreciate the understanding.

Mr. Altomare: Thank you for your presentation, Mr. Bedford.

It's always a pleasure to listen from the people that are right on the ground, right, working with our kids and right on the front lines, providing some of the excellent—some excellent—not only just educational pieces but also caring pieces for our kids, and

that's, you know, something that sometimes we don't say enough of. So, thanks again to you and your membership.

I want to take everyone on a bit of a history lesson. This is—the ability-to-pay provision in Bill 45 harkens back to the '90s, the last time we had this current government—the last time we had a PC government, where they tried to also instill an ability to play—pay clause. I recall in May of 1996 leaving the MTS AGM from the corner of Portage and Main, and walking down to the minister's office all the way over here on Broadway and raising our voice on this ability to pay.

So, here we are again now, 25 years later, and still we have the same ability-to-pay clause. And nothing is more insulting to teachers, right, when we enter into this trust relationship with government, a trust relationship with our school divisions, where the ability to pay comes in to cloud and impact that trusting relationship that we have with our teachers, and it's something that, for me, really, really kind of underscores this government's priorities.

* (18:40)

Can you, Mr. Bedford, just tell us, how do you see Bill 45 impeding the bargaining process when we're talking about something like good faith?

Mr. Bedford: Well, I think the expression, sir, is our boots have touched much of the same ground together. I recollect well the instances that you speak of.

The ability-to-play—to pay clause is a traditional interference mechanism within the collective bargaining process because it's so terribly difficult to define.

And in this case, with working directly with the provincial government or negotiating directly with the provincial government or their agent within provincial bargaining, it's very difficult to define what exactly is a government's ability to pay, because a government's ability to pay is directly related to a government's desire to tax. And some governments have a desire to properly fund all public services; other governments have a priority to not tax or to reduce taxes.

And should that concept, should that philosophy then be the one that drives whether or not you properly compensate individuals who make that proper decision and make that decision to work in public service through their entire careers?

Mr. Chairperson: Okay. Next question is from Mr. Johnston.

Mr. Scott Johnston (Assiniboia): Just a quick question in regards to the ability to pay. You know, I'm certainly familiar with the discussions that have taken place on the ability to pay, but I was just curious in regards to—it's my understanding, or it's been my experience, that the local school boards have always indicated that that's a component that they wanted to be considered within the negotiations that took place between their locals and those school boards when they're in the process of negotiating.

So I'm at a little bit of a loss here to understand why this is—seems to be only a provincial government's initiative, because, as I mentioned, the local school boards, I believe, were very adamant that that be part of consideration through conciliation and between arbitration.

So perhaps you may want to comment on that.
[interjection]

Mr. Chairperson: Mr. Bedford.

Mr. Bedford: Thank you. Sorry to jump in so quickly.

The landscape, of course, changes throughout the years because—and my experience at local collective bargaining backdates the election of the current government. Local school boards have, for years and years have had the ability to tax locally, and therefore if there's a shortfall from funding from the provincial government, they turn to their local ratepayers and tax accordingly to their local ratepayers.

My experience at the bargaining table has always been that those relationships, those conversations at the bargaining table focus around the work that's done within that local school division, and you find very quickly that there's a strong desire from communities and a strong desire from school trustees to maintain programming, but also to adequately compensate the people that work for them, the teachers and, quite frankly, all workers in the educational system.

Mr. Chairperson: Thank you, Mr. Bedford, for your presentation and answering the questions. We'll—your time is up for the five minutes.

So now we'll go on to the next presenter.

Floor Comment: Thank you.

Mr. Chairperson: Thank you.

Now I'll ask the moderator to invite the next presenter. The next presenter is John Wiens, as a private citizen. Would the moderator invite them into the meeting.

Please unmute yourself and turn your video on.

Floor Comment: Hi. I don't know whether—

Mr. Chairperson: Oh, Mr. Wiens, yes. We see—we hear you.

Floor Comment: Okay. I'm actually not sure how I should turn my—okay. Just wait; I got it.

Mr. Chairperson: There we go. We can see you and we can hear you.

So, Mr. Wiens, you can start with your presentation.

Mr. John Wiens (Private Citizen): Thank you, Mr. Chair. You'd probably be just as happy if you couldn't see me, but anyway.

Good evening, everyone. Good evening, committee members.

I am, in a sense, representing myself. I am a private citizen. I was a superintendent for a long time. I have sat on both sides of the bargaining table, at the local level. I have been chair of the teacher welfare committee for the Canadian Teachers' Federation and a long-time student of labour relations and of the ILO provisions for labour relations.

I just—I'm providing my perspective on a number of aspects of this bill, simply to have people understand the things that they might not have thought about before, and I think, to think carefully about some of the things that I believe that we might very well be losing with the passage of this bill.

Manitoba, through my experience at the Canadian level particularly, but also at the American level, has been the envy of other provinces and of other jurisdictions. And one of the things that make us the envy of others is that we've had this amazing relationship with—between school boards and teachers, and senior administrators and teachers. We used to attend, you know, I'm dating myself, of course, but we used to attend Canadian Education Association meetings as groups from various school divisions and various school districts. And we socialized together at those things and we, in fact, solved lots of the issues in regard to the relationships that we had at those meetings. So we might lose that.

Now, I also understand, I think it's mentioned—been mentioned earlier that some parts of this bill seem to be moot actually, in light of Bill 64 and I want to acknowledge that but I don't want to spend a lot of time talking about that.

I do want to say that virtually everywhere, where we've had—and even in Saskatchewan, where there's a kind of a two-tier bargaining, when we've gone to a more centralized, a more formulaic, a more standardized provincial-wide kind of bargaining, we've seen increased militancy. And increased militancy has resulted in a number of things. One of them is that every minute of the day is bargained. You know, every minute of the day becomes a working condition. Every minute of the day when a principal or a manager or somebody wants to say, I actually want your attention to come and talk to you, it's something that's bargained.

And so, in some cases, you know, in BC, for example, the—a staff meeting can only last for a certain period of time and when that time is up, teachers are basically asked by their teachers' federation to leave the meeting. It doesn't matter what unfinished business there is, and so on.

The same thing is true when it comes to issues like noon-hour supervision and other kind of supervision things. Virtually every minute of the day is bargained, and the militancy actually extends way beyond the school and the classroom. It makes—in a sense, it makes enemies out of people and that's one of the risks of—that we have with this kind of centralization agenda that we have at present time.

Now, I support collective bargaining. And I have been in management more of my career than I have been on the other side, but I support this because I would agree with some of the former speakers that what happens at the bargaining table is less about the money and more about the relationship all around.

And I, you know, I would use some examples of that, but those of you who are—have been involved in collective bargaining, like I have been for years, will know that we actually don't talk about money until probably the last two or three meetings, you know, in regular collective bargaining. We actually could have as many as eight or 10 meetings talking about the issues that are important to teachers, that are important to the community and sharing our different perspectives at the table on those kinds of things.

And after we're done all those things and we can get them off the table, that's when we started talking about the money.

* (18:50)

And—which brings me, actually, to my next point. I do support the MTS as a bargaining agent of teachers. I think that there's a real loss when we lose

local bargaining, and that's where I would part company with the Manitoba Teachers' Society.

And one of my concerns is a democratic concern: that we have no replacement; in fact, we don't have a very good—we didn't even think about it very much. We have no replacement for the democratic discussion that takes place around the table in bargaining. We—we're reducing that. That space has been reduced over time and it's being reduced even more in the bills that are in the Legislature today. We're actually reducing the spaces where people can engage with each other about the things that are of mutual interest to them.

We have enjoyed, in Manitoba, 100 years—a century—I would say, of labour peace; no strikes and stuff like this. This is very unique. And again, it makes us the envy of other people. And so I'm very glad that the arbitration system is still in place, but I do have to agree with the—some of the former speakers, that this ability to clause—ability-to-pay clause is a—not just an unwelcome diversion; it actually never works.

It's always not—it never was about ability to pay; it always was about willingness to pay. And that is—what it does for me, the introduction of that clause in here, in fact, suggests that we actually want to extend our bargaining process, make it more militant, make it more adversarial, because we all know, in our heart of hearts, that ability to pay has nothing to do with it.

It certainly would have nothing to do with it in Manitoba at this point in time, nor in the history of Manitoba. We've always had the ability to pay; what we haven't had is the willingness to pay. And the fact that it keeps coming up is also a horrible distraction. It came up under bill 72; there's—there are other attempts under Bill 28.

I mean, these things are actually, I think, a contradiction or a—close to a violation of the International Labour Organization agreement with the United Nations about free and unfettered collective bargaining.

So, I want people to think about that carefully. I think that's—arbitration is really important, that we have a third-party arbitration, somebody who sits down and hears both sides and makes a decision and ensures that our students, our children's education isn't interrupted, their schooling isn't interrupted.

I think that's really important, and I would hate to lose that. But I think we should also remove some of the other things, which are actually just—they don't

stand up and they'll simply be bumps in the road and make the road bumpier than it needed to be.

So, I thank you very much for your time. I appreciate the time that you've given me, and I want to, of course, wish all of you well as the committee as you deliberate on this further. Thank you.

Mr. Chairperson: Thanks, Mr. Wiens, for your presentation.

Now, we'll—does the committee have questions for the presenter?

Mr. Cullen: Thanks, Mr. Wiens, for your time tonight, and thank you for sharing your perspective. Certainly appreciate the number of years you served in various areas in education and respect your opinion tonight. So, thanks again.

Mr. Wiens: You're welcome.

Mr. Chairperson: The honourable—Mr. Wiens, do you have anything to respond to the minister, or?

Mr. Wiens: No. Just, thank you.

Mr. Chairperson: Okay. Mr. Altomare, for the next question.

Mr. Altomare: Well, thank you for your presentation, Mr. Wiens. We certainly learned a lot and we know of your extensive experience, both in the leadership capacity—and part of that leadership capacity, of course, was the ability to collectively bargain with local teacher bargaining units.

Question I have for you is, how do you see the ability-to-pay clause harming that relationship with professional staff in school divisions?

Mr. Wiens: I actually—I think the way it exists now, does not throw a necessary road block or actually shut down discussion that would ordinarily take place. I mean, we use those words—they've—I've heard them over and over again from trustees. I've perhaps even used them, though I don't think I have. Perhaps even used them myself when I was on the management side and said, you know, our citizens and our community members are—don't feel that they wish to pay more at this point in time.

So—and you have to take that into consideration. They feel that if we actually extend to you the things that you're asking for that it will make their lives a lot more difficult. And I could go on and on about that. But the point simply is is that it throws a kind of wrench into this, into the free and collective bargaining, because, actually, it will never stand up in

court. It will never stand up in—at a third-party arbitration. It simply creates a distraction and a diversion and something that will extend negotiations, because people will use their own definitions, in my experience with this, right, and just use it to block things that might happen otherwise.

Ms. Lamoureux: Thank you, Mr. Wiens, for taking the time to come out and present to committee tonight. It is clear the importance and role bargaining plays, and I appreciate that you can speak to that from both sides of the table.

And, you know, you raise such an important point, that there is no replacement for bargaining with this legislation, and that really resonates with me. And I guess I'm wondering if you have alternative ideas or amendments or if you think it'd be better to sort of start from scratch here and reconsider this entire piece of legislation.

Mr. Wiens: You're opening a big door, because I think that the government—be well advised to look at lots of their legislation and rethink it. And, actually, I would argue, quite frankly, as I have in other places, that they actually did not—were not given leave to pursue some of the things that they're pursuing in the last election.

And, you know—and so in answer your question I would say it's not only this piece of legislation, but there are about five pieces of legislation that are on the books at the present time that actually stifle debate or attempt to stifle debate and dissent. And it's usually problematic to me.

I don't have any suggestions, you know, I mean, in that regard. I know that these things could die on the order table if certain things happen, but other than that, on some of these bills I would take more time. On this one, I'm actually not sure. I mean I—this is certainly not the most important one to me, okay. But it's one more problem, as far as I can see.

Mr. Chairperson: Mr. Wiens, thank you very much for your presentation and answering the questions.

Now, we'll get on to the next presenter. I will now ask the moderator to invite the next presenter, which would be Lise Legal. Hopefully, I'm pronouncing it right. From Pembina—Lise, is it? Lise Legal from Pembina Trails Teachers' Association. I would ask the moderator to invite them into the meeting.

Please unmute yourself and turn your video on.

Ms. Lise Legal (Pembina Trails Teachers' Association): Oh, hello, everybody.

Mr. Chairperson: Hi, Ms. Legal. How are you?

Ms. Legal: I actually am hoping to wait for the second round, with your permission. Is that acceptable?

Mr. Chairperson: Okay. You want to go later? Okay.

Ms. Legal: Yes, please.

Mr. Chairperson: We can drop you down to the bottom of the list then.

We'll move on to presenter No. 8, Nancy Karpinsky, private citizen. I would now have the moderator invite them into the meeting. Please unmute yourself and turn your video on. Oh, sorry.

Is there leave for like a—first—before we get Ms. Karpinsky on there, we have to ask for leave from the committee to drop Lise Legal down to the bottom of the list. Is it agreed to—of the committee? *[Agreed]*

* (19:00)

I wonder if Nancy Karpinsky is—no, so we're going to drop Nancy Karpinsky down to the bottom of the list.

And next number—presenter No. 9 is Anne Lindsay. I will now have the—ask the moderator to invite them into the meeting, and please unmute yourself and turn your video on.

Ms. Lindsay, you can go ahead and—Ms. Lindsay is actually from the Thompson Teachers' Association.

Ms. Anne Lindsay (Thompson Teachers' Association): It's not working. Oh, there we go.

Mr. Chairperson: We can hear you. Your video is now turned on.

So, Ms. Lindsay, you can go ahead with your presentation.

Ms. Lindsay: Good evening. My name is Anne Lindsay. I'm speaking tonight on behalf of the Thompson Teachers' Association.

I have spent the last 35 years working at R. D. Parker Collegiate up in Thompson. When I was asked to do this presentation, I promptly recruited the aid of former MTS president, Brian Ardern.

