

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

*Chairperson*  
*Mr. Dennis Smook*  
*Constituency of La Verendrye*

**Vol. LXIX No. 3 - 6 p.m., Tuesday, November 1, 2016**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Forty-First Legislature**

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

**Tuesday, November 1, 2016**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Dennis Smook**  
*(La Verendrye)*

**VICE-CHAIRPERSON – Mr. Andrew Smith**  
*(Southdale)*

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Mr. Cullen*

*Mr. Allum, Ms. Lamoureux, Messrs. Lindsey, Marcelino, Pivniuk, Reyes, Smith, Smook, Yakimoski*

*Substitutions:*

*Mr. Helwer for Mr. Lagassé at 6:43 p.m.*

**PUBLIC PRESENTERS:**

*Mr. Drew Caldwell, private citizen*  
*Mr. Jeff Skinner, International Brotherhood of Electrical Workers Local 2085*  
*Mr. Michael Barkman, Canadian Federation of Students, Manitoba*  
*Mr. Geoff Bergen, private citizen*  
*Mr. J.P. Petit, private citizen*  
*Ms. Marianne Hladun, Public Service Alliance of Canada*  
*Ms. Christine Parag, Workers United Canada Council*  
*Ms. Breigh Kusmack, private citizen*  
*Mr. Greg McFarlane, private citizen*  
*Ms. Michelle McHale, private citizen*  
*Mr. William Gardner, Manitoba Employers Council*  
*Mr. Chris Rigaux, private citizen*  
*Mr. Marty Dolin, private citizen*  
*Mr. Jonathan Alward, Canadian Federation of Independent Business*  
*Ms. Serina Pottinger, private citizen*

**WRITTEN SUBMISSIONS:**

*Daryl Barnett, American Income Life*  
*Cindy Murdoch, Canadian Labour Congress*

**MATTERS UNDER CONSIDERATION:**

*Bill 7–The Labour Relations Amendment Act*

\* \* \*

**Mr. Chairperson:** Good evening. Will the Standing Committee on Social and Economic Development please come to order.

This meeting has been called to consider Bill 7, The Labour Relations Amendment Act.

I would like to remind that the Standing Committee on Social and Economic Development will meet again Thursday, November the 3rd, 2016, at 6 p.m., to continue consideration of Bill 7.

As per an agreement between the House leaders, presenters have been scheduled and assigned to present at one of the committee meetings called to consider this bill. Also as per the agreement, presenters from out of town have been scheduled before printers–presenters from the city for each meeting.

Tonight, we will hear from 19 of the presenters registered to speak on Bill 7, and you have the list of those presenters before you.

I would also like to inform all in attendance of the provisions in our rules regarding the hour of adjournment. A standing committee meeting to consider a bill must not sit past midnight to hear public presentations or to consider clause by clause of a bill except by unanimous consent of the committee.

Written submissions on Bill 7 from the following persons have been received and distributed to committee members: Daryl Barnett, American Income Life; Cindy Murdoch, Canadian Labour Congress.

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

Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with the

staff at the entrance of the room. Please note that additional presentations will only be heard if time permits after hearing from those previously listed for this evening.

Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from 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 the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

I would like—I would also like to remind the members of the public who are observing the committee meeting to please do not disturb the committee proceedings by applauding or commenting from the audience. Taking of photographs are not permitted from the public gallery, as well as any audio-video recordings. And please ensure that your phones are on silent mode.

Speaking in committee—prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for Hansard to record, to turn the mics on and off.

Thank you for your patience.

#### **Bill 7—The Labour Relations Amendment Act**

**Mr. Chairperson:** We will now proceed with public presentations.

I will now call on Drew Caldwell, private citizen.

Do you have any written materials for distribution to the committee?

**Mr. Drew Caldwell (Private Citizen):** No, I don't, Mr. Chair.

**Mr. Chairperson:** Please proceed with your presentation.

**Mr. Caldwell:** First of all, I'd like to thank the members of the committee for hearing members of the public on this and other issues that the Legislature is attending to. We are, in Manitoba, unique in Canada in that we do encourage, not only allow, but encourage the public to make representation to the Legislature on issues of public importance. And I think that that is a signal strength of the legislative protocols in this province that set us apart from other provinces. And I want to underscore that as being something that I place great value in and I think that the public is very well served in that, and I hope it never changes.

Mr. Speaker—or, Mr. Chair, I'm here to make a very brief oral presentation to the committee. I—having sat on the other side of this podium where you are around this table, I'm not under a great deal of illusion that what I'm about to say is going to change anybody's mind or have a material impact on the legislation at hand. But I think it's important to put on the record my perspective as a former legislator in this province and as a citizen that places a great deal of value and importance on civil discourse and on, essentially, stability in our society and stability of our economy.

We have had, in this province, 20 years of relative labour harmony. There has been a huge amount of advancement and prosperity in this province over the last two decades. The system within which we have conducted ourselves in terms of labour relations for the last two decades has served social harmony; it's served our economy extraordinarily well. We—at the time of my leaving this building, we had one of the strongest economies in the country. There has been of late, and as recently as this morning when I came into Winnipeg from the city of Brandon to make presentation, there's been a change in the climate around labour relations in this province. It's a change in climate that threatens social harmony in this province. It threatens the economic potential of this province. It threatens the strong economy that we have.

\* (18:10)

The government bill presently before the Legislature makes several changes to The Labour Relations Act. There are two that I'm going to speak to very briefly that are of the most concern to me. The first is the removal of the possibility of interim certification when there is no dispute about the likelihood of certification for a union organizing with regard to composition of the bargaining unit. The

card checkoff system has worked extraordinarily well, with 65 per cent of membership signing cards leading to automatic certification. It has provided a climate for unions to organize that is fair, that does provide for a clear indication of support for a union in a bargaining unit to be recognized. As I said, we have had labour peace in this province for two decades as a consequence of policies such as the automatic certification when 65 per cent of a bargaining unit opts to certify, and I think the removal of that provision for automatic certification will lead, in and of itself, to conflict in the workplace and a more divisive workplace. That has been the record elsewhere in this country and in, frankly, around the world in western democracies where that sort of conflictual environment exists between—in the workplace between workers and in a workplace that does not provide for certification based upon a benchmark such as the 65 per cent.

The second issue that is—concerns me, apart from the elimination of the automatic certification at 65 per cent, is the elimination of language referring to the—in the existing legislation, the elimination of language that admonishes all parties to refrain from intimidation, coercion, fraud or threats for the wishes of union representation and union organization. Creating an environment where automatic certification doesn't take place when 65 per cent of the membership sign a card, as I said, creates an environment where conflict and discord, by definition, can exist. And, secondly, removing language that admonishes a workplace to—employers and employees to refrain from intimidation and fraud, coercion and threats, I just—I cannot understand, for the life of me, why language that would encourage a civil workplace would be removed, unless the intent was to allow for the very things that were in the present labour legislation. Removing language that warns against intimidation, threats, coercion and fraud would indicate to me that there is a desire to allow that sort of conduct to take place. And that's a grave concern to me. As I said, Manitoba has experienced a two-decade period of labour harmony. That period has created a great deal of prosperity in this province. It has been a benefit not only to organized labour but also to unorganized labour, to business and to all of us in this province who care about social harmony and economic growth.

So, without further ado, those are my two concerns. I would not remove the language admonishing parties to refrain from coercion,

intimidation, fraud and threats. That language ought not to be removed from labour legislation, unless, again, unless the intent is to allow those sorts of things to occur. And, secondly, I would, I guess, really, oppose the legislation in its substance by stating that the 65 per cent checkoff has worked very, very well and has created what is one of the most prosperous provinces in this country.

And, with those remarks, Mr. Chair, I will conclude my oral presentation.

**Mr. Chairperson:** Thank you for your presentation, Mr. Caldwell.

**Hon. Cliff Cullen (Minister of Growth, Enterprise and Trade):** Thank you very much, Drew, for coming in tonight, sharing your views. We do appreciate it. And it's different, obviously, to see that that's at that end of the table. So we appreciate not only your time tonight but certainly the years you shared as a legislator representing Brandon. So thanks for your time.

**Mr. Caldwell:** I'd like to thank the minister. We shared the same region of the province and I always had a very, very good working relationship with Minister Cullen during my time as an MLA, and I know that we've worked together on some files that were often very challenging.

And I appreciate the role that you have right now. I know it's a tough one, probably the toughest one in government. So thank you for your remarks.

**Mr. Tom Lindsey (Flin Flon):** I'd also like to thank you for coming out, Mr. Caldwell, and talking to us about things that you feel are important.

Now, I'm correct in you were in the government for a number of years; at any point in time during that period did anyone, any group, approach the government, that you're aware of, requesting that there was a need to make changes like this to the labour legislation?

**Mr. Caldwell:** No, not at all. In fact, the framework with which the previous government operated which was under the Premier's Economic Advisory Council. That was a table that represented the labour leadership in this province, as well as the business leadership in this province. So any matters of significance in regard to labour legislation, economic development, co-operative working relationships between business and labour was always thoroughly vetted and discussed through

the Premier's Economic Advisory Council. We got the best advice.

That table served as the clearing house for advice for government policy in this regard. As I said, it was comprised of the senior leadership of the business community as well as the senior leadership of the organized labour community in the province of Manitoba. And I think that's reflective of the harmony, the social harmony in particular, that we tried to engender as a government. So, no, not at all.

**Mr. Lindsey:** So just to briefly touch on during your time in government, the Premier's Economic Advisory Council was made up of business leaders, of labour leaders and community leaders, kind of everybody at the table at the same time?

**Mr. Caldwell:** That's right.

**An Honourable Member:** I thank you; I think that's all my questions.

**Mr. Chairperson:** Mr. Caldwell, did you have any response, no?

**Mr. Caldwell:** Well, again, I just want to thank the committee for their time, I appreciate it. I appreciate the role that you have as MLAs, and I know it's a 24-7 job that oftentimes puts bullets on—targets on your head, your back, your neck and every place else on your body.

So I know I respect all of you around the table here and the work that you do, whatever your perspective is. It's a tough job and oftentimes not a very fair job but it's a job that's well worth undertaking as an engaged member of our province and our society.

And I commend all the members around the table for sacrificing a lot of their personal life and sacrificing a lot of their privacy and family life for being in this building and doing the work on behalf of the people of the province of Manitoba.

And again, I thank you for this. And I think this is a very, very important forum for the public and let Manitoba always have public hearings like this on their legislation.

Thank you very, very much.

**Mr. Chairperson:** Thank you for your presentation, Mr. Caldwell.

I will now call on Charlene Matheson, private citizen.

Charlene Matheson, private citizen? She will be dropped to the bottom of the list and then called after we've heard the rest of the presenters.

Jeff Skinner. Mr. Skinner, do you have any written materials for distribution to the committee?