Well, I will try and contain my remarks to Bill 45, I am unable to speak freely about provincial bargaining without also discussing local bargaining.

The Thompson Teachers' Association believes that if Bill 45 is passed, it will be detrimental to teachers, students and local communities in the North

and in rural areas. The Manitoba Teachers' Society has their own beliefs for provincial bargaining but I will mention now that the Thompson teachers have always voted against provincial bargaining.

In many ways this legislation evokes a strong sense of *déjà vu*. It is very much like bill 72 that another Conservative government passed in the 1990s over outrageous objections from teachers and all supporters of fair and free bargaining, one of the factors that led—which was one of the factors that led to the defeat of the government and the legislation was eventually repealed.

It is briefly worth reviewing the history of teacher bargaining in Manitoba. Back in the mid-1950s, teachers, after discussions with school trustees and the provincial government, willingly agreed to give up the right to strike in exchange for an arbitration process that would be binding on all parties.

That system has proven to this day to be an unqualified success. In the nearly 70 years since the agreement was struck, the students of Manitoba have not missed a single day of school because of a collective bargaining dispute, nor have teachers salaries and benefits spiralled out of control, remaining in the same relative place when compared to provinces that have endured lengthy discouraging work stoppages.

In the 1990s the Filmon government broke this agreement, instituting a system that's limited the scope of arbitration and imposing an unwarranted, ill-defined and prejudicial system that allowed for the ability to pay to become a crucial factor in what was left of the arbitration system.

Since employers normally claim they lack the resources to pay additional salaries and many important areas were now excluded from arbitration; the legislation, for all intents and purposes, ended free and fair collective bargaining for teachers in the province, which is why teachers never stopped fighting to have the legislation repealed.

We fought in the courts, at the local level and especially at the ballot box, insisting we would never surrender our rights to freely bargain collective agreements. The same can be true for teachers today.

This current legislation disappointingly return to these same themes, to the same effect. It seeks to eliminate the rights of teachers to a fair collective bargaining system by getting the arbitration process—by gutting the arbitration process that underpins it. In addition, the legislation also seeks to eliminate the

process that allows for collective bargaining at the local level and imposes a system of provincial bargaining.

This is an extreme and radical approach which will prove to be the detriment of teachers, students and local communities. The disadvantages of provincial bargaining far outweigh the benefits. Obviously, it sacrifices issues of local importance for more global ones. Many rural or northern residents already feel that their interests are secondary to those in the major urban centres, and provincial bargaining can only inflame those concerns.

But the problem created by this proposal goes far beyond rural and urban concerns. While bargaining may be contentious, the fact is, the vast majority of collective agreements are achieved without arbitration being necessary. In and out of itself, is a valuable—is valuable in that it allows for communication and understanding of the issues facing both teachers and locally elected trustees.

Bargaining is an intensely human process, and eliminating a local bargaining will 'destroy'—will destroy the single most important process teachers and trustees have to communicate openly and build respectful, trusting relationships. It's hard to build trust in your employer when they're an eight-hour drive away, and that's in good weather.

If anything, provincial bargaining puts up barriers to open communication with our employers. Bargaining empowers teachers by allowing them to talk directly to their employers, making fair representation much easier to achieve. But there's no point in bargaining issues that are not open in arbitration. And the system of provincial bargaining, there will be no local bargaining at all.

Bargaining is been one of the few processes that allows school trustees and teachers to connect with one another. It is one of the rare times where teachers got extensive access to trustees, interact with them and had the opportunities to make the concerns known. It also gave teachers a chance to understand concerns and issues that face trustees. Relationships were built through the bargaining process. Trust was developed. Respect was built.

Collective agreements are not just more likely to reflect local issues when they are bargained locally; they're also more likely to be respected and adhered to when they bind people who actually negotiated them. An agreement hammered out in Winnipeg will not receive the same attention, respect or compliance as

one that was hammered out at the school board office over many hours of discussion. Such agreements will represent one more decision made by those who know little of and care little about those outside the Perimeter. This may be—this assessment is made frequently and is often unfair to those charged with making decisions, but it is a common perception and it is not always wrong. A provincial bargain will only extend that perception.

If all teachers are paid the same and have the same benefits, then there will be major problems attracting teachers to the North. The days when teachers were in their profession to make a difference in a child's life and to serve society have been over for many years. This generation may want to make a difference in a child's life and serve society, but they also want to see the value they're getting; how they are valued, the money and the perks they're being offered will outweigh the disadvantages of working in the North.

It is difficult to understand why this government has chosen to reignite the anger and outrage of teachers and supporters of collective bargaining, especially with legislation that is eerily similar to legislation passed, bitterly fought over and then repealed two decades ago. People under attack seldom respond passively, and teachers have already demonstrated that they will never surrender their ability to bargain their salaries, benefits and working conditions. Refighting such battles not only seems futile, but ridiculous.

On behalf of the Thompson Teachers' Association, I thank you for giving me the opportunity to make this presentation and for listening.

Mr. Chairperson: Thanks, Ms. Lindsay, for your presentation. And now we'll go on to questions.

Does any member from the committee have questions?

*(19:10)

Mr. Cullen: Thank you, Ms. Lindsay, for your presentation. Obviously, unique circumstances in northern Manitoba. I hope all is well in Thompson. I do look forward to getting back to Thompson, hopefully in the very near future.

I just ask that you pass on my best to the members of your association in Thompson. So, thanks for joining us tonight.

Mr. Chairperson: Mr. Altomare, with a question.

Mr. Altomare: Thank you for your presentation this evening, Ms. Lindsay. I learned a lot about it, simply because you bring that northern perspective, and often, you know, we don't get that perspective. Again, like I said earlier, outside the perimeter highway.

I want to ask you, as a teacher with some experience in the system and that has experience both at the bargaining table and in the classroom and in the association where—you talked about a damaged relationship with this government.

I want to ask you: What can this government do to begin repairing the relationship with teachers?

Ms. Lindsay: This is going to be a personal opinion only. This government, in many ways, felt like they were treating teachers with contempt. You will do this for the good of society. When I read in the legislation about teachers should remember that they are there to serve society and that when they're bargaining, things like economic conditions, the ability to pay—and we should remember that we're not there for money, power or prestige.

That's insulting. We do what we do because we like it, and everyone, as a teacher, can experience the joy of when a student understands something they've been struggling with. But words like that just make me see red. The same can be true of politicians, but I don't hear anybody legislating them to remember that they're there to serve society, and they're not there—for the money, the power or prestige.

It is—and it's not only teachers. It's the way we all seem to have been talked down to, not just teachers but nurses, Hydro workers, Manitoba government employees—anybody affected by the illegal legislation that tried to freeze wages.

That was insulting. If—personally? You get rid of Bill 45, it—and make changes to Bill 64, I'd be willing to talk to you. I mean, you would gain my respect.

But Bill 64—I'm not against revisions to education; I think there are parts of education that are long overdue. But taking away local bargaining and local school boards is not the way to go about it.

Mr. Chairperson: Ms. Lamoureux has a question.

Ms. Lamoureux: Thank you, Ms. Lindsay, for your presentation, and just the sincerity, especially with that last question and answer there. I think that that human component of committee is extremely, extremely important. So, I just want to thank you for that.

And then, just more of a comment and I guess another thank you is for putting on our radar that there was similar legislation to this in the past. It's the first time that's actually been put on my radar, and I appreciate that. Thank you.

Ms. Lindsay: I'm—probably why I got chosen to speak, because I can be opinionated. And as they say, the closer you get to retirement, the less likely you are to watch your tongue.

Mr. Chairperson: One more question, Mr.—Lamoureux—Mr. Altomare.

Mr. Altomare: Ms. Lindsay, you talked a little bit about the difficulties of recruiting professional staff up North. Can you provide a concrete example of when you—when—when you can't find a professional staff, what happens in the school? Especially in a large school like R.D. Parker? *[interjection]*

Mr. Chairperson: Ms. Lindsay—I have to address you first. Ms. Lindsay, you've got about 20 seconds and if you—go ahead.

Ms. Lindsay: Okay. In our vocational department, we were unable to get qualified teachers in many of the areas. We have hired professionals who have the red seal, and are currently working on their vocational teaching certificate.

Mr. Chairperson: Thanks, Mrs. Lindsay, for your questions and your presentation and answers. We—our time is run out for questions. And before we do—okay.

We would also like to—we—I was—also want to advise the committee, we've also received written submissions from the following people for Bill 45. The moderator will distribute the—electronically copies of all virtual committee members and hard copies for all members present in this committee room.

And these are the following people: Jay Ewert, Evergreen Teachers' Association; Marcela Cabanzas *[phonetic]*, Louis Riel Teachers' Association, Lindsay Vieira, private citizen; Rowena Larvarbias *[phonetic]*, private citizen; Julie Ching, private citizen; Nicole Peake, private citizen; Cameron Watson, Pine Creek Teachers' Association; and William L. Taylor, private citizen.

Does the committee agree to have these documents appear in Hansard transcripts for this meeting? *[Agreed]*

So, now we'll move on to the next presenter. And the next presenter is No. 10, Sean Giesbrecht, private citizen. And the moderator will invite them into the

meeting. Please unmute yourself and turn your video on. Apparently Sean's not attending.

So now we'll move on to presenter No. 11, Chance Henderson, Mountainview Teachers' Association. Will the moderator please invite them into the meeting.

Please unmute yourself and turn your video on. Mr. Henderson, now you can present your presentation.

Mr. Chance Henderson (Mountainview Teachers' Association): First of all, I'd like to say thank you for allowing me the privilege of being here today. It's an honour to present committee on this important matter.

I am Chance Henderson. I am an educator for the past 13 years of my life. And I am the president of Mountainview Teachers' Association. I'm also a parent. My children go to school in this very same division in which I teach.

On behalf of my membership, I wish to share with committee that essentially, our main objection with Bill 45 is the ability-to-pay provision that is within the bill. We're concerned that this provision does not address the real ability to pay. Rather, it defines the ability to pay based on terms of what a school board or potentially the Province would be willing to—they could spend.

When we take a look at collective bargaining, a critical piece to a fair and open bargaining system is an open and non-biased, independent arbitration process. As you're well aware from what's been stated by other presenters here this evening, arbitration for teachers within this province is the only dispute resolution process that we do have available, and it is imperative that this process, essentially, remain virtuous.

As long as the definition of ability to pay is not changed within this legislation, these provisions effectively remove teachers' rights to bargain collectively and replace this right with the employers' ability to impose salaries and working conditions under the guise of bargaining.

So at this point what I would just like to do is I'd like to share a story of one of our members. In preparation for this presentation, I took it upon myself to talk to a number of our teachers regarding the impact of Bill 45 and what having access to fair and open collective bargaining through our union effectively has meant to them. And one story that resonated the most with me was actually that of a

teacher who joined our ranks effectively mid-way through their adult life.

What they had expressed to me was that two weeks in to their new profession, they came to a very deep and profound realization. When we take a look at where this member was prior, this member was working in an industry where, effectively, you know, the member was defining their worth by what they produced per hour. And, you know, the reason why they transitioned to education was because they felt that education provided them an opportunity to take and provide something more, a greater service to community.

* (19:20)

And what they realized two weeks in was that, in effect, because of the working conditions that were established within the collective agreement, because of the salary that was established, you know, they were freed up to take and focus solely on the needs of their students. They were liberated to the point where, through a two-week period, they weren't concerned with matters with respect to their—the well-being of their family, the well-being of their home. They could focus on those matters that were pertinent to their students, whether they be matters that related to education or whether they be matters that related to the social, emotional well-being of kids.

And speaking to that member, the one thing they referenced was very similar to what the honourable Mr. Altomare had referenced. And that was the fact that when you look at the history of the Manitoba teachers' association, we have had 100 years of labour peace, and that is primarily the result of the fact that we've always had access to binding arbitration that was fair and open in scope.

And it was effectively that promise that is extended by our employer, by our government to our teachers. It was that promise that enables teachers to take and carry on the duties and the service that they take and they provide our students and our communities day in, day out throughout the year.

And furthermore, when you look at that and you think of that, you know, that time—that point of reference that that member was speaking of, early on in their career, that was prior to what we've seen over the past two years.

When we take a look at COVID right now, we take a look at the exceptional efforts that teachers are having to make. You know, part of their ability to take and meet those needs and to take and achieve these

things that we are during COVID—finding effective means to educate our children through these challenging times—that is all based off of the foundation of which is collective bargaining, what establishes our working conditions and what establishes our salaries.

At the end of the day, we cannot deny that the working conditions of teachers—and their salaries, in effect, also, by extension—influence the learning conditions of students in our classrooms.

And all we really ask with respect to Bill 45 is that the right to binding arbitration, that it not be influenced by outside factors, that essentially we have the opportunity to still access arbitration that is open, fair and independent, in so that we can arrive at agreements that are—and settlements that are fair to everybody.

Thank you.

Mr. Chairperson: Thank you, Mr. Henderson, for your presentation.

And now we'll go on to questions, and the Honourable Minister Cullen for the first question.

Mr. Cullen: Thank you, Mr. Henderson, for your presentation tonight and joining us. I appreciate your perspective and also appreciate the story of your—one of your members. I will just say, again, thanks for joining us and certainly pass on my best to your members.

Thank you.

Mr. Chairperson: Mr. Altomare, on a question.

Mr. Altomare: Thank you, Mr. Henderson, for your presentation. You know, it's always great to hear from, again, the teachers that are outside the Perimeter Highway to give us that perspective from rural Manitoba.

I know that rural Manitoba takes a great deal of pride in their community schools because, you know, community schools and schools are the one common experience that we have left in our society here in Manitoba, the one thing that we all experience. And I believe a community's best interests are served by very good schools, and thank you for you and your members for providing those very—not just very good experiences, but also the very good relationship building that your members do.

So, based on your experience then, Mr. Henderson, being at the bargaining table and

seeing what you've seen from this current government, what type of employer do you think that this Conservative government will be for a teacher?

Mr. Henderson: Thank you for that question, Mr. Altomare.