**Mr. Jeff Skinner (International Brotherhood of Electrical Workers Local 2085):** I do not.

**Mr. Chairperson:** Please proceed with your presentation.

**Mr. Skinner:** Hello and good evening everyone. My name is Jeff Skinner and I'm speaking on behalf of the International Brotherhood of Electrical Workers Local Union 2085.

Unions are important because it makes employment environment more harmonious between the employers and the employees. Having a union for employees to go to is important because they can bring up issues that can alleviate a small issue before they become bigger issues.

\*(18:20)

It is a known fact that in the construction industry, that working for union contractors are actually safer for employees than to work for them in the non-union contractors. They have better training and follow the laws that govern working people and the contractors. Being an IBEW 2085 organizer, I see violations all the time in the non-union. Companies are not following mandatory ratios, sending out apprentices on their own, and not report job-site incidences or near misses, which is illegal.

While the employer charges a customer as if they were a certified journeyman, every consumer that utilizes the services of an electrician should ask if they have a license, since it is a certified trade.

At the end of the day, everyone has the right to work in a safe environment.

There is no doubt that working for a union company, you will receive higher wages, better benefits, and in our case, a pension plan. Everyone has a right to live and retire with dignity. I see the abuse coming from some of the non-union contractors with their employees.

Labour in general is concerned with Bill 7 for many reasons, but the main ones being it will no doubt make it harder for everyday Manitobans to join a union if they wish. It will allow the employers time to intimidate with unfair labour practices before

a vote and/or give them time to make false promises to turn around the certification process.

I've been part of a certification process and have seen this first-hand. People who were certain they wanted union representation end up feeling stressed out and uncomfortable by the time the vote is to take place, not to mention during that time it will inevitably slow down production and make it a more stressful environment for the workers. It will also make it more dangerous for the workers who are not thinking about the tasks at hand because of the stress level.

At the end of the day, Bill 7 will stop some of the certification going through, which means more people with less wages, less benefits, and no pension. It will be a poorer Manitoba and it means more people will be relying on—in the government subsidies to survive and not thriving with dignity on their pensions throughout retirement, thus putting the burden on society.

Card-check certification matters because when employees declare that they want to join a union by signing cards, the will of the workers is very clear, especially when the employees of the bargaining unit sign 65 per cent or more of the cards. The union doesn't intimidate employees to sign cards. It is up to the free will of the employees. The union is just there for support.

I know this first-hand because I've been through it myself. Card-check certification protects workers from intimidation, threats and bullying from anti-union employers. The obligation of the organizer is to sign a card with the individual with absolute strict confidence. The organizer is further obligated to not tell any of the other employees if that previous employee signed a card or not. If that said individual wants to share that they signed a card, it is up to them.

Section 41 of The Labour Relations Act of Manitoba is clear: that no way a union organizer can intimidate employees to sign cards.

Some examples of which IBEW 2085 has come across of employers intimidating their employees during certification processes are: Once, an employer of an electrical company came to a workplace and threatened the life of a member and his wife of Local 2085 while we were conducting an organizing campaign off of the clock. The member then phoned the union because he was intimidated and scared by

the employer. We called the police and the owner was taken away in handcuffs.

During the labour board hearing, the employees that were testifying regarding the certification drive would not attend without presence of a police officer. Police was provided and the case resumed. Testimonials were provided, and ultimately, the bargaining unit was successful in certifying.

Another example on a separate certification drive, the employer took an alternate route to stay non-union. He brought his employees to his residence where he provided a barbecue for all employees with copious amounts of alcohol and proceeded to have a hot-tub party with exotic dancers that he'd invited to his residence for his employees. He tried to convince the employees that they were family and didn't need the union to interfere or break up the family.

In another certification drive, the employees came directly to the union hall and they began to ask how they could join the union so they could get paid their overtime. The employer was withholding from them for all the hours of overtime that they had worked, and along with the health and benefits for their family. They were extremely upset because they made numerous requests for months on end to the employer for a slight cost-of-living increase and were also denied their health benefits.

Upon finding out that the owner recently purchased a brand new Mercedes-Benz for cash, they came to the union and requested that they felt the vehicle was paid with their sweat and they simply wanted what was fair for them.

They signed cards and were able to sign 65 per cent of the bargaining unit with cards, and the certification was successful. Within a week, the owner closed the doors of his business and got into general construction and out of the electrical work. Fortunately, at the time, the union was busy and we were diligently able to put all those members to work with a variety number of our contractors that we had under a collective agreement. These employers were extremely happy to put these individuals to work after they heard the story about the union certification process with this unscrupulous contractor.

The process is very fair under the current legislation and it holds both the union and the contractors accountable to the standard of legislation in this province. This is a system that has been

proven to work and protects the workers' rights, and should remain intact.

In my experience, during the time of a vote for a secret ballot is called, anti-union companies will use that time to commit unfair labour practices to pressure workers in a voting-to-into voting against joining the union. Then trying to prove that the company had committed multiple unfair labour practices to the labour board is next to impossible.

My conclusion: If employees can get 65 per cent of the bargaining unit to sign cards to join a union, it is quite clear that they want to join—want the union to negotiate on their behalf. Any non-union company or firm in today's economy in our province who treats their employees fairly with wages, benefits, retirement plans—for example, Costco, which is a non-union company, they are well-known that their employees are treated very well.

A union would have a tough time organizing a company of that nature into its ranks. This legislation is in place for the reason is to protect and give hope to employees that seek a better quality of life, fair wages and benefits to provide for their families. Is even—it is even for both parties and should remain intact.

One last point, if you take anything from what I'm saying tonight, anything that is going to resonate with you, I want it to be this: In the time leading up to a certification vote, it is easy for a worker to walk away from an organizer if they choose to, but it is not easy to walk away from the owner or your boss who's trying to stop the certification from going through. Your boss is the person who signs your work, signs your paycheques, the one ultimately in charge of your health and safety, and the person who you see every day. Let's call a spade a spade. This bill is not designed to protect the workers but is just another loophole that the anti-union companies can manipulate to stop a certification on their company.

Thank you, Mr. Chairperson.

**Mr. Chairperson:** Thank you for your presentation, Mr. Skinner.

**Mr. Cullen:** Thank you, Mr. Skinner, for sharing your perspective with us tonight. Appreciate the work that you do and certainly your fellow workers do on behalf of all Manitobans, so thank you for your time.

**Mr. Skinner:** Thank you very much.

**Mr. Lindsey:** I'd like to take the opportunity to thank you for coming down here tonight and sharing your opinions and your facts with us. Your union—IBEW is a fairly large union, involves a lot of workers. To the best of your knowledge, did anyone from the government consult with yourself or anyone else within your union group prior to introducing this legislation?

**Mr. Skinner:** Never.

**Mr. Lindsey:** So you talked a little bit about your experiences as an organizer. Would you characterize the signing of a union card as a secret ballot vote?

**Mr. Skinner:** Absolutely, I would. Everybody I speak to, I—first thing I say is that everything that you say is in confidence. I do not share any facts or details with any of the other bargaining units. I think it's very important that everybody should have the respect and really just, you know, like, they—you know, their opinions should be their own. If they want to share it with somebody else, it's up to them. I'm—I always say as an organizer that if you can't trust me or if the non-union guys out there—guys and girls out there can't trust me, then what am I doing out there.

**Mr. Lindsey:** I thank you for that. So, really and truly what you're saying is the signing of a union card is democracy in action in a workplace.

**Mr. Skinner:** Absolutely, it is. And at the end of the day, if some—if I'm out in the field and trying to get cards signed and somebody tells me they're not interested or—you know, normally it's in better terminology than that. You know, I'd just say, oh, fair enough, walk away. That's what it's all about being an organizer. We want people who want to be a part of our organization, who want to be represented by us. We don't force anybody to be IBEW members, it's up to the will of the employees.

\* (18:30)

**Mr. Lindsey:** Giving us some examples in your experience of perhaps not the best employers in the world that that have exercised some form of intimidation coercion on workers, have you ever coerced a worker into signing a union card?

**Mr. Skinner:** I've never. I'm an educator through and through. I give them all the facts, and I tell them this is how it is, you investigate, you do your own research and, at the end of the day, it's up to you whether you want to sign this card or not—so absolutely not.



**Mr. Lindsey:** So the employer kind of holds all the cards in this particular exercise. They employ the worker, they control the wages, the holidays, the time off. So it's fair to say those are the kind of things that they can threaten workers with.

Can you think of anything that a union could actually threaten a worker with for signing or not signing a card?

**Mr. Skinner:** Absolutely not. I mean, the only thing that you could say is that, you know, if you want to be treated fairly and, you know, you're having issues, I mean, this is probably the only way that you're going to get any representation; otherwise, you're on your own. That's not a threat; that's just the truth. And not all employers are bad. Like I said, you know, the stories I've shared are obviously some extreme examples, but I mean, you know, there's other forms of intimidation, whether it's giving a certain individual the grunt of the work, you know, compared to some of the better work. I mean, there's different ways of intimidating or threatening people without actually having to say it.

**Mr. Lindsey:** One last question for you. In your experience as an organizer, is it the employers that treat their employees with dignity and respect that generally are the ones that are undergoing a union drive, or is it the employers that perhaps don't treat their employees that well that would be the bulk of organizing?

**Mr. Skinner:** The only time I've ever had anyone want to become part of the union or to be—certify their company is when they've been treated pretty poorly, whether it's wages, not getting paid overtime, there is no health and safety on the job, just general concerns. I've never had anyone say, I'm part of a great company, but I'd still like representation—never seen that so.

**Mr. Lindsey:** Thank you for your time here, and thank you for sharing your views and your experience with us.

**Mr. Chairperson:** Seeing's—thank you very much for your presentation, Mr. Skinner.

Seeing's no other questions, I will now call on Laurie Kjartanson. Laurie.

Laurie's name will be moved to the bottom of the list and called after everybody else has been called on the list.

I will now call on Michael Barkman, Canadian Federation of Students, Manitoba.

Do you have any written materials for distribution to the committee?

**Mr. Michael Barkman (Canadian Federation of Students, Manitoba):** No.

**Mr. Chairperson:** Please proceed with your presentation.

**Mr. Barkman:** Thanks, everyone. Good evening. I would like to thank you for your time tonight and the opportunity to speak here to this proposed legislation.

My name is Michael Barkman. I'm the Manitoba chairperson with the Canadian Federation of Students. We represent approximately 45,000 members at the U of M, the U of W, Brandon University and Université de Saint-Boniface. I, myself, am a U of W student in my sixth year.

I'm here to speak against this legislation and ask that the government rethink moving ahead with it. I understand that you have been faced with numerous speakers, and they have all eloquently spoken to the detrimental effects this legislation on the workers of Manitoba. I am here to highlight the detrimental effects to the youth and students of this province, the very future of Manitoba.