To be honest, you know, I would be hopeful that they would be one that would be fair and reasonable, but unfortunately, the actions of this government, whether they be through Bill 28, whether they be through interference in the process of collective-fair and open collective bargaining, when we speak of the University of Manitoba Faculty Association, whether we're talking about the Winnipeg School Division bus drivers or whether we're looking at the most recent situations that we see with respect to the IBEW Manitoba Hydro workers and the interference in government with respect to their bargaining or, for that matter, the recent mandate letters that came out which essentially have terms that effectively mirror what's in Bill 28, it makes it very difficult to be optimistic.

Mr. Chairperson: Any other further questions for the presenter?

Ms. Lamoureux: Thank you, Mr. Henderson, for your presentation. I really appreciated that you consulted with other teachers as well before coming to committee tonight so that you can share perspectives of many people.

I was just wondering if you could talk to us a little bit about if you feel you were consulted with respect to this legislation or at all over the last couple of years that may have had an impact on this legislation?

Mr. Henderson: Well, I can speak in very broad terms. I mean, specifically to the—with respect to legislation, you know, obviously, you know, MTS would be the ones that would be taking the—would be working forward with government on these pieces, and I hope that there would have been extensive consultation on the part of government with MTS.

But just with respect to my experience, when I take a look at the totality of where things are at today, I don't know if within the education review there was enough teacher voice reflected.

When I take a look at recent announcements by this government with respect to consultations that will take place with respect to the BEST initiative, I'm not certain that teachers' voice will be loudly heard through this process. I am hopeful that it will be, and I firmly believe that it needs to be.

We, as teachers, we are best positioned to inform government with respect to the needs of our classrooms and the needs of our students. And, furthermore, you know, we are fierce advocates for our students and we stand ready to take and, you know, share our thoughts, and we stand ready to take and collaborate to working forward as we look towards building a better education system for all.

Mr. Chairperson: Mr. Henderson, thanks again for your presentation. Your time has run out for the questions. And thanks for coming here tonight and to present.

Now we'll move on to the next presenter. Well, next presenter, No. 12, is Kelly Friesen, and because she's having some difficulties with her technology, she's asked approval from the committee to have a written submission that she's going to—and included into Hansard, so that we can have it on record.

Is it will of the committee to allow her to put it on to Hansard? *[Agreed]*

So now we'll move on to number—presenter No. 13, Gregg Walker, private citizen. And now I will ask the moderator to invite him into the meeting. And please unmute yourself and turn your video on. *[interjection]* Okay, so Gregg's not on the call right now, so we're going to drop Gregg down to the bottom.

So we'll move on down to Anna-Maria Conigolio *[phonetic]*, private citizen. Have I pronounced it right? Conigolio *[phonetic]*? Okay. Ms. Conigolio *[phonetic]*, you can present now.

Oh, we don't have any audio.

* (19:30)

Ms. Anna-Maria Coniglio (Private Citizen): Can you hear me okay now?

Mr. Chairperson: Yes, we can hear you now.

Ms. Coniglio: Thank you, Mr. Chair.

Mr. Chairperson: Yes, go ahead.

Ms. Coniglio: Okay. Good evening, committee members. My name is Anna-Maria Coniglio, and I have been a teacher for the past 16 years, and now I am a guidance counsellor, and I've been a guidance counsellor for the past four years.

My concern with Bill 45 is that it changes the way that teachers bargain. It moves teachers from the current system of local bargaining—and I'm not on the

bargaining committee—to a single-tier model of provincial bargaining. Where are the voices of the teachers in all of this?

So this is why I have chosen to speak against this bill. I'm trying to understand how a single-tier model of provincial bargaining is open and unbiased and includes what teachers are facing every day. And I see it because I am in the schools and I have been for the past 20 years.

Teachers have not received any wage improvements in almost four years due to Bill 28 freezing the wages of all public servants. COVID-19 has added significant challenges to the educational system, and its effects will be felt for many years, and that is from now into the future. This provision will negatively impact the public system at a critical juncture and the continuing—

Mr. Chairperson: Ms. Coniglio, can I get you to just move your camera—sorry for interrupting you—if you could just move your camera away. We can't see you; you're just—yes, if you don't mind; we can see all of you, then. Okay, thanks.

Ms. Coniglio: Okay. So I was talking about the COVID-19 pandemic. Since the COVID-19 pandemic, teacher workloads have increased significantly and burnout is on the rise. Nearly 50 per cent of educators responded to an MTS poll that they have seriously considered retiring. I'm not quite there yet, and I don't know if I will be any time soon, but with the way things are going it's definitely an option I would consider.

The public education system is already under stress when it comes to the availability of qualified and certified teachers. Teachers leaving the profession or retiring early would lead to a dramatic teacher shortage. And education is an investment that pays for itself in the long run. Refusal to pay teachers competitive wages compromises the value and quality of public education and the future of our province.

I want to speak a little bit about why I became an educator, and by no means am I aware, or was I aware at the time, of what my salary included. I started at the age of 21 and I worked until—there is no time—yes, there is a time frame when you are in the schools. But if you've ever been into a school I can almost guarantee you that there are educators that are staying well beyond the hours that are required. Whether it's doing extracurricular, whether it is preparing for the next day, the next week, the next month, our educators are working above and beyond, and it's not just their

time; it's because they care. They have a genuine passion and a desire to teach our children, and I am so lucky to be a parent of four beautiful children who are in our educational system.

And I see it; I see the pandemic is taking its toll, not just on our educators, our children, our future. And it brings me back to this Bill 45 where our teacher voices need to be heard. We need to be heard. Collective bargaining allows for our teachers' voices to be heard.

My question is: in provincial bargaining, will teachers' voices be heard?

Do I have to take the full 10 minutes? I don't want to take the full 10 minutes.

Mr. Chairperson: Oh, that's fine. That's—thanks, Ms. Coniglio [*phonetic*]. Thank you very much for your presentation.

Now we'll go on to questions, and we'll have minister, Honourable Mr. Cullen.

Mr. Cullen: Thank you very much, Ms. Coniglio. We appreciate you and your presentation. Appreciate your passion for teaching, and I know of what you speak when you talk about teachers being committed. I'm surrounded by a family of educators, and I know the passion and the time that they spend on work on behalf of their students. So thanks, thanks for what you do and keep up the great work.

Thanks.

Mr. Altomare: Thank you, Ms. Coniglio, for your presentation. Again, I'm learning a lot about, you know, the contemporary experiences going on in our schools right now. Because certainly when I stopped working in the school system in December of 2018, it seems like an eternity ago, and I know that hearing you and hearing your presentation this evening has certainly brought me up to date.

A question I have for you is: Can you talk a little bit about the challenges that you're facing every day at school and whether or not you've felt supported by this current government regarding those challenges.

Ms. Coniglio: Every day is a challenge, from entering the building with this pandemic happening right now; that is a huge challenge. Not just for myself as an educator, but I see the fear in our students who so much want to be there, who want to learn, but are afraid, afraid of getting sick, afraid of getting others sick, afraid of going out, but want to learn so badly.

And the remote learning is not working for a majority of our students. They're not being supervised. They're not getting the interaction; that human relationship is so important, that interaction with each other is so important. But the fear of this pandemic right now is huge.

We're seeing our class sizes increase, where at one point, especially in the early years, they were capped so that we could focus on literacy and numeracy and bring together—I don't know if you know just how many behavioural issues and concerns exist in any classroom, but I challenge each and every one of you to go and visit a classroom and spend the day or two or even a week to see how one educator works with 30-plus students. That in itself is a challenge. Or how to keep them all separated during this pandemic, that not to touch the other person or to keep their masks on or—it's quite interesting to see how things are going.

Do I feel like I am supported by this government? I'm going to give my own personal opinion. No. Absolutely not. And I honestly believe that this bill does not consider teachers or teachers voices, and we are not being heard. And this is not just on behalf of myself but on behalf of staff members that I work with and for, as well.

As a guidance counsellor, I hear; I am the ears, the eyes as well, and I am now speaking the voice. And that is not just my voice.

Mr. Johnston: Thank you, Anna-Maria, I'm not going to try your last name because I can see I can have a difficult time pronouncing it. But I appreciate your presentation very much.

There was a comment that you'd made that I just wanted to address. You said, well, who's going to be bargaining on behalf of the teachers. Well, your MTS union, under the proposal or under this legislation, would be the bargaining unit on your behalf. And I suspect that on many occasions now when the bargaining process takes place within your local, MTS representation, provincial representation is no doubt very supportive of advising your union or your local in regards to the positions they take.

So I think that the security in regards of long-term negotiation under this bill is not going to change that drastically because your union, MTS, will be your negotiator and look after, certainly, your interests.

The other component I just wanted to briefly speak on—and there's been a number of speakers that

have sort of alluded to, is that the bargaining process is somewhat unfair because of the ability to pay and—

* (19:40)

Mr. Chairperson: Mr. Johnston, if you want to just continue your question, as we're almost running out of time here. One last question.

Mr. Johnston: Okay. So I'm just basically saying is that the arbitration process is there, but the arbitration process was faulty, because what happened was when an arbitrator would set a precedent with one school division and that would be the precedent for all school divisions. So therefore that independence that's being discussed here really wasn't there—isn't there. So I just wanted to make those points.

Thank you.

Mr. Chairperson: Ms. Conigalio [*phonetic*], thank you very much for your presentation. Sorry we ran out of time and thank you very much for your presentation and being with us tonight.

Now we'll go on to the next presenter. Next presenter on the list is Kevin Rebeck from the Manitoba Federation of Labour. I will now ask the moderator to invite him to the meeting.

And please unmute yourself and turn your video on. Mr. Rebeck, you can go ahead with your presentation.

Mr. Kevin Rebeck (Manitoba Federation of Labour): Great. Thank you.

Good evening, Chair, members of the committee and other speakers. Before I begin, I'd like to acknowledge and thank the staff of the legislative committees. I've made several presentations the last few days and I know they're working hard behind the scenes in challenging times to have these meetings go smoothly, arranging them, providing support, giving notice, making evening calls, and working hard on all of our behalves. So thank you Tim, Katerina and the rest of the Leg. staff for your hard work and help. It's appreciated.

Now on to Bill 45. I am speaking on behalf of the Manitoba Federation of Labour, Manitoba's central labour body representing the interests of more than 100,000 unionized workers in our province.

The MFL has consistently opposed this government's attempts to interfere in free and fair collective bargaining for public sector workers in our province and will do so again here tonight.

We support the Manitoba Teachers' Society and their concerns with this bill. As you know, in exchange for giving up the right to strike, Manitoba teachers have a guaranteed right to a fair, independent and meaningful interest arbitration process. This right's settled in law. This bill would interfere in the binding arbitration process and threaten the collective bargaining rights of teachers.

I want to start off by thanking teachers and school support staff for their dedication to students throughout this pandemic. They've truly gone above and beyond for students and working families, and our province are better off because of their efforts.

Like all workers, teachers have the right to meaningful collective bargaining with their employer. This right was affirmed last summer when the Court of Queen's Bench struck down this government's unconstitutional wage freeze legislation. The judge referred to it as draconian. Imposing restriction on the bargain—on the arbitration process for teachers is just another attempt by this government to interfere with free and fair collective bargaining.

This government's chronic underfunding of education, coupled with restrictions on the amount of funds that can be raised through property taxes, has weakened the revenue base for school divisions. Furthermore, it has put school divisions in the unenviable position of making tough choices about whether funds should be directed into student programming or towards staff. Since working conditions and learning conditions are interconnected, funding one aspect while shortchanging the other will negatively impact student outcomes.

In short, the ability to pay definition in this bill does not address the economic or fiscal capacities in the education system. Instead it speaks to this government's willingness to pay, a willingness reflected in its ideological preference—slash—revenue available—a preference to slash revenue available to schools providing less resources than needed for students, teachers and school support staff.

This bill would potentially limit the salaries and benefits of teachers to the amounts predetermined by a division or district's budget, a budget largely determined by the provincial government before any collective bargaining has taken place. This would amount to interference in the arbitration process as it would impose an obligation on the arbitration board to consider the willingness to pay.

We support the MTS in calling for the withdrawal of the obligation to take ability to pay into account. Otherwise, this provision would effectively remove teachers' right to meaningful collective bargaining and replace this right with the employer's ability to unilaterally impose salaries and working conditions under the guise of bargaining.

This government seems to have an obsession with suppressing workers' right to free and fair collective bargaining. The ability to pay clause in Bill 45 is just the latest in a string of attacks.

We also support the MTS and their concerns with the timeline of this bill coming into effect. Bill 45, as currently written, would effectively end local teacher collective bargaining upon its proclamation, possibly as early as June 1st, 2021. This means that following proclamation, no collective bargaining will occur until the MTS and the government representatives at a provincial table commence negotiations for a provincial collective agreement.

Except for six collective agreements—Louis Riel, Pembina Trails, Beautiful Plains, Southwest Horizon and Frontier—the effect of Bill 45's proclamation would indefinitely freeze the terms and conditions of 31 teacher collective agreements from July 1st, 2018, until succeeded by a provincial contract.

The commencement date of the provincial negotiations is unknown, and given the complexity of blending 37 collective agreements into one, it's likely such a process will, in fact, take several years following the commencement of bargaining.

Taking away the right to bargain from teachers and simultaneously freezing the terms and conditions of their local collective agreements in place—into place—the majority of which expired on June 30th, 2018—for an indefinite number of years would effectively eliminate teachers' right to use collective bargaining to address key employment issues.

Teachers do work that's of tremendous value to young people, working families and our society as a whole. Like all workers, they deserve a meaningful collective bargaining process along with a fair and independent arbitration procedure. The Charter of Rights and Freedoms guarantees their right to such.

We echo the MTS's call to amend Bill 45 by removing the ability-to-pay provision and making July 1st, 2022, the effective date for the provincial collective agreement.

Thank you.

Mr. Chairperson: Well, thank you very much, Mr. Rebeck, for your presentation.

And now we'll go on to questions, and the first question's from Minister Cullen.

Mr. Cullen: Thanks, Mr. Rebeck, for joining us tonight. I haven't had a chance to have a conversation with you for quite some time, Kevin, and I just want to say thanks for joining us and thanks for showing your perspective tonight.

Mr. Chairperson: Mr. Altomare, for—[interjection]—Oh, there's a response to Mr. Rebeck—to Minister's Cullen's—

Mr. Rebeck: Sir, I just say I appreciate that, and thank you for the opportunity to come speak. I hope you'll listen to the concerns being raised and make amendments to this bill. It would mean a lot for the Teachers' Society, for teachers and the education system in Manitoba.

Mr. Chairperson: Mr. Altomare has a question—the second question?

Mr. Altomare: Thank you, Mr. Rebeck, for your presentation, and please extend my thank-you to your members for all the work that they've been doing during this pandemic. I know many MFL members are front-line workers and have been enduring quite a bit and have had to deal with a lot of stress, especially now that we're entering into a possible third wave.

A question I have for you, Mr. Rebeck, is, you know, based on your extensive experience at the bargaining table, how do you feel this bill will impact that really important collective bargaining process?

Mr. Rebeck: This bill will damage that process in a significant way. It'll remove a forum for teachers and their representatives to get together with employer representatives and have in-depth discussions. Right now, there's 37 of those conversations that happen on a regular basis. To relegate that to one table and trying to merge all of those agreements will have a lasting impact and a damaging one on labour relations in the education system.

This bill is going about things the wrong way. It's putting huge restrictions on outcomes before the discussion even starts, and that's a terrible place to start when you're trying to build trust and a working relationship that we all have a common interest that we want our education system to do well and have good outcomes for working families.

Mr. Chairperson: We have Ms. Lamoureux with the next question? Maybe not.

Is anybody other—any other questions from the committee?

Mr. Altomare: The other question that I have, Mr. Rebeck, is I know that we, you know, specifically we're talking about this particular bill, but we—like, you talked about an obsession that this government has with interfering into the negotiation process with workers.

Can you talk a little bit about some examples of that, how this government has interfered in a collective bargaining process?

Mr. Rebeck: Yes. Since 2018, many public sector workers have been unable to bargain, whether that's because of an illegal wage-freeze legislation that had to be taken to court to be struck down, the ongoing appeal of a very clear decision by a judge who not only ruled in our favour but called the actions of government draconian; and then reorganizing, whether it's been in health care or now in the education system, that further prolongs agreements that expired in 2018 and have left people frozen with their wages—which really means they're falling behind year after year, not keeping up with inflation for years now, at the same time we call them heroes because they're on the front lines providing critical services.

* (19:50)

Well, that's not how people should treat heroes, that's not how government should treat our public sector workers. They deserve to keep up with cost of living, and this government has done changes through law after law to impede the collective bargaining process. And it needs to stop.

Mr. Chairperson: We have time for one more question. Ms. Lamoureux has the next question.

Ms. Lamoureux, go ahead.

Ms. Lamoureux: I apologize, it got kicked off there, with my wifi.

Thank you, Mr. Rebeck, for your presentation, and also for taking the time to thank all teachers as well as the staff at the Leg. Tim and Katerina do do a phenomenal job, and I think it's important to recognize them as well.

I appreciate you taking the time to explain the toll that would be taken on the contracts if proclamation were to happen when it's set to right now and the harm that that could cause, as well as the ability to pay

cause. And I guess I'm just wondering if you feel there are parts of the bill that are worthwhile to keep, or if the entire legislation should be reconsidered.

Mr. Rebeck: I think this bill is rife with problems. It's all been done in a rush. It hasn't involved teachers and school workers enough in drafting language that would be meaningful and worthwhile. And it's very disappointing to see these actions going forward the way they are.

Mr. Chairperson: Mr. Rebeck, thank you very much for your presentation. Your time for the question has expired and, again, thank you for coming out to present.

We'll now go on to the next presenter, No. 16, Mark Bernardt [*phonetic*], private citizen. So I will now have—ask the moderator to invite him into the meeting.

And please unmute yourself and turn your video on. Okay, Mr. Bernardt [*phonetic*], go ahead.

Mr. Mark Behrendt (Private Citizen): I'd like to start by acknowledging that we're holding this committee on Treaty 1 territory in the original homeland of the Métis nation.

Thank you to the committee for being here to listen to my concerns regarding this bill, Bill 45. My name is Mark Behrendt. I'm currently in my 10th year of teaching and I'm a proud member of the Seven Oaks Teachers' Association and Manitoba Teachers' Society. However, I will be presenting as a private citizen this evening.

I registered to speak to Bill 45, The Public Schools Amendment and Manitoba Teachers' Society Amendment Act, because I would like to express my concerns with this government's continued effort to suppress bargaining rights for public sector workers in Manitoba.

This bill upsets me. I'm not a politician, not an economist, not a lawyer, but I am a voter and I have lived experience of having my bargaining rights under attack from this government for years. I think that makes me qualified to give you my opinion on this piece of legislation and to be heard in good faith during this process. I certainly hope I will be.

Of particular concern to me is 105(2.1), the criteria for an arbitrator to consider when issuing an arbitration award. And I'd like to read it now, so: In making an award, the arbitrator or arbitration board must take into consideration all factors that they consider relevant, including the ability of the school

division or school district to pay in light of its fiscal situation, and the economic situation in Manitoba. This is an infringement on my charter right to free and fair collective bargaining.

Bill 45 is just one of the latest examples in a series of actions by this government to interfere, infringe upon and limit the collective bargaining rights of teachers. As of right now, I'm one of the people that will be left without a contract from 2018 indefinitely if this comes into force as it is written. I've been without a collective agreement for two and a half years because of the unconstitutional actions of this government. I'd like to outline a couple of them to show a pattern of this behaviour.

Years ago, Bill 28 was introduced to freeze public sector wages unconstitutionally, and it was struck down decisively by the courts. It was deemed a draconian piece of legislation. From the beginning, I'm sure the government knew their chances were slim that they were going to be successful in legislating this unconstitutional wage freeze. This is why they left it without proclaiming it, to sit in the background, to stall bargaining for teacher contracts and then wasted taxpayer dollars defending it in court—and they still are.

After that loss, I hope the government—I had hoped they would take their lumps, figure out how to properly fund the education system—which includes paying teachers a fair wage—but I was wrong. They continue to attempt to implement this wage freeze today by issuing bargaining mandates to schoolboards that mirror the wage freeze legislation in Bill 28.

Locals took this to arbitration. Then the arbitration board further solidified this government's losing track record on this issue. They ruled that—in favour of a modest and fair salary increase for teachers.

After that loss, I had hoped they'd take their lumps, this time figure out how to properly fund education, but they still hadn't. Instead, they're attempting to move the goalpost now on arbitration with Bill 45.

Teachers traded their right to strike in return for binding arbitration rights years ago. Arbitration is the mechanism we have to settle labour disputes.

In the recent Louis Riel Teachers' Association arbitration award, the arbitration board expressed their concerns regarding the ability to pay being considered in this bargaining environment of, quote, government-enforced policies of funding restraint, combined with

restrictions on local taxation. And further, they stated it may result in them becoming, quote, an agent of government policy. End quote.

Taking into account that teachers do not have the legal right to strike, they stated, quote, we should take care to ensure that teacher collective bargaining remains meaningful. End quote.

In the same LRT arbitration award, they reference a '96 arbitration ruling in the River East school division where they stated, quote: an arbitration board cannot embrace the ideological proposition that a tax increase must be rejected. A decision, which is supported solely by the object of avoiding a tax increase, is inherently a political decision. End quote.

Fair wages are an actual cost of providing public education. It makes no sense for the government to justify fair wages based on this government's own legislative agenda. And this was all in motion before the pandemic and its economic effects.

By legislating that arbitrators cannot take into or must take into account the fiscal situation and economic situation in Manitoba, the government is effectively attempting to open a back door to continue to implement their unconstitutional wage freeze.

Who sets the policies that determine the fiscal situation of our education system and our province? It sure isn't me; it's not my family or the other teachers and public sector workers in this province; it's this government. This government is continuously underfunding education with funding that does not keep up with the rate of inflation, and then they turn around and say there isn't enough money to pay teachers a fair wage.

Well, set the fiscal course for this province in a manner that will allow you to pay fair wages to the hardworking educators in the province. This government spent our tax dollars to fight a losing court battle over Bill 28. Public sector workers aren't responsible for that fiscal choice. That was their priority, rather than ensuring educators are paid a fair wage.

This government is taking on debt to give tax breaks, and I really don't want to hear about kitchen tables; it's patronizing and it's offensive. I don't need props. The government found the money for these tax breaks that will disproportionately benefit the people with the most land in our province, but, at the same time, they're telling us that the fiscal situation in the province is far too dire to pay teachers a fair wage, and stay away from interfering in bargaining.

I'm tired of listening to this government say they respect teachers and public sector workers while, at the same time, they're stripping our bargaining rights with Bill 45 and wasting tax dollars in other places. Nothing about the demeanour and actions of this government says to public sector workers that they respect our work.

I would like to conclude with a quick observation that supports this point: we're currently discussing Bill 45, but this bill serves only as one example of the disrespect this government has for teachers in the province. I want to point out the fact that there are thousands of unvaccinated teachers teaching in overcrowded classrooms in this province during a pandemic. We're there, trying our best to ensure the safety of our students during these times.

We're trying to follow as many health orders and guidelines that come our way, and if there's additional measures we can take to keep our students safe, we do those, too.

* (20:00)

We don't have a choice. Our students need us right now and we need to keep them healthy. We also worry about keeping our families healthy. We don't want to bring COVID-19 home to our families.

But as teachers are doing their best to keep their students safe—and their loved ones—members of this government consistently sit there, maskless, on the floor of the Legislature and in press conferences. And the public notices.

I don't—I know that your rules don't require you to wear masks while seated, but I also know that there are members who have children who attend schools in this province. I'm sure you appreciate teachers doing their best to go over and above, to keep your children safe.

On behalf of the teachers and essential workers in Manitoba, I would ask you to take Dr. Roussin's advice. Just because it isn't a law or a public health order or the written rules in the Legislature, doesn't mean that you shouldn't go above and beyond to do as much as you can to limit your risk of contracting and spreading the virus.

How hard is it to put on a mask? I do it all day while I'm teaching.

God forbid anyone gets COVID in the Legislature, but just in case someone does, you have a responsibility as Manitobans to go beyond the

minimum guidelines to minimize the risk of transmission.

So, as you're discussing this bill that has major implications for teacher bargaining rights, as a public school teacher, I'd appreciate it if you reflected on this and showed your respect to the essential workers beyond the minimum rules and wear your masks. The teachers and essential workers that come into contact with you and your family in the community would appreciate it.

Instead of saying you respect us in question period, in press conferences, show us you respect us by wearing a mask, physical distance and, while you're at it, stay away from my bargaining rights.

In conclusion, Bill 45 is an attack on the bargaining rights of teachers and serves as another example of how this government does not respect public sector workers. In particular, 105(2.1), at a minimum, should be struck from the bill.

Thank you for your time.

Vaccinate teachers and school staff.

Mr. Chairperson: Thanks, Mr. Behrendt, for your presentation.

And now we'll go on to questions from the committee.

Mr. Cullen: Thank you very much, Mr. Behrendt for your insight and your presentation tonight.

Thanks. *[interjection]*

Mr. Chairperson: You want to respond, Mr. Behrendt, for the—

Mr. Behrendt: I just said: noted.

Mr. Chairperson: Okay. Mr. Altomare has a question.

Mr. Altomare: Thank you, Mr. Behrendt, your presentation. Certainly, it has left us with a lot of food for thought. It's certainly a presentation that really brings not only experience of a teacher but also as a person that has kids in the system, and that is really important to remember.

And so, I want to ask a question around this particular issue. So, thinking as a parent, as a person that has children in the system, we know that teacher working conditions parallel student learning conditions.

How do you think Bill 45 will impact this symbiotic relationship?

Mr. Behrendt: Well, basically, I think that, you know, it's just another example of the government making this relationship between teachers and the government contentious when it doesn't need to be.

And any sort of interference in this, interference in public teachers' rights to labour rights and things like this affect the system as a whole. And it can't be positive. It certainly isn't good for morale.

And, you know, as a teacher, that concerns me. But as a father, I'd like my daughter and my son to have teachers that are well respected as well.

I don't know if that answers your question.

Mr. Chairperson: Ms. Lamoureux has a question.

Ms. Lamoureux: Thank you, Mr. Behrendt, for your presentation and for your 10 years of teaching. I'm so sorry that you've been put in this position where you may be without a contract, and I appreciate you sharing this, as it really humanizes the legislation. And I personally think your straightforwardness through this presentation has been terrific and it's refreshing. This is why we have committees, so Manitobans can share their thoughts and their expertise.

Now, you mention that you've spoken with other teachers about this legislation, so I was hoping that you could share with us if you feel that you were consulted about this legislation? Or any of the teachers you have spoken with, if they expressed that they had been consulted?

Mr. Behrendt: There's certainly a lack of consultation, you know, all around and also, in particular, with this bill. Like, I follow these things more often and more so than maybe other people do, but people come to me they—like, my colleagues come to me, ask me, where's my back pay, you know? Why don't we have a contract? Is there bargaining happening?

And a lot of people, not only are they not consulted, there's confusion because this has been dragged out for years. And honestly, I wasn't even completely aware of just how many more years this could drag out if this Bill 45 passes. But listening to the other presenters, this is more grave than I actually initially thought.

And anytime I show somebody clips of, you know, the responses to questions in question period, it's disrespectful. They find it disrespectful. There's deflection, there's talking points that mean nothing, and people feel disrespected by it, not only that they're

not consulted but just the demeanour of this government is disrespectful.

And by the way, I also—I submit my receipts for reimbursement for school supplies. And I'm lucky enough to have a principal that will make sure that he finds the money to make things happen for our students. And, you know, sometimes we have to be creative, but I don't need a tax break for that. That should be funded by the public school system. But that's in a—

Mr. Chairperson: Mr. Behrendt, thank you very much for your presentation. Our time has run out.