Let me start by explaining the reality that youth in Manitoba face today, painting a little picture that maybe only a few people around the table might remember. We are often dismissed as privileged, apathetic, entitled, labels that are very far from the truth from the students that I meet and who regularly share their experiences with me.

I am told time and time again about the weight and pressure of the insurmountable debt levels faced by Manitoban students. In fact, the average student debt to pursue an undergraduate degree in this province is \$19,000. Imagine what you would feel exiting your post-secondary with that level of debt. Personally, student debt has had a very negative impact on my family, close friends and on myself.

To add insult to injury, we're having an increasingly harder and harder time find good, meaningful employment in this province. The inability to locate good jobs overwhelms the students that I speak with. The examples of the struggles that students and recent graduates experience locating good jobs are endless and very disheartening. Again, this issue has directly impacted my family and me.

This legislation will only make this challenging reality that I'm painting for Manitoba students worse.

We know that unions are a vital part of ensuring basic protections to the employee, and many Manitoba students and recent graduates benefit from being part of a union. They ensure that employees not only have a living wage, but also guarantee basic employment benefits. We also know, and I've heard from previous presenters tonight and also last week, that unionized jobs on average pay more than non-unionized jobs. Therefore, students seeking employment, for example, in a summer, in a unionized work environment, are better positioned to either pay down the debt that I'm describing or take on less debt to pursue their education, giving them a greater advantage post-graduation.

Recent graduates, as well, entering a unionized work environment have the ability to pay down their debt faster than those in a non-unionized workplace. Unions help to alleviate the Catch-22 currently facing many students: high student debt and a lack of good job opportunities.

We are often told to toughen up, stop complaining and accept this precarious nature of employment that greets us during and after our post-secondary education. Unfortunately, we know that a lot of big businesses or corporations are typically uninterested in what is fair to the employee. They don't often seek to ensure safe working environments and often don't care about the financial viability of their employees, especially young students. Their bottom line is profit.

Unions help balance the power between the employer and employee, making things more equitable and fair. As we have heard from experts who have spoken before me, the impact of Bill 7 will see fewer and fewer unionized workplaces in our province. In my opinion, that will only be bad for Manitoba's youth and students. With fewer unionized workplaces, young people will have less access to good jobs that are stable and meaningful. This will only result in slower debt repayment, and I've seen that again with people in my family, close friends and also myself.

Student debt impacts major life decisions such as starting a business, a family or purchasing a house. How will our deficit look if we are saddled with more student debt and fewer and fewer good jobs. This legislation will only hurt our economy in the long term. If we want an economy that works for my generation, it starts with ensuring that we can form

unions in this province. This bill is a step in the wrong direction.

Thank you for your time, and I look forward to questions.

**Mr. Chairperson:** Thank you for your presentation, Mr. Barkman.

**Mr. Cullen:** Thank you, Mr. Barkman, for taking time out of your studies to be with us tonight. Wish you all your best in your future studies. Thanks.

**Mr. Lindsey:** I, too, would like to thank you for being here tonight and sharing a very important opinion.

You represent, or your group represents, a fair majority of students in the province. Do you know if anybody from the government ever approached your student organization and to discuss a bill like this prior to it being implemented?

**Mr. Barkman:** No. Yes, we represent 45,000 students, so it is the majority, and, no, not to my knowledge. I've been around for a while in this organization. And I think it is a—you know, an area that we haven't heard much from, from young people and students, and I think it's something that's really important to consider when talking about this legislation.

**Mr. Lindsey:** I thank you for that. I couldn't agree with you more that certainly young people's opinion is important as we move forward and should be taken into account.

Has anybody ever approached your organization about sitting on any kind of advisory council with the government or the ministers or the Premier's advisory team, or anything like that?

**Mr. Barkman:** No, nothing like that. The only seat we hold is on the advanced education advisory committee, which has been in place for a while, but nothing like that.

**Mr. Lindsey:** You can perhaps tell me this is none of my business, if you want—what field of studies are focusing on?

**Mr. Barkman:** Sure, that can be everyone's business—yes, I'm studying urban and inner city studies as well as political science at the University of Winnipeg.

**Mr. Lindsey:** Just so we can be clear, then, you have some knowledge about unions and what their impact

would be on inner cities and students and young people and working people in general?

\* (18:40)

**Mr. Barkman:** Yes, I think both in my academic life. Our program is interesting. It's on Selkirk Avenue in the north end of Winnipeg, and a lot of the students aren't people that look like me. Often they're a little bit older or my age, often they have children, primarily indigenous people. But also our program is needed, because there's a lot of opportunities to jump into employment post-graduation, but a lot of these positions, of course, are smaller and non-profits and that sort of thing. Some are unionized; some are not. But it is something that certainly affects inner city and a lot of the students that I attend class with.

**Mr. Lindsey:** Just so—you have students that get jobs in non-union, and students that get jobs in union environments, either while they're going to school or afterwards. Which would you characterize as being the preferred option, and could you just give us a couple of sentences as to why?

**Mr. Barkman:** Yes, so I think on the example of people who are working in summer jobs that are unionized often—I mean, I've heard a lot of personal stories—those are folks who will be making a higher wage over the summer, who are jumping into September into their new year of school feeling a little bit more balanced with being able to pay for their rising tuition fees. So I think if we're talking about summer jobs, we're often hearing that students are much more comfortable, are much more capable of paying for their education if they were in a unionized environment.

If we're talking about post-graduation, I think the government would probably have more, you know, raw data on this sort of thing than I do—but at least a lot of students are wanting to go into a job that has benefits, are wanting to go into a job that's meaningful. And often people have to jump into employment to pay off their student debt that's not relevant to what they studied.

So I think, you know, the desire for a lot of people is to go into something that's meaningful and to go into a job that has good benefits, that is in Manitoba, and that pays a living wage or at least above that, if they have higher qualifications. So I think it's of concern and something that students are looking for when they're looking for employment.

**Ms. Cindy Lamoureux (Burrows):** Thank you, Michael, for your presentation.

I have more just of a statement than a question. I just wanted to say it's refreshing, and I really appreciate the approach that you took with this issue. We haven't heard it from a youth's perspective, and you're totally accurate when you say it's hard to be heard as a younger person; I can relate to that. So I just appreciate you being here and taking the time to present to us.

**Mr. Barkman:** Thank you. Yes, and, as someone, maybe one of few people around the table who also understand what it's like to be a student in today's economy, thanks for your comments.

**Mr. Lindsey:** I want to thank you for sharing your opinions with us on this very important piece of legislation and encourage you not to be a stranger in these halls as we discuss other legislation, because your opinions and your views are very important.

**Mr. Barkman:** Thank you. Yes, and we have a—certainly we represent a wide diversity of members across the province who are happy to also speak in addition to me.

**Mr. Chairperson:** Thank you for your presentation, Mr. Barkman. This concludes our five minutes of question period here.

#### Committee Substitution

**Mr. Chairperson:** I would like to inform the committee that under our rule 85(2), the following membership substitution has been made for this committee effective immediately: Mr. Helwer for Mr. Lagassé.

Thank you.

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**Mr. Chairperson:** I will now call on Geoff Bergen.

Do you have any written materials for distribution to the committee?

**Mr. Geoff Bergen (Private Citizen):** No.

**Mr. Chairperson:** Please proceed with your presentation.

**Mr. Bergen:** Good evening, everyone. Thank you for granting me the opportunity to speak on this important issue. My name is Geoff Bergen, and I have been a union member for over 10 years.

My first unionized job was at a grocery store, where I was a member of the United Food and Commercial Workers Local 832. I am now lucky enough to be employed by that union, and, as an employee of that union, I am also a member of the United Steelworkers Local 9074, where I sit on the executive board as the recording secretary.

Unions have been a tremendous force in my life since I was 18. Being a member of a union means you usually enjoy higher wages and benefits, but most importantly it means a safer and fairer workplace. In a unionized environment, health and safety committees are far more likely to function properly and bring forward issues that could put workers in danger.

Workplace Safety and Health does its best to enforce our health and safety laws, but they can't be everywhere are once. Workers who belong to a union are far more likely to report unsafe incidents without fear of reprisal from their employer. I know this, because my first role within the union working at the grocery store was on the health and safety committee, where I got a lot of training and my first chance to have a voice in my workplace with my employer through the health and safety committee process.

When I say a union provides a fair workplace, I'm referring to respect and dignity. When workers do decide to join a union, it's usually a lack of respect in the workplace that pushes them to sign a card.

Quite often, a first contract for—in a newly unionized workplace doesn't come with massive wage boosts but it does come with language around respect and dignity and a grievance procedure. The grievance procedure is very important. Through this the workers have a way of addressing poor treatment by management.

Bill 7 has been sold as a way to make union certification in this province more democratic. But much like right-to-work legislation in the United States, this is really nothing more than an attack on workers and organized labour.

Currently, we have a 65 per cent threshold in Manitoba for automatic certification, what makes it—which makes it the most demanding among provinces with card-check certification. When less than 65 per cent but more than 40 per cent of the workers at a workplace sign union cards, a secret

ballot vote is required to determine the will of the workers. But when 65 per cent or more of the workers in a workplace sign a union card, it's a pretty clear indication that they want a union.

Secret ballot votes are democratic in the terms of elections to political office. But a vote for a union is not comparable to an election. On election day, each party is only allowed one scrutineer at the polling station. Further to that point, political parties are not allowed to campaign nor have campaign material anywhere near a polling station.

However, workers who want to join a union must go to work with their employers every day. Those employers stand at the top of a power imbalance, meaning they control working conditions and whether the worker will be employed or unemployed.

We recognize this power imbalance in a field of workplace safety. That is, all workplace investigations, when there is a workplace incident, start with the employer. They start with the employer because they have the most control over the workplace. Why would we not recognize this power imbalance when it comes to union certification?

Once the labour board has received the signed union cards, an application for certification, they then inform the employer of the employees' intent to unionize. It could then be a week or more, depending on the stall tactics used by the employer, before the vote is held.

During that time, the employer has the ability to affect the vote. This often takes the form of intimidation, coercion through captive-audience meetings, where every employee is required to attend.

We saw this here in Winnipeg at the Tim Hortons that unionized on Portage, and the Winnipeg Dodge, where they had a union drive. The employers there used mandatory meetings to threaten closure, job loss and to sow general fear into its workers who were thinking of unionizing.

When it comes to the day of the vote, it's quite often held in the workplace. Sometimes whole management teams are there observing the vote. Think about that. You have to walk past the people who control whether you employed or not, the people who control your workplace, the place where you spend about one third of your life, to cast the ballot for your right to join a union.

Perhaps they know you're a union organizer. Perhaps they know you're pro-union. Maybe they don't know your stance but saw you talking to a union organizer. Either way, they keep track of who shows up to vote. If the vote fails to certify a union, the employer is free to retaliate against those employees suspected of being involved in the drive.