And so now we'll go on to the—actually, before we go to the next presenter—the—you know, actually Kelly Friesen, she was No. 12, she had technical difficulties getting on to the Zoom meeting here, the committee meeting, so now she's actually been able to fix it.

So we just want to have the committee—if she'd be able to—agree that we will have her be presenting next. Is it agreed—is it will of the committee to have Kelly Friesen present next? *[Agreed]*

So, now I'll ask the moderator to invite her into the meeting, and please, Kelly, if you can unmute your—and turn on your video. And Kelly Friesen—Ms. Friesen, you can go ahead with your presentation.

Ms. Kelly Friesen (Private Citizen): All right. Thank you. I hope you can hear me. It's just kicked me out and asked me to rejoin a couple of times, but I think—

Mr. Chairperson: We can hear, Kelly. We can hear you, but we can't see you right now, so hopefully your video will come on soon. Oh, here we go.

Ms. Friesen: Okay. Should be good. All right.

Mr. Chairperson: Now we can hear you, we can see you. Go ahead.

Ms. Friesen: All right. Two for two.

Thank you for having me and thank you for putting up with my various challenges with technology. I guess it's part and parcel for this school year. Challenges with technology have certainly coloured the year. I'm fighting with Google on one of my other screens in my Google classroom while I'm also attending this meeting. So it just seems to be this way this year goes.

I'm going to try to be really brief because I do respect the time of everybody who is spending their

evening in a committee meeting. And I feel like some of the previous presenters have made a lot of comments that I agree heartily with, in particular Mr. Behrendt, who just spoke. But I do think it's important that you hear as many voices as possible, even if we have similar things to say.

So my concern is also predominantly with the part of Bill 45, section 105(2.1), about arbitrators taking into account ability to pay. The first thing I thought when I read that was how does an arbitrator determine ability to pay? Governments, by their very nature, make decisions about taxation and spending. Our current government, for example, is focused on providing tax cuts. How do you determine the ability to make a tax cut?

Whether or not the government has the ability to pay is determined by a government's priorities, not so much by external factors. So, whether your priorities are tax cuts or settling contracts with public unions or with funding various other things that are important to your government, that's based on priorities. That's not based on an objective sense of ability to pay.

The ability-to-pay clause also refers to school divisions and districts, which I was curious about, because that's despite the fact that negotiations in the future, by my understanding, are to be directly with the Province. A division or district's ability to pay will therefore be constrained by how much funding the Province decides to give them. So again, that's based on political priorities, not necessarily based on some sort of objective measure.

* (20:10)

A fair process should not be at the mercy of political ideology. Our current government has put forward legislation to handcuff and limit the collective bargaining process through bill 28. This bill, as many others have mentioned this evening, was declared unconstitutional and has not been proclaimed and yet the provincial government continues to demand that bargaining adhere to that bill.

Teachers gave up the right to strike long ago in return for a fair arbitration process. Bill 45 threatens to undermine that process and take away the good faith that is essential to all negotiations.

I'm a teacher. I've been a teacher for 18 years. More importantly, I'm a parent and I want my kids to have good teachers who are well supported.

And I want this government to respect all members of the public system—from nurses to teachers to

doctors to the people who fix our roads—all of them. And I'm not seeing that in the approach of this government on many issues, and it is exemplified in Bill 45.

Thank you.

Mr. Chairperson: Thanks, Kelly, for your presentation.

Now we'll go on to questions, and the first question will be coming from the Minister Cullen. Minister Cullen, if you can ask the question.

Mr. Cullen: Thank you, Ms. Friesen, for joining us tonight. I appreciate your perspective. I appreciate the good work you're doing for students. So thanks for joining us tonight.

Mr. Chairperson: Mr. Altomare has—oh, Ms. Friesen, if you wanted to respond to the minister—or do you want to go on to the next question?

Ms. Friesen: No. No response.

Mr. Chairperson: Okay.

Mr. Altomare: You know, I beg your indulgence on some of these because sometimes I get—I have to cool my jets, as they say, to—in getting in my questions. But, you know, Ms. Friesen, I want to thank you for your presentation this evening. It echoes many of what we've already heard this evening.

But, you know what, it's so—I think this government really needs to listen to what—not only what the general public is saying but also to listen to teachers, because not only are you on the front lines, but I find teachers are often the pulse of the community and certainly reflect many of what the community are feeling and thinking.

And you talked about government priorities. So I want to ask you: What do you believe are this current Pallister government's priorities, and how do these priorities impact our public education system?

Ms. Friesen: Well, it's a funny thing because, academically, I'm a political science major, so I spend a lot of time analyzing what a government's priorities are and where they're coming from. And looking at this government, I don't know.

Certainly, policy-wise, the priorities seem to be tax cuts simplistically, but I think the priority is really to undermine the public service in a lot of ways. And what drives that? My guess would be ideology, but I don't really know.

I would say the impact, though, on teaching and learning is enormous and it ranges from the impact on morale—when my colleagues and I get up every day and we wonder what's going to be announced today and how awful is it going to be. And that's literally how that conversation is being framed.

Nobody is asking what's going to be announced today and will it be good or bad. It's framed as how bad will it be; how much is it going to hurt my students; how much is it going to hurt me as an educator; how much is it going to limit my ability to find the resources I need for my students; how much is it going to constrain how many books I can put in my classroom or in our library; how much is it going to constrain my ability to talk about what this government has termed sensitive content and how is that going to hurt my students who are labelled sensitive content.

So, yes, the overall tone is one of what harm is being done, and as an educator, I spend a lot of time wondering, how am I going to try to mitigate that harm for my students?

Mr. Chairperson: Okay, we have one more question and one more—enough time for one more question.

Ms. Lamoureux, for the next question.

Ms. Lamoureux: Thank you, Ms. Friesen, for your presentation, your time tonight, as well as your work as a teacher, and speaking from the perspective of both a teacher and a parent. You know, I can relate to you as a political science major myself and over-analyzing all of this legislation and the approach to it.

And just a similar question that I've been asking other presenters on this committee is just if you feel that you have been consulted about this legislation about anything in buildup that may have contributed towards this legislation, or any of your teacher colleagues or your friends within the education system?

Ms. Friesen: No. No, I don't think that most teachers feel like we have been consulted.

I know a lot of words have been spoken about consultation through an engaged—engage Manitoba and I submitted to engage Manitoba. And going beyond, whether or not I've been consulted, I've gone out of my way—and I don't have a lot of time, I have kids and I'm putting in a lot of extra hours this year, as many people are in their jobs.

But when I have sent letters or emails to Minister Cullen or to other representatives, I don't always even

get responses back. I get responses back from both opposition parties, but I have not received responses from Minister Cullen or the previous minister, Minister Goertzen.

Mr. Chairperson: Well thanks, Ms. Friesen, for your presentation and answering these questions.

And now we'll—well, now that we're concluded on the ones that were listed, we brought people down to the bottom when their names came up. So we're going to go back to those names one by one and—to see if they're still present.

So the first—so the next person that would be on the list is Jan McIntyre. If Jan McIntyre—is she—she's on now? Okay.

Now we will—I'll have the moderator invite her—invite them into—invite her into the meeting. And we—now, if she can unmute herself and turn her video on.

Ms. McIntyre. Ms. McIntyre, can you unmute yourself?

Ms. Jan McIntyre (Prairie Spirit School Division): Yes. Am I unmuted now, Sir?

Mr. Chairperson: We can hear you now.

Ms. McIntyre: Good. Thank you.

I'm just drawing up my document here.

Thank you, Mr. Chair, and good evening committee members. My name is Jan McIntyre. I am the chairperson on the board of trustees of Prairie Spirit School Division located in the south-central part of the province. Today I am speaking to you on behalf of our school board.

And I would like to add that, although I speak to you on behalf of the board, our children were educated here in Prairie Spirit schools and I'm also the grandmother of students within our school division, so my investment is great in education in our communities.

Much of Bill 45 will be nullified if Bill 64 goes ahead. My remarks this evening are therefore much shorter as the result of the introduction of Bill 64.

As a rural school board, our concerns with Bill 45 are related to our understanding of its negative effects on rural education in Manitoba. Our concern has to do with the lack of local autonomy and voice. As a school board, we have a good working relationship with our teachers and share mutual respect, each understanding and appreciating the role of the other in the school division and in the bargaining process. It is our shared

desire to work together for the betterment of Prairie Spirit students that is our unifying force, be that in the everyday work we do and at the bargaining table.

We feel there are factors beyond dollars and working conditions that are discussed when bargaining, things such as nuances relative to our schools and communities and how the schools function within those particular communities. Two-way understanding is built as these issues are discussed and relationships are strengthened. This then leads to very important shared accountability and trust on both sides.

This trust and accountability will be gone with provincial bargaining and will be replaced, instead, with a more distant provincial structure that will ultimately be divisive and adversarial for all. We feel this is an expensive price to pay for a system that will, in all likelihood, increase costs overall.

I would also like to address briefly the difficulty in attracting rural students to—rural teachers, pardon me, to rural Manitoba and the inability of the provincial collective bargaining to address that issue, as well as to address the challenges rural teachers face that are real but different than those of their urban counterparts. We feel there needs to be a mechanism in place that allows for negotiation of small but important local issues.

Thank you for your time this evening.

* (20:20)

Mr. Chairperson: Thanks, Ms. McIntyre, for your presentation.

And now we'll go on to questions. We'll start with Minister Cullen.

Minister Cullen, if you can start first?

Mr. Cullen: Thanks, Jan, for joining us tonight. I appreciate your perspective, and I also appreciate your passion for education as well. So thanks for joining us. I do appreciate your opinion.

Thank you.

Mr. Chairperson: Ms. McIntyre, go ahead if you want.

Ms. McIntyre: Thank you, Mr. Cullen.

Mr. Chairperson: Okay. We'll—next question would be Mr. Altomare.

Mr. Altomare: Thank you, Ms. McIntyre, for your presentation and thank you again for bringing a

perspective that is, again, outside the Perimeter Highway, one that we here in the Legislature need to hear more of. I know that sometimes we certainly don't get these opportunities that often, and you brought a perspective that's important.

I want to ask you, Ms. McIntyre, talk about some of the challenges that Prairie Spirit has had to overcome during this time of COVID and talk about how it's impacted students in your school division.

Ms. McIntyre: Thank you, Mr. Altomeyer [*phonetic*].

Prairie Spirit is a very sparsely populated school division, and so we have relied on distance education as a tool to bridge distance for several years now. We started with our distance education plan probably in 1998, and we've extended it and grown it over time so that now it's proven to be very effective.

With the COVID pandemic, our students and our staff were therefore prepared for using technology, and it was a relatively seamless transition for them. Not easy, when back in the spring when—of last year, when everyone was at home, but it was doable for the vast majority of our grade 7 to 12 students.

This year, our superintendent and secretary treasurer have worked extremely hard in consultation with the board and with our divisional administrative staff to meet the requirements, the public health guidelines that are put in place, and we are one of the few school divisions in Manitoba that have been able to have our students in classes daily, with the exception of the two-week period in January that was—everybody was at home.

Mr. Chairperson: Okay. Any other questions? Ms.—I don't know if Ms. Lamoureux is—she's having issues with her—yes.

Any other questions?

Ms. McIntyre, thanks again for your presentation, and it's great that you were here tonight to present. And probably run into you. I know you're from my—you represent part of my constituency of Turtle Mountain, so thank you for coming out.

Ms. McIntyre: Thank you, Sir.

Mr. Chairperson: Yes. Okay. Now we'll go on to the—go on the list again, and I was—next person I'm going to call is Sandy Lethbridge.

Is Sandy Lethbridge on the line? No. We'll actually remove her from the list now.

And I guess the next person is Lise Legan—Legal. Legal? Lise Legal. Is she on the line? Okay. I'll get the moderator to let her in, and if you can unmute your sound and turn on your video.

Hi, Ms. Legal. You can go ahead with your presentation. Okay, we have some audio problems.

Ms. Legal: Hello—

Mr. Chairperson: Oh, there we go.

Ms. Legal: Yes? We're good?

Mr. Chairperson: Yes, we're good.

Ms. Legal: Yes? Thank you for pronouncing my name correctly. Lise Legal here. Thank you.

Okay, sorry, my—there's my notes. Okay.

So, again, my name is Lise Legal, and I am the president—currently the president of the Pembina Trails Teachers' Association, and I've been, actually, working in the public education system since 1988.

And so before I start, I do want to acknowledge that we are on Treaty 1 territory and that—on the homeland of the Métis nation, and thank you for listening.

So, with those 33 years of being in the public education system, I have been on the front line with children and with educators, of course, and we've faced challenges in support of teachers and education, and we have been—there have been not—many bystanders, and I'm not a bystander, because I was raised to believe that the only thing necessary for the triumph of evil is for good citizens to do nothing. And so, here I'm raising my voice today. And I know that that quote has had a number of authors—I know one of them is Edmund Burke, to be respectful. I wanted to acknowledge that.

And so, Bill 45, although not evil in and of itself, will have evil consequences. And the ability to pay is at the top of the list of the things that are going—in my mind—going to have some evil consequences. And forcing arbitrators to consider the ability to pay by the division, the employer, and the—also to consider the provincial and economic status—has been proven in the courts to actually be willingness to pay.

And this is not new information; you've heard it all night, and you know it yourselves.

And so, we know that the Manitoba government is in charge of properly funding public education. They have the methods to do so; they control the spending, the taxation, all those things. They make the

choices. And they must properly fund education. Those choices must properly fund education.

To suggest that arbitrators need to consider economic conditions is actually a clear sign that the provincial government is shirking their responsibility to properly fund public education, and that's one of the jobs of government: to properly fund public services.

Bill 45 will damage schools, communities and further erode teacher working conditions and negatively impact salaries. Also, forcing arbitrators to think on the ability to pay interferes with our Charter right to free and fair collective bargaining.