Before the last federal election, I wasn't forced to spend seven days with Stephen Harper, Justin Trudeau and Tom Mulcair before the vote. Why should workers who want to have to—who want to join a union have to spend seven days or more with their employer before a union vote, even though 65 per cent of them signed cards for certification?

The answer is not for a more democratic process, as this has been framed. The strongest democracies on this planet have strong trade unions, and, in my opinion, Bill 7's only aim is to weaken those trade unions here in Manitoba.

Thank you for your time.

**Mr. Chairperson:** Thank you for your presentation, Mr. Bergen.

**Mr. Cullen:** Thank you, Mr. Bergen, for your presentation and certainly for sharing your history. I appreciate it. Thank you.

**Mr. Chairperson:** Mr. Bergen, did you have a response?

**Mr. Bergen:** Thank you.

**Mr. Lindsey:** I thank you for coming out and sharing your experience. Your experience is both as a new, young worker, and working for a union, and as a union member in the process. Prevents—or presents some really unique perspectives, I think, the three different areas that you're covered off on.

\* (18:50)

Would you characterize the signing of union cards during a union drive as a type of democracy in action?

**Mr. Bergen:** Yes, I would agree with that. The employees are not forced. They have the right to come to the union to sign the union card, and they have the right to come to the union and get information and not sign that union card. So yes, I feel that way.

**Mr. Lindsey:** To your knowledge, are those cards signed in secret?

**Mr. Bergen:** To the best of my knowledge, those cards are signed in secret.

**Mr. Lindsey:** I think you've presented us with some interesting thoughts about the waiting period from the time an employer finds out about a certification drive and when the actual vote takes place, that really characterizes how—one of the reasons why a workplace is different than another institution. So a different type of democracy, a different type of democratic action would seem to fit the bill in those circumstances. Is that a fair characterization?

**Mr. Bergen:** Yes, exactly. You know, when there's a—when—in that period when the employer knows that there's a union drive, there's all sorts of tactics, from very nefarious to simply hiring more employees so that the numbers are skewed when the employer has—or when the union has put in their application for certification.

**Mr. Lindsey:** To the best of your knowledge, has any of the groups that you either are a member of or worked for ever been approached as part of a consultation process prior to this legislation coming into being?

**Mr. Bergen:** To the best of my knowledge, they have not.

**Mr. Lindsey:** I thank you very much for your time.

**Mr. Chairperson:** Thank you for your presentation, Mr. Bergen.

I will now call on J.P. Petit, private citizen.

Mr. Petit, do you have any written materials for distribution to the committee?

**Mr. J.P. Petit (Private Citizen):** No, I do not.

**Mr. Chairperson:** Please proceed with your presentation.

**Mr. Petit:** My name is J.P. Petit, and I would like to thank you for the—providing me with this opportunity to speak on this very important bill.

I work for the United Food and Commercial Workers Union Local 832, where I am currently a union representative as well as the director of organizing. I have been involved in organizing for several years, and the one thing that never changes is the fear among employees who reach out to a union for support: the fear of losing their jobs and fear of intimidation by their employer.

I'd like to talk about a very recent situation, which is a good example of why the automatic

certification is so important. We had an organizing drive with a fairly small employer—at least, they started off very small about 10 years ago; they only had about four employees. They have since grown significantly and now have about 30 employees. Although wages and benefits were somewhat of an issue, it was primarily the lack of respect and dignity that prompted these employees to approach us with an interest in organizing their workplace.

Several of these employees are new Canadians, and they didn't know from one day to the next if they would suddenly be losing their job for something such as not knowing the English language well enough. This was an actual reason for a production worker to be let go. He was told his English was simply not good enough. For these reasons, we had employees finally come up with the courage to come to us and sign membership applications with the hope to finally being able to improve their working conditions.

In fact, we were doing very well. Away from the workplace, we would meet with individuals, provide information as to the process and the benefits of joining a union. It was very important for several of these employees that we get to the automatic certification, say they wouldn't have to go through the process of having to place a ballot into the ballot box in front of their employer. That intimidation alone was something they feared when we discussed it.

We made the application for certification to the Manitoba Labour Board, and after the planning meeting was conducted, it was determined that we didn't have enough cards signed for the automatic certification. It turned out that we fell short by only one card, which meant a vote was going to be held. We communicated with our supporters and encouraged them to remain strong, that we would have someone there from the union as well as a labour board officer who would be conducting the vote. A member from management would also be there as a witness, but only for that reason, as a witness to the vote, just the same as a union representative.

The vote did take place in a timely fashion, as per The Labour Relations Act, which is exactly how that short of a period of time was enough for the employer to be able to get to the employees with false information and with fear and intimidation.

Of course, this was not done directly by the employer or members of management. This was

done by other employees who were coached by the employer. We do know this is the case but would have no way of proving an unfair labour practice.

Employers have gotten far more careful in this day and age with situations like this. They quickly consult with lawyers who can advise them as to what they can and cannot do or say.

In this particular case we had 63 per cent of employees sign cards, but we ended up losing this vote with a 50-50 tie, because it takes 50 per cent plus one to be certified with a vote.

Only a week after applying for certification, we ended up losing approximately seven supporters through the vote process. These weren't on-the-fence supporters; they were very solid supporters when they signed. This was not a part-time job they didn't care about; this was a full-time job that was their livelihood and depended on.

Weeks later, it was discovered that several of these employees who did change their minds did so due to the fact that they were told not to trust the union, that they would end up paying \$100 a month for union dues, the employer would close the doors and open up again under a new name and hire all new labourers, as they could easily be replaced.

Now, this was done primarily by a new hire who happened to be friends with the owner, who had no problem spreading this misinformation to all of the employees. Coincidentally, he was just hired days before the application for certification, which leads us to believe that the employer had gotten wind of the organizing drive.

Now, speaking to our legal department about this, we had no way to prove that the employer was directly involved in this unfair labour practice.

Several weeks have gone—has since gone by, and it is our understanding that this employee no longer works there, so he served his purpose and moved on.

Once again, feeling an overwhelming amount of fear, some decided that it was probably safer to keep things the way they are and to not vote for change. This type of scenario happens all too often. As difficult as it is to organize a workplace who is in dire need, it is more difficult for the employees to come up with the courage to seek out a union to represent them. The majority of the time it is employees who come to us seeking to be unionized, not us going to them.

I really hope you reconsider making these changes to Bill 7, as this is not a bill that will help employees in any way. This is a bill that will help the employers.

As a director of organizing for UFCW Local 832, I can assure you that we have never intimidated an organizing drive.

Thank you for your time.

**Mr. Chairperson:** Thank you for your presentation, Mr. Petit.

**Mr. Cullen:** Thank you, Mr. Petit, for your presentation tonight. And thank you for sharing—reminding us about the challenges that many new Canadians are facing, so appreciate your presentation tonight.

**Mr. Petit:** Thank you.

**Mr. Lindsey:** I want to take the opportunity to thank you for coming and sharing your experience.

How many organizing drives do you think you've been involved in, just roughly?

**Mr. Petit:** In the last 15 years, I would say probably 50 or 60, give or take.

**Mr. Lindsey:** So it would be fair to say you've got some expertise in organizing drives?

**Mr. Petit:** It would be fair to say that I've got some experience, yes.

**Mr. Lindsey:** Recognizing that expertise, has anybody from the government ever approached you or anybody that you are aware of in your organization to consult with you prior to introducing this legislation, or really since introducing that legislation?

**Mr. Petit:** No, sir.

**Mr. Lindsey:** Would it be fair to say that the longer period of time from the time that an employer becomes aware of an organizing drive until the vote takes place would generally lead to less success at the drive because there's more intimidation by the employers? Is that a fair statement?

**Mr. Petit:** Absolutely. As in this case, it was done in a very timely fashion and it did not take long. So the more time from stall tactics, definitely.

**Mr. Lindsey:** Something you brought up is that you go to employees' homes and get them to sign cards. Are you allowed to sign cards on company time? On company property?

\* (19:00)

**Mr. Petit:** No, we are not allowed to sign our cards on company time—always it's meetings and if it's people coming to see us, it's meetings, whether they prefer a coffee shop or we drop by their homes. I did say away from the workplace, not at their homes, but we have definitely been invited to people's homes to sign cards.

**Mr. Lindsey:** Would you think that in a free and open democratic society you should be allowed to sign cards anywhere?

**Mr. Petit:** Except for the workplace. I don't think it's appropriate to sign cards at the workplace.

**Mr. Lindsey:** I thank you for that.

I don't think I have anymore questions right now, but I just thank you for coming out and thank you for sharing your expertise with us.

**Mr. Chairperson:** Seeing as there's no other questions, we thank you for your presentation, Mr. Petit.

I will now call on Marianne Hladun. If you could correct me for the pronunciation of your last name, Marianne, that would be fantastic. And if you have written materials for distribution.

**Ms. Marianne Hladun (Public Service Alliance of Canada):** Thank you. Yes, it's Marianne Hladun.

**Mr. Chairperson:** Marianne Hladun. So please proceed with your presentation.

**Ms. Hladun:** Thank you so much.

I want to thank the Manitoba Federation of Labour, affiliated unions and all of those who stand with us in opposition to this regressive legislation.

My name is Marianne Hladun, and I'm here this evening on behalf of more than 8,000 workers in Manitoba, living and working here, with the Public Service Alliance of Canada. As the largest union in the federal public sector representing over 180,000 members from coast to coast to coast, PSAC has a fundamental interest in preserving and promoting the rights and well-beings of all workers. We are here because it is critical that we stand up for working families and we make our views known.

We are disheartened, once again, to find ourselves commenting on major changes to critical labour laws that have been developed unilaterally without consulting stakeholders. We object to the disregard shown for the delicate balance between the

rights of employers and the rights of workers, which is a cornerstone of harmonious labour relations.

PSAC is proud to be an organizing union. We have welcomed hundreds of new members into our union from various workplaces throughout the province over the past several years. In each and every instance, workers approached us with concerns of intimidation from management, precarious employment, low wages, to name just a few of the current issues we're seeing in workplaces. These are very real concerns that affect our members and their families and issues that we fight every day.

At its core, Bill 7 is not about protecting workers' democratic rights; rather, it is directly aimed at expanding the ability of employers to interfere in the process. This legislation's purpose is to make it more difficult for workers to exercise their legal right to unionize and depress the rate of unionization in Manitoba.

PSAC submits that Bill 7 proposes negative and regressive changes for organizing and for the protection of union bargaining rights that have already been established. Bill 7 will make it harder for everyday Manitobans to join a union and opens the door to greater intimidation, bullying and harassment by employers. This bill is a deliberate attempt to weaken the protections workers seek through collective bargaining.

Experience in provincial jurisdictions that have done away with automatic certification demonstrates that workers who have signed cards are vulnerable to employer intimidation prior to the votes, and are therefore unable to exercise the right to unionize.

Three studies have shown that the introduction of a mandatory vote regime reduces certification success. The studies included both private and public sectors and found about a 10 percentage point drop in the certification rate. By lowering the likelihood of successful certification, the introduction of a mandatory vote regime can also reduce the number of certification attempts. While this report was available at the time Bill C-525 was introduced to Parliament, it was only made public when Bill C-4 was introduced to repeal C-525, and I've included a copy of the report in your kits.

Bill 7 is unnecessary because it claims to fix a problem that simply does not exist. To be clear, unions are democratic institutions, well versed in conducting votes of all kinds. For example, to elect leaders, confirm policy directions, to support strike

action and ratify contracts. It is an integral part of how unions, including PSAC, work, and how our members determine the actions and priorities of our union.

Employers already have a significant advantage in the workplace. The purpose of labour law is to insert fairness and balance to ensure the rights of workers are protected, and to encourage and promote harmonious labour relations. PSAC submits that when examining labour legislation and proposing changes, it's critical to look at the entire framework to ensure a healthy balance between the rights of workers and the rights of employers. This includes democratic safeguards that enable workers to express their wishes free from interference and intimidation.

We are unfortunately all too familiar with interference and intimidation from employers. In recent organizing drives, we've encountered an employer who would stop at nothing to intimidate the workers involved in the drive. Employees involved in the drive with PSAC have been cornered and threatened in washrooms, stalked at their homes and told outright that they will see no career advancement opportunities. Employers have even deployed staff resources to disrupt union meetings and communicate lies about the union in hopes of gaining momentum for a deceit.

Despite this, the majority of workers support their union. They support the union because they understand they are the union; they're in power to create a safe and respectful workplace. Workers understand, as unions do, that given an opportunity, anti-union employers will continue to exploit and intimidate workers. Current laws do a reasonable job of maintaining that healthy balance in ensuring workers' rights are protected. There is no evidence that the current labour relations regime with respect to certification need to be changed.

It was disheartening to hear Bill Morneau, Minister of Finance for Canada, say that we have to accept precarious work. PSAC strongly disagrees and believes that a worker should be able to work a full-time job, pay their bills and save some money from the salary earned. The issue of precarious work is a significant factor in a worker's decision to join a union, and these workers are even more vulnerable to an anti-union employer. Bill 7 proposes to add yet another hurdle and increases the probability that precarious workers will continue to be exploited.

PSAC agrees with the recommendation of the Manitoba Federation of Labour that the timeline for



scheduling a vote when required should be reduced. We agree that the location of voting should be flexible and that the Manitoba Labour Board should allow the union to request a vote off site if the union feels the workers are subject to intimidation in the workplace. We also agree that anti-union employers should be subject to much higher consequences for intimidation and coercion during an organizing drive.

We strongly urge this committee to proceed no further with this flawed piece of legislation that will do nothing to help workers in Manitoba.

Thank you for your time.

**Mr. Chairperson:** Thank you for your presentation, Ms. Hladun.

**Mr. Cullen:** Thank you, Ms. Hladun, for your presentation, and also thank you for sharing this report with the committee. It looks like some interesting reading there, so thank you for that.

**Ms. Hladun:** You're welcome.

**Mr. Lindsey:** I thank you for taking time out of your schedule that I know, certainly, with things going on lately, has been rather busy.

Would you say that workers signing a union card is a form of democratic action, is a form of them expressing their free and democratic will to join a union?

**Ms. Hladun:** Absolutely. I mean, despite what some will say about unions, we are one of the most democratic institutions you will find. Everything we do is by a vote, it's by the members. And, when we approach someone in an organizing drive and ask them to sign a card, it's completely their choice to do so. We have never at any time forced anyone to sign a card, told lies, falsehoods, exaggerated the situation. The reality is, in most instances, it's workers coming to us as a union saying we need help.

**Mr. Lindsey:** Are you aware of any instances where employers have threatened, coerced or otherwise intimidated workers when they knew there was an organizing drive going on?

\*(19:10)

**Ms. Hladun:** Absolutely. I referenced one scenario in the presentation. Shortly after I became the elected officer for PSAC, I had the pleasure of sitting with a unit in their congratulations, their celebration of becoming newly organized. And one of the

employees that worked on the organizing drive was telling me her story and telling me what it took for them to get to that point. She was the one that was cornered and threatened in the washroom by other workers saying, keep your mouth shut—and other things that I will not repeat because this is recorded—stalked at their home, threatened, followed everywhere they went. And, as this woman is sitting there with tears, literally, at this point, tears running down her face, I looked at her and I said, why did you do this? What would make you do this? And her response—we both ended up in tears. Her response was, my children were proud of me. It needed to be done.

Her children were workers. Her children understood what she was doing, because their—her family was in jeopardy as well, and she continued to do that. And, you know, as an elected officer as a union member for 30 years, I will stand behind and beside someone like that every step of the way.

**Mr. Lindsey:** Thank you for that. Are you aware of any instances where you or anyone in your union threatened employees to sign a union card?

**Ms. Hladun:** Absolutely not. It is—we have professional organizers that do the work, because I believe that it's a skill set. I personally am not an organizer; I'm a politician, as I'm sure you can all understand. So it's—it takes a very special person to be able to have that conversation with someone who's looking to join a union. And—however, I do know, in the guidelines around how we do it and in discussions and in discussions to people who have been organized, we do not at any time deploy any of those tactics.

**Mr. Lindsey:** So you're the president, for lack of a better term, of the Public Service Alliance of Canada, fairly large union, lot of expertise in different workplaces not just in Manitoba but throughout the country. Did anyone in the government consult with you prior to or after introducing this legislation?

**Ms. Hladun:** I'm the regional executive vice-president for the prairies, so I represent 21,000 of our 180,000 members across the country, and I have the national responsibility for consultations, and no, at no point was I ever asked for an opinion on the legislation.

**Mr. Lindsey:** I thank you for your time here, and I'll let you get back to the busy work that I know you're in the middle of.

**Mr. Chairperson:** Thank you for your presentation, Ms. Hladun.

I will now call on Christine Parag. Christine? And please let me know if I'm pronouncing your last name—is it—

**Ms. Christine Parag (Workers United Canada Council):** Parag.

**Mr. Chairperson:** Parag?

**Ms. Parag:** Yes, that's correct.

**Mr. Chairperson:** Do you have any written materials for distribution to the committee?

**Ms. Parag:** No, I do not.

**Mr. Chairperson:** Please proceed with your presentation.

**Ms. Parag:** Okay. Good evening, and I thank the committee for their time.

I'm Christine Parag. I'm with Workers United. I'm a member of their executive board. I'm the vice-president of my local, and I'm a volunteer organizer.

Why do you want a change? The 65 per cent card check is a very high standard to meet and cannot be taken lightly. From the time cards are handed in to the labour board to the time the union is certified, a week or more can pass. When an organizing drive begins, it is very difficult to keep this a secret, especially in many workplaces where there are employers' family and friends also working there. Do you think that employers' intimidation is fiction? It is not. From looks to comments, loss of hours, threats of termination, loss of benefits, captive audience meetings and actual termination, it is a fact.

I am happy to say that I aided in the organizing of the Tim Hortons in Winnipeg. The worker endured very low wages after many years of service, unexplained loss of hours, favouritism and the behaviour of management to carve fear in the workplace. One of the workers that was thought to be an organizer was called into the office to be interrogated. She was asked, did you sign a card? She was told, if you're not happy here, go work somewhere else. I'm going to find out anyway, so you might as well tell me.

After this interrogation, the workers' hours were cut and her shift was changed. The shift changed so she was not able to work with other workers, so

she wouldn't be able to speak before or after. The changes showed her the power that the employer has over them. Because she was alone in the office with no witnesses and only the management, she feared that she wouldn't be believed and fired if she spoke out. And the management's next step was a captive audience meeting, and I'll just tell you about some of the things that went on there.

The management promised monetary incentives. The workers were made to sign a document stating the employer had the right to terminate anyone with just cause if they tried to start a union. If they had any incentives, they would all be taken away. The shop will be closed and everyone will be employed, just like in Quebec. Any breaks, meals, uniforms and all the policies affected with the union will be gone: working longer hours, if you wanted unpaid lunch break, and you'd have to pay for your own uniform.

After the captive audience meeting, the worker was called into the manager's office once again. This time, she was terminated for talking about trying to start a union and for lying in the previous meeting. She was given two weeks' pay and told not to return.

Unbeknownst to the management, these meetings were recorded. The worker took it upon herself to record the meeting for fear that she would not be believed. I admire her courage. With this evidence, we went to the labour board with unfair labour practice and the employer was found guilty of unfair labour practice and automatic 'certification' was granted. Do you believe us now? If it wasn't for a courageous worker, we have never known about this.

I'm sure there was other workplaces where similar things have happened. The power of the employer over us in the workplace can be extreme. The changes in Bill 7 allows employers to wield that power over a longer period of time to break the worker. A secret ballot of 40 per cent of workers can extend the period of time before even a secret ballot is taken. What about 50 per cent? What about 60 per cent? What about 100 per cent? Do we still need a secret ballot?

You better get ready to hire more labour board workers. The time will be extreme with such a large backlog. During this time, the same 'taxics' will be used over and over again. Many workers spend more time in the workplace than they do at home—than with their families. The employer has the power to make this a pleasant experience or one that is unbearable. Please reconsider. Thank you.

**Mr. Chairperson:** Thank you for your presentation, Ms. Parag.

**Mr. Cullen:** Thank you, Ms. Parag, for your presentation tonight and we certainly appreciate your insight on this. Thank you.

**Ms. Parag:** Thank you.

**Mr. Lindsey:** I want to take the opportunity to thank you for coming out tonight and sharing your very personal experiences with organizing and with workers in the organizing drives.

Who would—is there a group or a segment of society that you find the majority of your organizing drives, particularly lately, would be more apt to be involved in, like, young workers, old workers, new workers?

**Ms. Parag:** Well, right now it's—a lot is new immigrants. They have a different culture, things like that. The employer is, in a lot of places, held to such a high degree that they dare not speak out, so they're often victims if they don't understand what can or can't be done here.

**Mr. Lindsey:** Thank you for that.

Your organization represents a fair number of workers, I'm going to assume. Has yourself as an organizer or anyone within Workers United, to the best of your knowledge, been consulted with prior to this legislation coming into being or even after it came into being?

**Ms. Parag:** None, whatsoever.

**Mr. Lindsey:** Thank you for that.

A lot of people fear, I think, when a workplace becomes organized that the workers' demands will be so great that the business will flounder. This particular Tim Hortons is still running since it got organized?

**Ms. Parag:** Yes, it is.

\* (19:20)

**Mr. Lindsey:** So there goes another argument.

I guess, would you characterize a workplace as a democratic institution where what we would consider normal, democratic processes take place every day of the week?

**Ms. Parag:** The workplace as a democratic place? No. The employer has the call for everything. He tells you when to work; when to take your break;

when to come back to work; if they need you the next day, to come in the next day. He is in the majority. He is in the control.