Considering the ability to pay will—means that arbitrators will essentially be agents of government; they will no longer be impartial. Educators will have lost the essence of the dispute resolution mechanism of interest arbitration, and this will exacerbate power imbalances in collective bargaining and will result in reducing the leverage available to educators during bargaining.

Another important concern involves the fact that the raw data that would be used to determine the ability to pay includes financial information and reports provided by a government who has been called out by the Auditor General for making creative financial representations—that's about the worst thing I'm going to say today.

This fact does little to inspire confidence on behalf of educators and any other Manitoban, really. To that point, Bill 28 is another example of the type of sustained interference that this majority government uses to prevent fair, reasonable contract relationships between educators and the school division.

If Bill 45 passes, Manitoba will not be protecting children, families, communities, and will not be inspiring young people to join the profession of teaching. This whole process of bills—45, 16, 64, 57, et cetera, et cetera—they all demoralize and discourage. They demoralize and discourage educators and families who are struggling through a pandemic—educators, students' families, who have been turning themselves inside out and upside down to make it through another day in the overcrowded, underfunded schools that may or may not have COVID in a pandemic—I was actually—the way I was supposed to say it.

Years ago, educators gave up the right to strike for interest arbitration. That is our dispute resolution

mechanism. It is supposed to render a fair and reasonable award; Bill 45 and the ability to pay provision compromises this.

Interest arbitration has helped Manitoba have significant labour peace, and not all Canadian jurisdictions can say this. But in Manitoba, educators have been able to do their work. Students have been able to grow and to learn. Year after year, the school system has functioned—not perfectly, perhaps, but there are many aspects that are working.

And top of that list are the relationships. The relationships are really working. And the primary interface of those relationships are the teachers. They deserve respect, healthy working conditions, and fair, reasonable salaries.

The relationships mentioned are the core of public education. They're built on trust, commitment, community, hard work, integrity, all kinds of things. And Bill 45 compromises all of those, and therefore compromises relationships.

There are so many bills from this government that threaten the health and vibrancy of public schools, and it needs to stop.

Returning to bill 28, this government needed the courts to intervene in that terrible piece of legislation. How many more pieces of legislation will be allowed to come from this government that threaten public education? Public education is a foundation for equity, for social justice and for a vibrant future for all Manitobans.

* (20:30)

The fallout of Bill 45 will reverberate for decades, at minimum. The cumulative damage of this bill to young people, educators and to our society is incalculable.

I close by stating the obvious: it is far more productive to prevent this harm than it is to try to help children and educators and Manitobans recover from it.

I urge this government to close the door on this destructive bill. We cannot continue to wait for the courts to intervene on behalf of Manitoba's public education system and on behalf of all the children, educators and families.

Thank you, everyone.

Mr. Chairperson: Thanks, Ms. Legal, for your presentation, and now we'll go on to questions.

Mr. Cullen: Thank you, Ms. Legal, for your presentation tonight. I do appreciate you taking time on your busy schedule to join us, so thank you very much.

Mr. Chairperson: The next question would be Mr. Altomare.

Mr. Altomare: Thanks, Ms. Legal, for your presentation this evening. You talked a lot about the public good and that relationship between government and teachers is one that is sacred, one that really talks about the importance of having a good relationship, but also understanding each others needs.

Can you tell us a little bit about how important it is to have interest arbitration unfettered by the ability to pay?

Ms. Legal: In fact, we just finished—as everybody knows, the Pembina Trails Teachers' Association just finished our interest arbitration hearings in January and the award was presented on February 15th, and I can tell you that the ability to pay came up a few times, or at least conversations about the ability to pay, and it was dismissed every time.

And so if that—I know that if those kinds of—if that kind of rationale was permitted in that arbitration, the result—not just in salaries, but in contract language—would have been different because we would not have had the opportunity to leverage that things that go on between money and working conditions and contract language. Does that make sense?

Mr. Chairperson: We have another question from Mr. Altomare. I don't see Ms. Lamoureux—*[interjection]*—okay, Mr. Altomare.

Mr. Altomare: Ms. Lamoureux—oh, I apologize, Ms. Legal. Ms. Legal, you talked about being demoralized and discouraged.

What would this government need to do to mitigate the feeling that you have regarding being demoralized and discouraged?

Ms. Legal: And to clarify, I don't know if I said I feel demoralized or discouraged. I—my intention was to express that it is demoralizing and discouraging to see these types of legislation come out and to not be included in the party before all of the things come to fruition or to give the impression that we're being included. We need meaningful conversations on all—on these matters that impact teachers.

I go to the hospital and I have an experience in a hospital. That doesn't make me able to decide on what doctors should be doing, and it is very difficult. One

of the common things that I hear in my role is that there a number of people making decisions about education who have been students or maybe have been teachers, like, 20 years ago, but I can tell you that being a teacher one month ago is not the same as being a teacher now. The evolution and the dynamics in school systems, even before COVID, change at an alarming rate.

And so we are professionals. We're trained. We have a great deal of experience, so we would like to be included in the decisions that affect our work, our children, our careers, the schools, the families we work with.

Mr. Chairperson: Okay. Is there any other questions for Ms. Legal? No other questions?

Thanks, Ms. Legal, for your presentation and answering these questions.

So now we'll continue on the list of other presenters that we put down on the list.

Is Nancy Karpinsky—is she on the line? No? So I—*we'll remove her—[interjection]* She is on the line? Okay, we'll now have the moderators bring—allow Nancy to come onto the meeting, and I'll have Nancy to unmute herself and turn her video on.

Okay, Ms. Karpinsky, you can go ahead.

Ms. Nancy Karpinsky (Private Citizen): Thank you. Good evening, everyone. Thank you for your time, allowing me to be here to speak.

My name is Nancy Karpinsky. I've been an educator for the last 19 years and for the past six years spent in school administration as vice-principal and principal. And my experience has primarily been within a French-immersion context.

So, my primary concern with Bill 45 and the reason that I registered to present—this is my first time ever presenting to a committee—is the ability-to-pay clause, which we have heard multiple people talk about already. So, this clause, as maintained, will without a doubt negatively impact teachers' salaries, benefits and working conditions, and equally as important, the ability to attract new, quality teachers to the profession in Manitoba, in particular, within the French-immersion sector.

The French-immersion sector is a very highly competitive sector in education across Canada. And we are in competition, really, for those teachers with other provinces across the country. In my current school, I hired four new French-immersion teachers

this year and three out of the four came from out of province. The attraction to teaching in Manitoba: our working conditions, our benefits and our salaries, and the trust and respect that teachers receive from the general public—trust and respect, I fear, that we don't actually feel at present from this government.

I think I heard from Mr. Wiens and a few of the other presenters say something similar, but the term ability to pay is misleading and could potentially lead publics to believe that the cost of educating our youth is just too high of a price to pay.

Why is it misleading? Well, because it is you, the Province, that sets the dollar amount that you are willing—not able, but willing—to spend on education. It is you that determines the spending priorities within the province. So you decide if education funding is a priority and how much of a priority it is. It is you that determines the price you're willing to pay to educate our youth.

If I make \$2,000 and my rent is \$1,000 and I go to my landlord at the end of the month and say, sorry, I just don't have the ability to pay this month, it's simply not true. The truth is I prioritized my spending on something else and only left \$800 to pay for the rent. It's not that I didn't have the ability to pay, it's that I chose to spend it somewhere else. That's the ability to play—ability-to-pay clause in a nutshell.

As you all know, I'm sure, a critical piece of a fair system of bargaining is an unbiased, independent arbitration policy. The arbitration process is the only dispute resolution process available to teachers during bargaining. We gave up the right to strike in the best interest of our students. We know how disruptive a strike would be to their education. We know how disruptive a strike would be to their parents, to business, to industry. We can all look to the pandemic school closures over the past year as an example of how disruptive it is to daily life when schools close.

And we gave up that right to strike and in turn you, the government, agreed to a fair arbitration process. It is absolutely imperative that this process remain as such and that this clause is amended or removed to show that.

I work in a division where we haven't had a contract in, I don't know, three or four years. I'm not really even sure at this point anymore how long it's been. And we're not the only division. And again, I think it speaks to priorities and values and willingness, and it speaks to devaluing of an educator's worth. And it's this devaluing that doesn't fill any of us with any

measure of confidence that if this bill passes as is, without a fair system of arbitration, that we'd somehow be valued more.

And to be perfectly honest, it seems in stark contrast to the rhetoric we've heard daily, weekly, about how grateful this government is for the work of teachers throughout the pandemic.

* (20:40)

But I'll end just by saying that as a principal, the recruitment and hiring of teachers is incredibly important, an incredibly important part of my job. It is a critical decision when I hire somebody. And the level of competition across the country for French immersion teachers is at an all-time high.

This bill will handcuff my ability to recruit quality teachers to my—to our Manitoban schools. And I don't think that this is any time for our government to be making decisions that make our province less—a less attractive place to work for teachers, and to me, that's what this bill does. In particular, the ability-to-pay clause.

So I thank you for your time. And I wish you all the best in your deliberations.

Mr. Chairperson: Thank you, Ms. Karpinsky, for your presentation.

Now we'll go on to questions.

Mr. Cullen: Thank you, Ms. Karpinsky, for your comments on Bill 45. I also appreciate your comments in terms of French immersion and acquiring French-immersion teachers. I will just say, earlier this week, I had a meeting with our francophone minister, as well as the federal minister for French language services. And our conversation was exactly about that: how can we attract additional French-immersion, French-language teachers to our province?

So it's certainly one of those things that are top-of-mind for us. So I just wanted to share that with you, and thank you for your comments and thanks for joining us tonight. Appreciate it.

Mr. Chairperson: Ms. Karpinsky, I don't know if you wanted to respond or—

Ms. Karpinsky: Well, I don't know if you can answer, but I would definitely be curious about what those recruitment plans involve from the Province to get more French-immersion teachers. Probably not an answer—a question for right now, but—

Mr. Chairperson: I don't know if the honourable minister wants to reply to that?

Mr. Cullen: Sure. I'll just be brief. You know, obviously, I think there's a lot of work ahead. Sounds like there's potentially some federal legislation coming that may assist in that endeavour. So we're waiting to see what that looks like, and we'll continue to work on that issue because we do know it's an issue here, in Manitoba. So thanks for raising that.

Mr. Chairperson: Mr. Altomare, for the next question.

Mr. Altomare: Thank you, Ms. Karpinsky, for your presentation, and that was pretty smooth for a first-time presenter. And certainly, you filled us in a lot about, you know, the important role that vice-principals and principals play in the process of recruiting qualified, professional staff.

I want to say that when I was a school principal that was my No. 1 concern and certainly my No. 1 job, to ensure that I had the proper people in the classroom.

Can you talk a little bit about how difficult it has been for a school division with the reputation of Louis Riel, in an urban setting, to attract properly qualified French immersion teachers to the city of Winnipeg?

Ms. Karpinsky: Yes, first, I'm in Winnipeg School Division. I'm not in Louis Riel.

It is—we have, every year, just—and I mean, it's not just our division, it's all of the divisions that are out recruiting—we send a recruitment team of principals or vice-principals to several job fairs across Canada. We go to Ontario, we go to Quebec, we go—sometimes we go way out east to New Brunswick, to job fairs or new grad fairs from the universities to recruit out-of-province teachers. We also attend the ones that are here in town, but we haven't—there's not enough teachers for the demand in French immersion.

And it's not just a question of, okay, if there's 20 jobs, you want to find teachers. You want there to be a bit of a competition for the jobs, so that you can have the best person, not just a body, but the best teacher in the position and the best fit of teacher in that position. And that's the tough part.

It's—you know, if you—if I post an English job, I have ten people apply for it, ten quality teachers that I get to really make a decision. If I post a French-immersion job, I'm calling all my colleagues to say, hey, do you have anybody that teaches grade 4 or 5 French immersion, or whatever that position may be.

So it is very difficult, and we rely a lot on each other too—you know, word of mouth: I have a good teacher here if you'd have a position coming up. But it's not easy and it certainly isn't ideal for the profession, nor for the children.

Mr. Chairperson: Well, Ms. Karpinsky, thank you very much for your time. We've run out of—for questions and thanks for presenting tonight and thanks for coming out.

So, now we'll go on to the last two that were brought to the bottom of the line. And I was wondering if Sean Giesbrecht—is he on the line right now? No. So we'll remove Sean Giesbrecht from the line.

And now the last one that was moved down to the bottom of the list was Gregg Walker. Is Gregg Walker around? No? So, that's basically—Gregg Walker will be taken off the list too.

And that will basically conclude the list of presenters that we have here before us.

* * *

Mr. Chairperson: In what order does the committee wish to proceed with clause by—oh, there's only one bill. Okay.

So, okay. We're—now we'll be—we're going to be—we're going to proceed with clause-by-clause for this Bill 45.

Does the minister have a response to Bill 45 and have an opening statement?

Mr. Cullen: Yes, Mr. Chair.

Mr. Chairperson: The honourable minister.

Mr. Cullen: I'll be very brief. I know the clock is ticking this evening.

So, first of all, I do want to thank all of our presenters tonight. Clearly, we had a lot of presenters showing a lot of passion for education and I thank them for their thoughtful presentations and joining us tonight.

I think it would be remiss if I didn't take an opportunity to again acknowledge the teachers, principals and certainly all the staff that have been working so hard over the past year as we fight the COVID pandemic. I know teaching can be a challenging profession at the best of times, and obviously this whole pandemic has brought additional challenges to the floor.

So I just wanted to acknowledge everyone for the work that they're doing in terms of keeping our children safe and keeping our staff safe as well. And there is a lot of people involved in that. And just say hang in there and we'll hopefully continue to get some vaccines in arms and take some of the pressure off, and just wish them all the best for the couple of months that are left in the school year.

And certainly we are going to be here to support them over that next phase, and certainly we've set aside some money in our budget for next year as well in terms of making sure we're have the resources to combat COVID.

So with that, I just wanted to put those few words on the record. Again, thanks to all the presenters tonight and thanks to those that sent submissions as well.

Thank you, Mr. Chair.

Mr. Chairperson: We thank the minister.

Does the critic of the official opposition have an opening statement?