**Mr. Lindsey:** When you've been involved in organizing drives, when a worker signs a union card, is that public knowledge or is it kept secret? *[interjection]*

**Mr. Chairperson:** Ms. Parag.

**Ms. Parag:** I'm sorry—it's kept secret. There's no way you can do any kind of work if you tell everybody what's going on. No one would ever trust you.

**Mr. Lindsey:** So this government's characterization of trying to bring democracy to workers with the secret ballot vote is really not, in fact, what they're after, because you already have a secret ballot vote. Is that correct?

**Ms. Parag:** It's a myth.

**Mr. Lindsey:** Do you think that 65 per cent of workers expressing their democratic will, in what we've learned is, in fact, a secret ballot, do you think that's a fair threshold to achieve certification?

**Ms. Parag:** I think it is a fair one. It's very difficult to do that. It's very difficult to get 65 per cent of the employees, to go to their homes and speak to them, and after interrogation, make sure they don't back down. And 65 per cent is very difficult, very difficult. Even in any type of an election, to get 65 per cent is very difficult to get.

**Mr. Lindsey:** I thank you for your time here tonight. And I thank you for your volunteering to be an organizer and help other workers get a leg up.

**Ms. Parag:** Thank you very much.

**Mr. Chairperson:** We thank you for your presentation.

Our next presenter is Kelly Moist. She has let us know that she will not be able to be here tonight but would like to have her name put on Thursday's list. What is the will of the committee? *[Agreed]*

I will now call on Breigh Kusmack.

Do you have any written materials for distribution to the committee, Ms. Kusmack?

**Ms. Breigh Kusmack (Private Citizen):** I just have my oral presentation printed, if you'd like it; follow along, visual learners.

**Mr. Chairperson:** Please proceed with your presentation.

**Ms. Kusmack:** Good evening, Mr. Chairperson, honourable members. My name is Breigh Kusmack, and I am currently the organizer for the Manitoba Government and General Employees' Union.

The MGEU represents over 40,000 Manitobans who live and work throughout Manitoba in a wide variety of workplaces. Roughly 14,000 are employed directly by the Province of Manitoba and others workers in Crown corporations, universities, colleges, health-care facilities, social service agencies, as well as arts and culture organizations, just to name a few.

So thank you for the opportunity to present on Bill 7 tonight. I'm not going to say a lot that I haven't already heard tonight, but I guess it's—we should have compared notes, I guess, before coming.

So I started working for the MGEU in January of this year. I've never been part of the labour movement up until my employment with the MGEU, but, in the last 10 months, I've learned so much. Not only do I now work for a union, I am also a union member currently a part of the Association of Commercial and Technical Employees, which is ACTE Local 1725.

So part of my role with the MGEU is organizing workplaces that are not yet unionized. I'm not too sure if everyone is aware of exactly how this process works. I don't personally go out and actively look for places of employment to certify. Employees call the MGEU asking questions on how to unionize.

They're calling a union because their current work environment is difficult. Almost every caller to date, employees are living in fear daily. They're walking on eggshells and, in some cases, are literally being abused. This is no way to live.

Then other calls or perhaps the same calls are hopeful for fair wages. Some places of employment don't offer a pension plan or benefits. Some are being overworked and being taken advantage of. These are only a few examples of why non-unionized workers would be calling us.

After listening to these calls, I'm thankful every day for what I have and thankful I can help these workers gain some sort of peace and fairness.

I'd like to reiterate that employees reach out to us because they are unhappy and they are looking for help to try to rectify or assist them with their issues and concerns. They're feeling stranded and with

nowhere else to turn. A call to the union is about hope. There is no pressure on our part.

I've only had the opportunity to organize one workplace since I've started at the MGEU. Many other organizations have called, but they've been too scared of their employer to move forward in this process. While I was organizing this new group, I got well over 65 per cent of the cards signed. I met with every employee in groups or individually, whatever made them the most comfortable. There was no arm-twisting, as recently stated in the media. I listened to their concerns. I let them know how a union works, what a collective agreement is. I gave them all the information they needed to make their own decision to join a union and I answered any questions they may have had.

In this particular situation, 75 per cent of the employees signed cards on their own in confidence. So that's 25 per cent of the employees decided to not sign a membership card, and that was okay. Truthfully, it was not because they didn't want to join the union. It was because they were scared of the employer would somehow find out and make an already hostile work environment worse.

I would thank the worker for their time and tell them they can call me any time with any concerns they might have.

While going through this whole process, I do not feel that the system of union certification was broken. Manitoba's card-check certification is already a high standard of 65 per cent. I'm having a hard time grasping why anyone would want to change something or fix something that's not broken. Imagine telling a politician that we were changing the current 50-plus-one system to a system that required 60 per cent of the people to indicate their intentions for elections. It's already a pretty high bar.

Being scared to join a union in fear of losing your job is awful. Now it'll even be harder for employees to come forward by making all certifications secret ballot. This gives the employer time and notice to try to sway employees through intimidation and potential threats. These changes to the law will make it even tougher for everyday Manitobans to join a union.

This bill is not fair to the workers. In my opinion, it is a move in the wrong direction for Manitoba.

Being part of a union offers a layer of protection. Changing the way a workplace is certified, you are

making it harder for everyday Manitobans to be protected.

Thank you for your time.

**Mr. Chairperson:** Thank you for your presentation, Ms. Kusmack.

**Mr. Cullen:** Thank you, Ms. Kusmack, for your presentation tonight. I appreciate your insight. Thank you.

**Ms. Kusmack:** Thanks. Thanks for having me.

**Mr. Lindsey:** I thank you for taking time to come and share your thoughts with us and I wish you success in future organizing drives, although I suspect that success rate, if the government is successful, will go down.

Can you think of anything that you, as an organizer, could threaten an employee with to get them to sign a card?

**Ms. Kusmack:** That's not a thought process that even goes through my head, so that's not something that we do. That's not something how I was trained. I'm so new. That's not the case. It's already a hostile situation that they're coming into and we don't want to make it worse. They're calling us for help so the word threat isn't in my vocabulary when I'm doing an organizing drive, so I can't actually think of an example of what I would use.

**Mr. Lindsey:** Apparently, neither can anyone else.

So you're pretty new at this organizing business. In your experience, limited though it may be, do you think that it's good employers that treat their employees with dignity and respect that are screaming out to be organized, or is the opposite, the employees that aren't treated very well?

**Ms. Kusmack:** No, it's the opposite. The ones that have contacted us are not being treated fairly. I have received calls. And organizing that, they've said we have been part of this organization for 30 years; we never felt the need that we needed an employer—there was a recent change in management and that change has swayed them to call us because they are now being treated unfairly.

\* (19:30)

So there are some employers that, I'm sure, treat their workers fairly, but they're not calling the union. It's when that change in management or change in the organization that disrupts their personal lives as

well as their daily work environment is when we start getting calls.

**Mr. Lindsey:** Would you characterize employees signing a union card a demonstration of their free and secret democratic will to join a union?

**Ms. Kusmack:** Yes.

**Mr. Lindsey:** I thank you very much for answering my questions, and have a good evening.

**Mr. Chairperson:** Thank you for your presentation, Ms. Kusmack.

I will now call on Greg McFarlane.

Do you have any written materials for distribution to the committee?

**Mr. Greg McFarlane (Private Citizen):** No. No, I don't.

**Mr. Chairperson:** Please proceed with your presentation.

**Mr. McFarlane:** Good evening, committee members. Thank you for letting me present tonight.

My name is Greg McFarlane. I'm a Red Seal electrician with the International Brotherhood of Electrical Workers. I'm a school trustee for Seven Oaks School Division, and I just assumed the position of executive director of the Manitoba Federation of Labour.

I'm here to tell you a story of my personal experience, a story that involves severe employer intimidation and retribution perpetuated against myself and indirectly against my co-workers, because I was involved in organizing a union. I think this story helps explain why it's important to protect workers from intimidation and coercion by preserving the option of card-check certification. And I hope my government will reconsider Bill 7 and help protect workers' rights to unionize.

My story goes as follows. Last year, I was hired for a non-union Calgary—to work for a non-union, Calgary-based company as part of the TransCanada pipeline project. I was excited about the project not—because members of my local would always tell me how great it was to work on the pipeline, not only because of the money but because of learning aspect too. Unfortunately, my enthusiasm was quickly crushed. The first week on the job was a nightmare. The tools were inadequate; the worksite was extremely unsafe; the workers with the same qualification doing the same work were being paid

different rates. In addition, there were several workers that did not even hold a Manitoba electrician's licence working on the site.

As workers, we were deeply unhappy about the situation and, when we raised our concerns, they were brushed off by supervisors. After talking to a number of co-workers who felt the same way I did, I took it upon myself to contact my local union to see how we might go about getting a union representation on the site. I began talking to my co-workers about the possibility of getting a union on site, and they were enthusiastic. So I quickly got cards signed; more than half of them. But we fell short of the 60 per cent threshold for automatic certification. There was a number of workers who did not want to sign because they told me they were too worried about the possible repercussions of the employer. I was disappointed, but I'm certainly—was not going to pressure anyone to doing anything that they would not—that they weren't—that was outside of their comfort zone.

The union filed an application for certification. Because we had fallen short of the 65 per cent needed for automatic certification, even though we had the majority of support, a secret ballot vote had to be scheduled. When the company was notified about the certification filing, I was immediately hauled into the supervisor's trailer and fired on the spot. When I was asked why I was being let go, a supervisor held up a copy of Labour Relations Act and said he could fire me for any reason he wanted to. Again, I asked him the reason, but he refused to give me one. The timing made the reason pretty obvious. My work was always top-notch; there were never any issues or complaints. In fact, I'm proud to say, that that same year I received the journeyman of the year award for—from Apprenticeship Manitoba.

So I was fired for one reason: because I dared to exercise my democratic right to organize a union. Firing me was clearly intended to take me out of the picture but also to send the warning to other workers to scare them out of supporting the union.

After I was fired, my union fired an unfair labour practice against the contractor for wrongful dismissal. After some time with assistance from the labour board and my union, my union was able to negotiate a settlement and our union certification was ultimately granted.

As it was clear, I was not welcome back to the job site, my union helped me find alternative work.

I am just one person. This is just one story, but you've heard and you will hear many more stories tonight. The serious issues of intimidation and coercion is not union fear mongering; it's real and it happened to me. I urge the committee members to oppose Bill 7 and stand up for workers and the right to join a union. Thank you.

**Mr. Chairperson:** Thank you for your presentation, Mr. McFarlane.

**Mr. Cullen:** Thank you, Mr. McFarlane, for sharing your story, very interesting story. Appreciate your time.

**Mr. Lindsey:** I thank you, Mr. McFarlane, for coming down here tonight and sharing, very personally, what has taken place, and those are facts that are hard to argue with, and I can't imagine that there is an argument.