Mr. Altomare: I want to thank all the presenters, all the committee members, all the committee members that were virtual today, for you being here for this important bill and to deliberate in committee.

I will say that the minister talked about the challenges that are facing educators, and yet this is yet another challenge, another roadblock put by this government in front of educators and one that really speaks to the consistent 'ofttack' that educators, the school system has been under.

It started with Bill 16, Bill 45, Bill 64, and it even went back to bill 28. And I can go back to bill 72, 25 years ago. The same consistent attack on the rights of workers to collaborate, to collectively bargain a fair and equal settlement.

And that's what seems to be lost here. Every one of our presenters this evening talked about the ability-to-pay clause and the hamstringing this will impart on our education system.

Not only will it impact our educators, it certainly impacts our students, because, as one of the presenters said, teacher working conditions have a direct correlation to student learning conditions. And once—we know that this is a symbiotic relationship. I'm sure someone in government understands that.

* (20:50)

But yet we have bill after bill after bill that attempts to mute the voices of workers and attempts to certainly sideline dissenting voices and opinion, and this is not a way to govern.

And what we have here with Bill 45 is yet again a power grab by this government that is exemplified not only in Bill 45 but will move on to Bill 64. And here we have a theme, a theme of disrespect, a theme that certainly demoralizes and certainly has teachers thinking, holy mackerel, what have we done to be in the crosshairs of this government?

And that, I believe, is a legitimate question, one that needs to be answered, because as we sit here, bill after bill after bill, taking all of these initiatives against the important work that our public school educators and all that work in education have done, and yet what do we get? We're called, oh, we're the front line; we're doing the best job and we value what you do.

And yet how are we rewarded? How are we thanked for the jobs that we do? We're thanked by these bills that, you know, are contrary to what's coming out of their mouths. And I just can't sit here anymore, as a former educator, and tolerate the stuff that we've been receiving.

I will say that we are in strong opposition of this bill. This bill does nothing to improve the relationship, the important relationship, that government has to uphold the public good, the public good being public education. That's being lost here. And this is yet another bill that challenges that, and one that certainly the Manitoba NDP and myself will not support.

Thank you, Mr. Chair. I conclude my remarks.

Mr. Chairperson: We thank the member.

During the consideration of the bill, the enacting clause and the title are postponed until all other clauses have considered for the proper order.

Also there will be agreement that the committee then the Chair will call clauses in blocks to conform to pages, with the understanding that we will stop at a particular clause or clauses where members may have comments, questions or amendments to propose.

Is that agreed? *[Agreed]*

Okay, we'll now start with clause-by-clause.

Clauses 1 through 3—pass; clause 4—pass; clauses 5 through 10—pass; clause 11—pass; clauses 12 through 14—pass; clauses 15 and 16—pass.

Shall clauses 17 through 19 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: No, I hear a no.

Mr. Altomare?

Mr. Altomare: Thank you, Mister—oh, sorry.

Mr. Chairperson: Shall 17 pass?

Some Honourable Members: Pass

Some Honourable Members: No.

Mr. Chairperson: So, we'll go on.

Mr. Altomare, on clause 17.

Mr. Altomare: Thank you, Mr. Chair, for allowing me to speak to clause 17. I've said it before, and I'll say it again: clause 17 interferes in the collective bargaining process. The time—anytime you insert the ability to pay, that completely clouds the process and completely renders the process mute.

And so, therefore, we would like clause 17 removed.

Mr. Chairperson: Is there any other comments on removing clause 17? Any other comments on that?

No, there's no other—shall clause 17 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: No, I hear a no.

Voice Vote

Mr. Chairperson: All those in favour of the clause 17 pass, say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

So, clause 17—pass.

* * *

Mr. Chairperson: Okay.

Clause 18—pass; clause 19—pass; clauses 20 through 23—pass; clause 24—pass; clauses 25 and 26—

pass; clause 27—pass; clauses 28 through 30—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 8:55, is it will of—what is the will of the committee?

An Honourable Member: Rise.

Mr. Chairperson: Rise? Agreed? *[Agreed]*

The committee rise.

COMMITTEE ROSE AT: 8:55 p.m.

WRITTEN SUBMISSIONS

This submission is from Vanessa Lylyk and hope to hear a reason behind Bill 45, yet another insulting Bill pushing teachers back further and further. Just another heartbreak after the implementation of Bill 28. Another step back. Will there ever be a step forward for the hardworking Teachers in Manitoba?!

It is with a heavy heart that I read and understand the drastic, immoral, and hugely insulting elements of Bill 45. As a teacher this hurts, it downplays everything we have done for Manitobans, especially during the harsh times of Covid-19. We have been here as an "essential worker" throughout, and we have been fighting for our students at every turn and now, again, our labor rights are being denied to us forcing us to not only fight for our students, but for ourselves too.

It is unfair to allow a division to choose whether they pay us back or not. We have worked hard, harder than ever before. What are the chances that they choose to pay us what they owe? Judging by what they have chosen to do for us thus far, it is unrealistic for any of them to consider this. Like every other issue affecting front-line staff, I have no faith it will not be put on the backburner, and forgotten. A critical piece of a fair system of bargaining is an open, unbiased, independent arbitration process. Since arbitration is the only dispute resolution process available to teachers, it is imperative that this process remains virtuous.

The ability to pay provision will further erode teacher salaries and working conditions to the point where attracting new teachers, supporting existing teachers, and providing the best education for the province's children will become extremely difficult.

Teachers have not received any wage improvements in almost four years due to Bill 28 freezing the wages of all public servants. The ability to pay for both our own personal lives, as well as those of students, who everyone knows we provide comfort, support, and nutrition for is becoming increasingly unrealistic.

It is imperative to teachers that we continue to have a fair system of bargaining. Arbitration should not be removed and taken from us, as it remains the only way for us to dispute the unfair conditions and wages we are awarded.

My thoughts on these two detrimental parts of this ludicrous bill.

- 1) The ability of the school division or school district, in light of its financial situation, to pay any award that the arbitrator might make. Due to our governing bodies, no school division will choose to or will be able to pay us our rightful reward that the arbitrator will make. As a deserving, hardworking, dedicated teacher, this is hard to hear.
- 2) The economic situation in Manitoba. Arbitrators would also be required to specifically state in their reasons how they applied the above noted considerations. Again, we are in the middle of a pandemic. Just like all Manitobans and all of Manitoba, we are suffering financially and we are deserving and are needing an increase in our wages to catch up with the rising cost of living.

Sincerely,
Vanessa A. Lylyk

Hello,

I have been a public school music teacher in Manitoba for over 26 years.

I am greatly concerned regarding the possible harmful effects of Bill 45.

A critical piece of a fair system of bargaining is an open, unbiased, independent arbitration process. Since arbitration is the only dispute resolution available to teachers, it is imperative that this process remains virtuous.

The ability to pay provision will erode teacher salaries and working conditions to the point where attracting new teachers will become extremely difficult. Teachers have not received any wage improvements in almost four years due to Bill 29 freezing the wages of all public servants.

During the COVID-19 pandemic, teacher workloads have increased significantly and burnout is on the rise. Nearly 50% of educators responded to the MTS poll that they have seriously considered retiring. The public education system is already under stress when it comes to the availability of qualified, certified

teachers. Teachers leaving the profession or retiring early would lead to a dramatic teacher shortage.

Education is an investment that pays for itself in the long-run. Refusal to pay teachers competitive wages compromises the value and quality of public education and the future of our province.

Please consider striking down Bill 45.

Sincerely,
Maureen Ferley
Southdale riding
Current 1-5 music educator at Bernie Wolfe School

To whom this may concern:

I write to your committee on Bill 45 as the Chair of the Board, representing River East Transcona School Division. We did plan to do an oral presentation but in light of the many conflicting components in structure between Bill 45 and Bill 64 we decided to submit this in written form instead.

As we look at the language in Bill 45, it is not congruent with the proposed Bill 64 and the new structures it plans to introduce. Bill 45, in its current state, is no longer relevant as the structures of teams including trustees, superintendents and secretary-treasurers will no longer exist. As well, the employer organization is no longer the 'school division' as there will not be school divisions, they will now be regions.

As a result, we suggest this Bill be withdrawn and rewritten once the final governance structures for education under Bill 64 are finalized and then appropriate bargaining team's make-up, roles and responsibilities can be accurately set up.

Our original concerns and rationale to speak to Bill 45 though were based upon representation and make-up of the bargaining team and advisory committee.

- Why did bargaining team only have 1 rural and 1 urban trustee when it is the school divisions who are (or were) responsible to settle/negotiate contracts with employee groups, supported by labour relations. We would suggest there be more trustees (elected officials) and less operational staff on bargaining team. This is even more important when you consider the time element required, as mentioned by Labour Relations from MSBA, being up to 3 days a week for months on end. It would be outrageous to expect a superintendent and secretary-treasurer be released from their own divisional roles for that length of time.

- The 2nd concern with this bargaining team is who and how would they determine the representatives on this provincial bargaining team? Ensuring local area concerns, contractual needs, be considered and addressed with only a small representative group for the entire province.
- Secretary-treasurers primarily, but also superintendents, are important resources for negotiations and we see the advisory committee structure would be the place for senior administration team members to support bargaining team needs vs bargaining team itself.
- Lastly, how would voting on major issues in negotiations be accomplished—weighted vs board ballots? In an equitable manner and be representative of majority vs a division/region?

Again, our rationale to not speak directly to the bill is based on its irrelevance now in its current language. Therefore, we suggest it be delayed until governance model in Bill 64 is adopted.

Thank you for taking our concerns to be included in the Committee Hansard transcript.

Your truly,

Jerry Sodomlak
Chair, Board of Trustees

To the Clerk of Committee's,

Greetings. My name is Lynsey Lodge. I have been teaching for 9 years and 6 of those years have been within the Winnipeg School Division.

I oppose the intent of Bill 45 because:

As long as the definition of ability to pay is not changed, these provisions effectively remove teachers' right to bargain collectively and replace this right with the employers' ability to impose salaries and working conditions under the guise of bargaining.

A critical piece of a fair system of bargaining is an open, unbiased, independent arbitration process. Since arbitration is the only dispute resolution process available to teachers, it is imperative that this process remains virtuous. For the betterment and well being of teachers and students in Manitoba, I strongly oppose Bill 45.

Sincerely,
Lynsey Lodge

To the Clerk of Committees,

Greetings. My name is Justin Rempel. I have been teaching for 5 years within the Winnipeg School Division.

I oppose the intent of Bill 45 because:

As long as the definition of ability to pay is not changed, these provisions effectively remove teachers' right to bargain collectively and replace this right with the employers' ability to impose salaries and working conditions under the guise of bargaining.

A critical piece of a fair system of bargaining is an open, unbiased, independent arbitration process. Since arbitration is the only dispute resolution process available to teachers, it is imperative that this process remains virtuous. For the betterment and wellbeing of teachers and students in Manitoba, I strongly oppose Bill 45.

Sincerely,
Justin Rempel

My name is Charlene Sacher. I am both a teacher and a parent in Manitoba and have some significant concerns regarding Bill 45. I am opposing this bill for the following reasons.

As a teacher, my main objection is the ability to pay provision in the bill. I am concerned that this definition does not address real ability to pay; rather it defines ability in terms of what a school board and the province are willing to spend. A critical piece of a fair system of bargaining is an open, unbiased, independent arbitration process. Since arbitration is the only dispute resolution process available to teachers, it is imperative that this process remains virtuous. As long as the definition of ability to pay is not changed, these provisions effectively remove teachers' right to bargain collectively and replace this right with the employers' ability to impose salaries and working conditions under the guise of bargaining. The ability to pay provision will further erode teacher salaries and working conditions to the point where attracting new teachers will become extremely difficult. Teachers have not received any wage improvements in almost four years due to Bill 28 freezing the wages of all public servants.

COVID-19 has added significant challenges to the education system and its effects will be felt for many years to come. This provision will negatively impact the public system at a critical juncture. The continuing downward pressure on salaries and

working conditions will make teaching an undesirable profession, compromising retention and recruitment efforts. Since the COVID-19 pandemic, teacher workloads have increased significantly, and burnout is on the rise. Nearly 50 per cent of educators responded to an MTS poll that they have seriously considered retiring. The public education system is already under stress when it comes to the availability of qualified, certified teachers. Teachers leaving the profession or retiring early would lead to a dramatic teacher shortage.

Education is an investment that pays for itself in the long-run. Refusal to pay teachers competitive wages compromises the value and quality of public education and the future of our province.

Thank you for your consideration and please feel free to reach out for further clarification.

Charlene Sacher

To Whom it May Concern

My name is Jay Ewert. I am the current sitting President of the Evergreen Teachers' Association. We are a local branch of the Manitoba Teachers' Society representing the voice of our members on behalf of their working conditions and collective bargaining negotiations. On behalf of both myself, the Evergreen Teachers' Association, and our members, I wish to represent regarding Bill 45—The Public Schools Amendment and Manitoba Teachers' Society Amendment Act.

I wish to make the following comments regarding Bill 45:

The "ability to pay" provision in Bill 45 does not address the real ability to pay as it is a subjective term that may be used with prejudice, and is therefore, inappropriate to be within this Bill. It defines the "ability" in terms of what school divisions and the province are willing to spend and may not accurately address the real educational needs within the province, and may potentially harm open bargaining as defined in the Charter of Rights and Freedoms. So long as the term "ability to pay" remains in Bill 45 it gives the employer the ability to impose salaries and working conditions under the guise of bargaining while limiting the employee's ability to openly bargain in good faith. In the recent Pembina Trails Arbitration Award it was determined that "ability to pay" was inaccurate saying:

"Government does not lack the ability to pay but has decided it is unwilling to pay more than a prescribed amount for labour costs at this time, opting instead for taxpayer relief as a policy choice." (page 15, Pembina Trails Arbitration Award)

Arbitration rights are essential to open bargaining. This is a process of open, unbiased, independent arbitration by which parties may submit valid arguments for unbiased due process. It is currently the only dispute resolution mechanism by which teachers in Manitoba may initiate job action on behalf of their working conditions. To eliminate the right is to silence the ability by which we approach open bargaining.