Now, if I'm correct, you work for the Manitoba Federation of Labour. *[interjection]*

**Mr. Chairperson:** Mr. McFarlane.

**Mr. McFarlane:** Yes. Sorry, yes.

**Mr. Lindsey:** It's all right. We all have trouble with this system.

To the best of your knowledge, were you or was anyone within your organization consulted prior to this legislation coming into being?

**Mr. McFarlane:** No.

**Mr. Lindsey:** Would you think it's important to maintain language that protects workers from threats, intimidation, coercion, firing and all that stuff during an organizing drive?

**Mr. McFarlane:** Yes.

**Mr. Lindsey:** Would it be fair to say that when 65 per cent of workers have freely signed a union card in secret that that is an expression of their free, democratic will to join a union?

**Mr. McFarlane:** Yes, very much so.

**Mr. Lindsey:** I thank you very much for sharing. Have a good night.

**Mr. McFarlane:** Thank you.

**Mr. Chairperson:** Thank you, for your presentation, Mr. McFarlane.

I will now call on Michelle McHale.

Do you have any written materials for distribution to the committee?

**Ms. Michelle McHale (Private Citizen):** I do.

**Mr. Chairperson:** When you are ready, feel free to proceed with your presentation.

**Ms. McHale:** Thank you.

My name is Michelle McHale. I'm an advocate for educational environments that are inclusive of all people and families. I'm a union representative for UFCW 832, and I am the Solidarity & Pride vice-president for the Manitoba Federation of Labour. I advocate for leaders of every kind to act equitably and in accordance with human rights legislation.

Today I won't speak about the intricacies of how Bill 7 impedes individuals' ability to organize and to unionize, as I know my colleagues have already spoken about this earlier in earlier presentations. They've already established that Bill 7 is detrimental to employees' ability to organize without employer intimidation.

Today I will speak to you about why moving forward with Bill 7, increasing the difficulty for employees to organize a union, is an affront to gender and sexually diverse workers. Gerald Hunt, author of *Laboring for Rights*, sums it up best by saying the following: Organized labour remains one of the most powerful social and political movements. As such, it has the potential to force equity issues onto the agendas of public and private corporations that might otherwise be unreceptive to such concerns.

He also succinctly describes the issues and importance of this matter by saying not only is the workplace where most gay and lesbian people spend most of their time and make their livelihood, it is also the place where they gain or lose a large measure of their self-worth and status. Being devalued and discriminated against at work can lead to serious psychological problems, as well as to economic discrepancies. Employment-related issues, such as hiring, firing, promotions, benefits, perks, leaves of absence, pensions, allowances, harassment, violence and education initiatives all can be shaped to discriminate against sexual minorities in a way that can be economically and psychologically harmful.

Gender and sexually diverse individuals are still faced with discrimination on a regular basis in

society and in their respective workplaces. Organized labour has fought for the rights and protection of gay, lesbian, transgender and other sexually and gender-diverse individuals. When the government did not have or refused to enact legislation that protected the interests of sexually and gender-diverse people in the same way that the government protected the interests and cohabitation benefits of heterosexual individuals.

\* (19:40)

Unions were at the forefront of advocating for same-sex partners to have access to spousal benefits. It was and continues to be unions that ensure the presence of language in collective agreements that protects sexually and gender diverse workers from discrimination in the workplace. Unions provide support to workers who have independently filed human rights complaints. And unions are the ones who assist workers to battle in courts when legislation enacted by the government is discriminatory.

Although sexual orientation and gender identity are protected characteristics in the Manitoba Human Rights Code, workplace discrimination based on sexual orientation and gender identity still occurs. Oftentimes, employers do not have a solid understanding of human rights legislation nor do they adequately intervene. The Human Rights Code provides a means of recourse that is often long and drawn out, leaving employees in a toxic workplace or even without work for that period of time before resolution is reached.

The presence of language that includes sexual and gender diversity in anti-discrimination articles in collective agreements allows these issues to be dealt with more expeditiously. The ability to deal with these matters, through the grievance process, allows workers to reach a resolution sooner than various other tribunals, which can prevent the psychological and economic discrepancies we know workplace discrimination can cause.

Furthermore, all geographic areas are not created equal. We see this in the way that all levels of elected officials in the Steinbach and Provencher area have refused to make statements, or act in a manner that acknowledges the discrimination that occurs in southeastern Manitoba. Additionally, these same elected officials not only refuse to acknowledge the need for change, some of them perpetuate discrimination with their words and with their actions.

Sexually and gender diverse people are also workers in those areas. Sexually and gender diverse individuals face additional challenges as a result of the homophobic and transphobic climate that is, at best, not challenged by leaders and, at worst, perpetuated by those leaders on a day-to-day basis in these areas.

To pass Bill 7, making it increasingly difficult for employees to organize and subsequently to have access to an entity that can inform them of their rights and help fight the homophobic, transphobic and discriminatory environments is not only irresponsible, it adds hardship to those in areas and workplaces that have to fight harder to be respected in the same way that others are. It will also interfere with sexually and gender diverse people's best chance to be protected in their workplaces.

With all of the discrimination that has made itself visible, should this government pass Bill 7, knowing the aforementioned information, I and many others in the gender and sexually diverse community will take this as a loud and clear statement that the government is not prepared to do whatever it takes to create and support safer spaces for our community, but, in fact, is working against the safety that so many are unjustly denied.

If this government passes Bill 7, it will be a frightening and offensive example of the intersectionality of oppression of sexually and gender diverse people.

**Mr. Chairperson:** Thank you for your presentation, Ms. McHale.

**Mr. Cullen:** Thank you, Ms. McHale, for sharing your perspective tonight. Greatly appreciate it.

**Ms. McHale:** Thank you.

**Mr. Lindsey:** I thank you, Ms. McHale, for sharing yet another unique perspective. We've heard some of this perspective previously about people in particular, but you've added another dimension to the whole conversation that I don't believe anybody's taken into account yet.

My standard question: Did anybody consult with you or any of the organizations you represent prior to introducing this legislation?

**Ms. McHale:** No.

**Mr. Lindsey:** Would you be opposed to sharing your opinions on things like organizing, like unions, like

human rights, with anybody from the government if they were to ask?

**Ms. McHale:** I would not be opposed. I would welcome the opportunity.

**Mr. Lindsey:** I thank you, again, for sharing a really unique perspective and giving us all more to think about as we move forward.

**Ms. McHale:** Thank you.

**Mr. Chairperson:** Thank you for your presentation.

I will now call William Gardner, Manitoba Employers Council.

Do you have any written materials for distribution to the committee?

**Mr. William Gardner (Manitoba Employers Council):** I do.

**Mr. Chairperson:** Please proceed with your presentation as soon as you are ready.

**Mr. Gardner:** Thank you very much.

I am chair of the Manitoba Employers Council, which is the largest umbrella organization of employers' associations and large employers in the province. I also sit as a member of the Labour Management Review Committee, which is a bipartisan body that is made up of equal members of employers and labour, the labour representatives are picked by the Manitoba Federation of Labour, and we were consulted by this government before the legislation was introduced.

I'm also a practicing management-side labour lawyer, so I have a certain amount of experience over what is now a scary number of years, practicing in this area. And I've heard my labour colleagues, both tonight in weeks past, when we were talking about this at the Labour Management Review Committee, and in private conversation, expressed concerns about this legislation. And for what it's worth, I understand how they feel, and I sympathize. No one likes change, especially when change means more work. And there's no doubt that having a secret ballot vote as the primary means of testing union support is going to be more work for everyone.

But no one ever said that democracy was easy. They only said that it was the best method of determining important choices that govern ourselves, and there is no cornerstone more fundamental to democracy than the secret ballot vote, and there's no getting around that. Every one of you is sitting at this



table for one reason: you were elected by secret ballot. No card check was in play. You can have any number of people who are card-carrying members of the Liberal Party or the NDP or the Manitoba PCs; that counts for nothing come election time. There's only one method that counts, and that's the secret ballot vote. And there's no equivalent to a secret ballot vote. It's either entirely secret and no one ever knows how you voted, or it's not.

Whether it's one person or two persons, it's no longer secret. So if this the method that has been fought and died for over hundreds of years, why does it not apply to all important choices? And you've heard tonight and last week and presumably on Thursday, a lot of expressions of worry and concern, a lot of speculation and some anecdotal evidence. Fortunately for us in Manitoba, we don't have to rely on that; we have history. We have the experience of the years in the mid-'90s when the secret ballot vote was the primary means of testing union support, and if you look at that history, if you look at the experience, it demonstrates clearly that concerns about a secret ballot vote reducing the incidents of unionization, preventing workers from exercising their true wishes, simply unfounded.

\* (19:50)

And I brought the statistics to show you and, if you turn to the package, you'll see the management caucus report is the first. I'll leave you to digest that at your leisure. But the bulk of the presentation is statistics that were prepared by the Manitoba Labour Board which the representatives of employers and labour had before them when we were deliberating it at LMRC. And if you get past the pie charts, and the graphs, you'll get to a page which is numbered 1 and it talks—the title is Manitoba Labour Board Certification Statistics, 1994-2014. And one, two, three, four, five paragraphs down, you have a paragraph that reads percentage of total certification applications granted each year has ranged from 60 to 84 per cent with no obvious trend over time. The average during years where no automatic certification of the option was available at 70.5 per cent is only slightly below the average during years where automatic certification was available at 73 per cent.

And then the percentage of certification applications where a vote was held resulted in certification being granted 40–90 per cent with no obvious trend over time.

This is what's interesting. The average during years where no automatic certification option was available, that's where the secret ballot vote was the primary means. At 75.1 per cent was higher than the average during years where automatic certification was available at 67.7 per cent. So the average success rate of votes where the vote is the primary means is higher than when in card-check years, but it's also higher at 75 per cent than the overall success rate during card-check years.

And, if you look at the individual statistics, and I'll let you do that at your leisure, you'll see that during some of the vote years, the success rate in certification votes was as high as 80 per cent, which is higher than the overall success rate in card-check years. And it simply shows that a secret ballot vote is the best means of determining the true wishes of the electorate, be they at a workplace, federal election, a provincial election or otherwise.

Why is that? Why do the statistics show during vote years, that the success rate of certification applications is so high, where it gets to a vote? I suggest it's a number of reasons. Firstly, the vast majority of Manitoba employers are honourable. Secondly, the Manitoba Labour Board is very good at its job. Thirdly, the existing provisions in The Labour Relations Act—having a quick vote, discretionary certification—are effective at deterring employers who would seek to circumvent the intention of the whole system, which is that workers who want to unionize have the opportunity to do so; workers who don't, have an equal opportunity.

And all of these safeguards and conditions will continue if Bill 7 is passed. The only change will be the vote. Now, there's been lots of expressions of concern about intimidation, and I would be naive to say that attempts at intimidation don't happen. Of course, they do. I've seen it myself, in my practice, when from time to time, I am called upon by employees who want to bring an application for decertification.