The majority of local association's similar to the ETA (Evergreen Teachers' Association) have been without a contract for nearly four years due to the looming presence of the previous Bill 28—The Public Services Sustainability Act which, although never officially proclaimed, greatly limited the ability for school divisions to openly bargain with their employees due to its influence. This bill was later overruled by Manitoba courts and labelled "unconstitutional" and "draconian" in intent. Bill 45 appears to pick up where Bill 28 (and later Bill 2) left off: by limiting the ability to access open bargaining employees are thus stripped of their rights as defined by the Labour Relations Act of Manitoba and the Public School Act of Manitoba.

This continued downward pressure on salaries and working conditions will make teaching an undesirable profession, compromising retention and recruitment efforts. COVID-19 has compounded the demands upon teachers with increasing workloads, continually changing working conditions, extended definitions of job descriptions, and have resulted in rising burnout and mental health concerns. In an MTS poll conducted in November, 2020, nearly 50% of educators polled responded saying that they have seriously considered early retirement amidst our current working conditions.

Public education is already under stress after 5 years of funding below that of rates of inflation, attacks upon our ability to negotiate under the influence of Bill 28, and the every-increasing demand put upon us by a government that continues to show its lack of support in the face of COVID-19 by not even considering teachers "essential" in the face of the crisis.

Education is a sound financial investment that pays for itself in the long-run. Refusal to pay teachers competitive wages compromises the value and quality of public education, and the future of our province. I

highly implore all MLA's to please accurately represent your constituents, by carefully considering their role in Bill 45. Polls and media published in Manitoba continue to show overwhelming support for education among Manitoba voters. To put Bill 45 into effect is to turn your back on the wishes of Manitobans who are looking to their government for leadership and guidance amidst a global pandemic. To turn your back on education is to turn your back on those who put you in power in hopes you will accurately represent them. Please consider carefully when discussing Bill 45.

Thank you for your audience at this time.

Jay Ewert
Evergreen Teachers' Association

My name is Marcela Cabezas and I serve as president of the Louis Riel Teachers' Association (LRTA). We are the third largest teachers' association in the province, representing approximately 1,300 teachers. This is my 17th year working in the public education system and my second year serving the members of the LRTA as president.

For fifteen years, I have worked as a French Immersion high school teacher specializing in Spanish and English Language Arts. I am married to a high school Industrial Arts teacher. Together, we have two young sons attending school in the Louis Riel School Division (LRSD). Many of my closest friends are also teachers. Suffice to say, the wellbeing of the public education system matters to me greatly.

It is for this reason that I wish to convey my concern regarding Bill 45 - The Public Schools Amendment and MTS Amendment Act. Teachers gave up the right to strike in 1956 in exchange for binding arbitration. This has been and remains a critical piece of our current dispute resolution mechanism between employer and employee group. This agreement was made under the premise that the process would open, unbiased, and independent. I object to the "ability to pay" provision in Bill 45 as it constitutes direct interference in the collective bargaining process on the part of government.

Collective bargaining is a right protected under the Charter of Rights and Freedoms. Since the birth of the LRSD in 2002, the LRTA has been able to meet at the table and engage in productive conversations and negotiations with our local school board: When discussing the relationship between employer and employee group in the LRSD/LRTA Interest

Arbitration award, Arbitrator Arne Peltz remarked, "They each attested to a positive history of working together and reaching mutually acceptable agreements. Despite grave apprehensions, both parties said they remain hopeful and believe they can maintain a productive working relationship." Their keen interest in and acute knowledge of their local community allowed for fruitful conversations.

Bill 28 - The Public Services Sustainability Act threw a wrench in that relationship which inevitably led to the need to use interest arbitration to settle our most recent contract. It is common knowledge that Bill 28 has impacted all public education teachers in the province. Most education employees have not received any wage improvements over the past four years. In the case of our members, the LRTA was able to make use of an open, unbiased, and independent interest arbitration process to settle our latest contract. However, our new collective agreement was signed three days after it had expired meaning our members once again found themselves working under an expired contract. Should the LRTA and the LRSD fail to reach an agreement during the next bargaining process, we will again need to avail ourselves of the arbitration process. The ability to pay language of Bill 45 impedes the neutrality of the next arbitration board we might encounter.

The public education system already finds itself under stress when it comes to the availability of qualified, certified teachers. This was evidenced by the system-wide shortage of substitute teachers this fall because of the COVID-19 pandemic. Further, COVID-19 has brought about additional challenges to the education system. Teacher workloads have increased significantly as have burnout rates. Young teachers are critical to the system with an aging cadre of teachers fast approaching retirement age. The public education system has always been challenged by the departure of teachers in their first five years of the profession.

The young teachers who are currently in our classrooms are still in the infancy of learning their craft. Their inexperience has made navigating the challenges of the pandemic even more onerous. Further, the need to retain these new hires as demand for French Immersion instruction increases means those hired to such teaching assignments are even more valuable to the system and must be retained at all costs. The continued downward pressure on salaries and challenging working conditions further exacerbated by the pandemic will make teaching an undesirable profession, further compromising retention and recruitment efforts. The ability to pay

provision will further erode teacher salaries and working conditions to the point where attracting new teachers will become extremely difficult.

I again object to the ability to pay provision contained in Bill 45. I am concerned that this definition does not address real ability to pay; rather it defines ability in terms of what a school board and the province are willing to spend. On page 22 of the LRTA LRSD Arbitration Award, Arbitrator Arne Peltz stated, "Legally, the Division is a creature of government. At the present time, government has placed a high priority on expenditure restraint and taxpayer relief, both for provincial taxpayers and local ratepayers. The Government has made the Division a vehicle for delivery of this policy." On page 23, Arbitrator Arne Peltz went on to say that, "Government does not lack the ability to pay but has decided it is unwilling to pay more than a prescribed amount for labour costs at this time, opting instead for taxpayer relief as a policy choice. The level of public services and the provision of resources to pay for them is a political responsibility." This government has ignored its responsibility to appropriately fund the public education system to meet the needs of not only the students but also the staff in the system.

An arbitration board should have the jurisdiction to make an award based on objective labour market data and the established relevant factors raised by the two parties at the table. The language in Bill 45 injects the government as a literal third party at future arbitrations as it is dictating that which must be given consideration before the case is even heard. This only serves to further the government's agenda by forcing an arbitration board to consider the division's ability pay when that ability is founded on the actions or inactions as it were of government.

School divisions are required to finalize school budgets for the coming year every March. I have paid close attention to media reports from various school boards across the province. Many of them have indicated that the financial constraints they are currently facing are not of their own doing, but instead because of education funding from the province that has not kept pace with the rate of inflation nor increases in student enrolment.

These school boards have acknowledged the impact of Bill 28 on their ability to negotiate with their employee groups and the restrictions it placed upon them to budget for potential wage increases for their employees. The province has further directed school divisions to exhaust surpluses prior to requesting more

funding from the province. Their challenges have been further compounded by restrictions by the provincial government on their ability to tax locally.

Through its actions, the province has forced school divisions into the economic challenges they currently face. Regrettably, this government has failed to acknowledge that education is an investment that pays for itself in the long run. Public education is a people business. In LRSD, nearly 85 per cent of the school division's budget pays for the people who are key to ensuring the system operates optimally. This government looks at education funding as numbers in a ledger, line items to be cut, dollars and cents to be reigned in. I see those numbers in their human form as the people they represent—teachers, educational assistants, and school support staff. These people are bread winners for the families they support, taxpayers whose taxes serve to replenish our social support systems, and shoppers whose spending money serves to feed the economy.

As a parent with children attending public schools, it angers me that this government has continually laid siege on the public education system as evidenced by the statements of various school boards across this province. My children, their classmates, and every student deserve to receive the best education possible that is not impacted by provincial interference in divisional budgets. All children deserve to have appropriate staffing levels in place to ensure their educational needs are met. Refusal to pay teachers competitive wages compromises the value and quality of public education and the future of our province. This province has played enough games with the people that comprise the public education system. For Bill 45 to avoid negatively impacting public education for generations to come, the ability to pay provision must be removed.

Marcela Cabezas
President - Louis Riel Teachers' Association

To the Clerk of Committees,

Greetings. My name is Lindsay Vieira. I have been teaching for 20 years within the Winnipeg School Division.

I oppose the intent of Bill 45 because:

As long as the definition of ability to pay is not changed, these provisions effectively remove teachers' right to bargain collectively and replace this

right with the employers' ability to impose salaries and working conditions under the guise of bargaining.

A critical piece of a fair system of bargaining is an open, unbiased, independent arbitration process. Since arbitration is the only dispute resolution process available to teachers, it is imperative that this process remains virtuous. For the betterment and well being of teachers and students in Manitoba, I strongly oppose Bill 45.

Sincerely,
Lindsay Vieira

To the Clerk of Committees,

Greetings. My name is Rowena Lavarias. I have been teaching for 27 years within the Winnipeg School Division.

I oppose the intent of Bill 45 because:

As long as the definition of ability to pay is not changed, these provisions effectively remove teachers' right to bargain collectively and replace this right with the employers' ability to impose salaries and working conditions under the guise of bargaining.

A critical piece of a fair system of bargaining is an open, unbiased, independent arbitration process. Since arbitration is the only dispute resolution process available to teachers, it is imperative that this process remains virtuous. For the betterment and well being of teachers and students in Manitoba, I strongly oppose Bill 45.

Sincerely,
Rowena Lavarias

To the Clerk of Committees,

Greetings. My name is Julie Ching. I have been teaching for nearly 20 years within the Winnipeg School Division.

I oppose the intent of Bill 45 because:

As long as the definition of ability to pay is not changed, these provisions effectively remove teachers' right to bargain collectively and replace this right with the employers' ability to impose salaries and working conditions under the guise of bargaining.

A critical piece of a fair system of bargaining is an open, unbiased, independent arbitration process. Since arbitration is the only dispute resolution process available to teachers, it is imperative that this process

remains virtuous. For the betterment and well being of teachers and students in Manitoba, I strongly oppose Bill 45.

Sincerely,
Julie Ching

Dear Bill 45 Committee,

My name is Nicole Peake and I have been teaching for 8 years in the Winnipeg. I am concerned about Bill 45, particularly the ability to pay clause. I feel this could negatively impact our education system.

Many teachers I have talked to and a poll conducted by MTS has indicated that teachers are tired, burnt out, and are on the verge of retiring/leaving the profession. Without competitive wages and ability to bargain for working conditions fairly, many qualified, experienced teachers will start to leave our education system. Attracting new teachers will also be difficult as the job will appear less desirable. The public education system is already under stress when it comes to the availability of qualified, certified teachers, leaving many positions unfilled.

Teacher bargaining should be a fair system that is open, unbiased, and include an independent arbitration process. It is my fear that keeping this clause could be detrimental to the education system, our teachers and most importantly our children. Please consider this before passing Bill 45.

Sincerely,
Nicole Peake

My name is Cameron Watson and I have spent the last 10 years as a high school teacher, union president and Pine Creek School Division taxpayer. I am writing this submission on behalf of the Pine Creek Teachers' Association. We are very concerned with Bill 45 as it takes away the right to local bargaining and it proposes an ability to pay clause.

The Pine Creek Teachers' Association has bargained successfully with the Pine Creek School Division for several decades. Our current bargaining process addresses local concerns regarding education in a fair and reasonable way. We fear that Bill 45 will take away the power of local stakeholders to make important financial decisions and our local concerns will be mitigated in favour of large metro issues. Rural Manitoba has struggled to maintain its vibrancy over

the last 30 years as urbanization and centralization have driven jobs and people to urban areas. I fear that Bill 45 will expedite this process. I grew up and have chosen to raise a family in rural Manitoba and I strongly believe that the PC government should fight for our way of life.

Another issue we have with Bill 45 is the implementation of the ability to pay clause. This negates a fair bargaining process as it allows the Provincial government to interfere in the bargaining process. If the government underfunds school divisions, it will always result in little or no increase to Divisional employees due the ability to pay clause. The PCSD has received a cut every year since the PC government took office, thus the ability to pay clause would encourage no increase in wages for the employees I represent. That is not a fair and reasonable bargaining process.

We believe the committee should either amend Bill 45 or let it die for the betterment of rural Manitoba and education.

Sincerely,
Cameron Watson
PCTA President

Dear Committee members:

I have been an educator in northern Manitoba for thirty one and a half years! I transitioned from a classroom consisting of three grades in an Indigenous community controlled by Indian and Northern Affairs Canada, to three Indigenous communities under local control, to two communities that fall under Frontier School Division, a provincial school board. My career in the field of education has allowed me to be a teacher, as well as an administrator.

I am in my final three years of my teaching career in hopes of being able to own a house in Winnipeg with my wife!

I am taking time on a Saturday afternoon to state my opposition to Bill 45: The Public Schools Amendment and the Manitoba Teachers' Society Amendment Act.

In my opinion this Bill has the potential to standardize salaries under a one tier bargaining system. It also will restrict the ability of an Arbitrator to function when the two parties are unable to reach an agreement.

I believe that a single tier bargaining approach will have a negative effect on the salaries of teachers in the North, recognizing that the cost of living is higher in the north. The majority of teachers work in southern schools and this gives the governing party an incentive to gauge salaries based on these employees. It will have detrimental effects with respect to teacher recruitment and retention in the north.

In response to my second concern, arbitration may not be seen to be fair and transparent. An arbitrator can be influenced by existing economic pressures, such as those caused by the current pandemic.

I recommend that Bill 45 be amended to allow for negotiations dealing with pay increases or working conditions to be based on northern or southern locations. I also believe that the provinces' economic situation should not affect an arbitrator's ruling.

In conclusion, I will soon be retiring and I recognize that Bill 45 will not have a dramatic impact on me. The Bill will impact teachers who are beginning their career or in the middle of their career and I would like committee members to consider the potential impact it can have on them.

Sincerely,
William Taylor
Teacher

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.manitoba.ca/legislature/hansard/hansard.html>