But I like the term attempts at certification, because in my experience it doesn't work. In fact, more often than not, it has the opposite result. It hardens the resolve of workers. And I refuse to consider Manitoba workers as shrinking violets. I have far more respect for them than that. I think anyone who can picket, in Winnipeg, in January, deserves a lot of respect.

So I don't think there is anything to fear in terms of the secret ballot vote. But, beyond intimidation, there are lots of good reasons to have the secret ballot vote as the primary means of testing union support.

There's the effect of peer pressure. These—there's the effect of the hard sell. There is the effect of a possible misunderstanding as to what you're signing. Mayfair Farms' case is a classic example of that. And there's one more, which I think is missed by a lot of people, and that is the fact that—

**Mr. Chairperson:** Mr. Gardner, your time is expired.

**Floor Comment:** —our culture is to accept the results of votes. And employers, if a vote goes for the union, will accept it. And it's the best way of starting a relationship. Thank you, and I apologize for going over time.

**Mr. Chairperson:** Thank you for your presentation, Mr. Gardner.

**Mr. Cullen:** Thank you, Mr. Gardner, for your presentation, and thanks for the historical reference here. I know that's—looks like it should be some interesting reading for the committee.

Have you had an opportunity to look at what other provinces are doing in terms of the secret ballot vote?

**Mr. Gardner:** I—so proud of myself for waiting, because I'm always wanting to jump in.

Yes, and, in fact, an important point is that we are amongst a host of other jurisdictions, the jurisdictions with which we're most commonly compared, Ontario west, and they all have a secret ballot vote as the primary means of testing union support.

**Mr. Cullen:** The other two issues that have been raised are in terms of the location of the vote, where it should be held, and potentially, too, the time frame of the vote. Would you care to comment on, in view of what Bill 7 says in terms of having a secret ballot vote?

**Mr. Gardner:** Thank you for those questions. Having a quick vote is a good thing. Going shorter than seven days on a mandatory basis is a bad idea. Having the vote outside of the workplace is a bad idea, and there's one reason why both of those things are bad ideas. The whole point of a vote, particularly one that's important, is to have the highest possible

turnout at the electorate, and that is done by having the vote in the workplace, which is where the workers are, and by having a time frame that gives you a reasonable chance of picking the day when you anticipate that as close to 100 per cent of the 'workporce'—of the workforce will be there as possible. And that's what we do when we go to these planning meetings. We are looking for a day that's going to get the best turnout possible.

**Mr. Lindsey:** I thank you for coming and certainly sharing a different perspective than 99 per cent of the perspectives that we've heard so far, and I welcome hearing a different perspective.

Now, you've said that you represent Manitoba employers. Is that correct?

**Mr. Gardner:** That is correct, Mr. Lindsey. *[interjection]*

**Mr. Chairperson:** Mr. Lindsey.

**Mr. Lindsey:** Sorry about that. How many of the Manitoba employers support the opinion that you've put forward?

**Mr. Gardner:** Approximately 23,000.

**Mr. Lindsey:** Did you arrive at the number through some means?

**Mr. Gardner:** Yes, at a meeting of MEC called appropriately with representatives from associations, who have that number of employers in their membership. We looked at this, and it was supported by consensus.

**Mr. Lindsey:** So was that support arrived at by secret ballot? *[interjection]*

**Mr. Chairperson:** Mr. Gardner.

**Mr. Gardner:** Sorry. No, it wasn't, Mr. Lindsey. We have a consensus approach. We need to know who is in favour and who is against things, so we don't use a secret ballot.

\* (20:00)

**Mr. Lindsey:** And yet that's in direct contravention to what you said earlier to the committee, that the only proper democratic process is a secret ballot, but your own organization doesn't follow that.

**Mr. Gardner:** We are a voluntary organization. I don't get any power as—it's conferred by a secret ballot vote, and we have to operate by consensus. We won't take a position unless there's a consensus, so the situations aren't equivalent.

**Mr. Lindsey:** I can't think of anything else to ask you, sir, because your opinion is really tainted by your own action. So I won't ask you any more questions.

**Mr. James Allum (Fort Garry-Riverview):** I appreciate you coming tonight. As my colleague says, a different opinion than we've heard from pretty much everyone else.

You said that you had been consulted prior to this, which is also dramatically different from everybody else who's been here over the course of the two nights. Was this a recommendation that you made to government?

**Mr. Gardner:** LMRC exists to consult and advise government on matters of labour legislation and policy and LMRC really has come into its own in the last 16 to 20 years, but yes, we're consulted and we're a representative group. And we were consulted with respect to this matter before the legislation was introduced.

**Mr. Chairperson:** Time for questions on this has expired.

We want to thank you for your presentation, Mr. Gardner.

And I will now call on our next presenter, Chris Rigaux.

Is that the correct pronunciation of your name, Chris?

**Mr. Chris Rigaux (Private Citizen):** Chris Rigaux.

**Mr. Chairperson:** Rigaux?

Do you have any written materials for distribution to the committee?

**Mr. Rigaux:** I do not.

**Mr. Chairperson:** Please proceed with your presentation when you're ready.

**Mr. Rigaux:** So thank you very much, ladies and gentleman, for having me here this evening. I'd like to thank the committee for the opportunity to speak today.

I hope the committee members take the opportunity to seriously consider the remarks of myself and the other presenters this evening.

While I am speaking as a private citizen, my job—my day job is as a union organizer. I can see the impact this legislation will have on the workers that I work with every day to bring into the union fold, as

they work to help improve their workplaces. That said, I'm also speaking today as someone who only a few years back worked somewhere that chose to join a union, and I know what it's like to go through that process, from the inside and, frankly, I think that perspective may be more important to the discussion today.

Organizing a union is a scary proposition for workers, because of the real and the perceived risks and the inherent uncertainty in the organizing drive. As a worker deciding whether or not to contact a union about organizing, deciding whether or not to attend a meeting on whether or not to join, deciding whether or not to sign that union card, there's a lot of questions and concerns that you would think about in that moment, that you kind of—you know, mull over in your head, decide, should I do this, should I do that. These are not questions that people enter into lightly, and we need to respect that consideration and those folks in that moment, because that's a tough situation to be in.

That's why it's important to ensure that workers understand their rights, you know, their rights when it comes to union organizing. Despite those rights, however, and despite the legal protections that exist, workers organizing a union still face a very real risk to their job, to their livelihood. Card-check certification, as it exists now, is a concrete way for those workers to sidestep a lot of the risk and to shorten the process. And those are two big benefits that I think are going to be lost if we proceed with Bill 7, as it's written.

So, first, I'll speak about the opportunity for sabotage by the employers. The big benefit, of course, is that reduces or eliminates the opportunity for an employer to actively oppose or sabotage or high—you know, hamstring the organizing campaign. This is exactly what we did at my workplace when we organized a union. We managed to hit that 65 per cent threshold, we triggered automatic certification, and we prevented the employer from meddling in the process, from mucking this up, and it went forward a lot faster because of that.

Unfortunately, there are a lot of different ways employers can suppress their employees from exercising their democratic right to join a union. Some of those were spoken about tonight. Even within the confines of the law, there are things they can do to damage that process. Some of the methods are more aggressive, some are less, but they all

have the purpose of squashing an organizing drive and preventing those people from exercising their democratic rights.

And the most aggressive response, of course, is retaliating directly against a worker, maybe terminating them, finding a way to get rid of the core organizers and, despite being illegal, I think a lot of employers will consider that risk to be a penalty worth taking if it defeats the union and keeps the union out of their workplace, which is an unfortunate position, I think, for them to take.

The other main benefit of card check, of course, is that it helps to ensure that the organizing drive is resolved speedily. By inserting any additional and, in my opinion, unnecessary steps in the process, Bill 7 delays organizing workplaces. Manitoba still enjoys legislation, for the time being, I think, hopefully, will maintain that legislation that protects the rights of newly organized workplaces and provides support for settling those first contracts, which are a very difficult moment for a lot of new unions, new union locals to be in. You know, you have to think about what they've just gone through, right?

So these people have just gone through what is probably a nerve-racking organizing campaign. You know, God only knows what they're getting thrown at them; God only know what kind of fear they're in day to day. Am I going to lose my job? Are my friends going to lose their jobs? You know, they're sticking their necks out to do the right thing for themselves and their co-worker. Now they're in a position of having to face that first contract with an employer that probably is ticked about what happened, hostile to the union, doesn't like the fact that they have to sit down in bargaining with these folks, that they've exercised their democratic right. And they've got another battle on their hands.

So, Bill 7, what it does essentially is jam in between those two steps more time wasted, more time for the process that you dragged out before things can normalize and get back to what it should be, is a healthy labour-management relationship.

So I think a good question we should all ask ourselves is why that's something that we would want. You know, I think, frankly, adding that additional period of time when these people are in that particularly tenuous situation goes beyond just being unfair. It starts to become spitefulness and I think that's something we need to keep mind as we go forward.

Manitoba's labour relations systems and history are far from perfect. There's a lot of room to improve, of course. Despite that, the bill represents a real step backwards from the kind of system that we have in this process, and that's a system that recognizes the massive power imbalance between workers and their employers. Anyone who thinks that they are in an equal playing field with their employer is either, you know, fooling themselves or hopelessly uninformed about how the world will be—how the work world works.

We risk backsliding to some pretty unwholesome territory by going through with this bill. And I'm genuinely worried that it's going to encourage the trend that we're already seeing in this province and other provinces across the country to more aggressive, anti-democratic efforts to harass and diminish the constitutionally protected rights of workers. And so I'm talking about union-busting firms coming in. This is something that we don't have a lot of in Manitoba. Sometimes it happens. It's much more prevalent in Ontario and other provinces across the country, and it's all over the place in the States.

And I think we need to look at the States to see the ultimate end result of this line of thinking, right. We've got union representation rates in the teens, employers successfully quashing drives all over the place through fear, paranoia and their rampant income inequality and unsafe workplaces that come along with those situations.

So I think, in short, Manitobans deserve a heck of a lot better than what they're being given with Bill 7. I don't think that anyone should take this legislation as anything other than what it is: the opening legislative salvo in a wholesale attack on workers and their rights in this province. Remember in recent weeks we've seen government ministers musing about how Manitobans make too much money. We've seen them inappropriately interfering—government interference in free collective bargaining. We've seen the threat of wage freezes forced on an untold number of Manitobans.

I hope I'm wrong and I hope the legislation can simply be chalked up to an understanding—misunderstanding of how labour relations work, but the alternative, that there's a conscious effort to crack down on the rights of workers and their union, seems a heck of a lot more likely to me.

\* (20:10)

I want to conclude by reminding the committee who is at risk here. Workers who get in touch with a union to talk about joining are almost without exception doing one thing, trying to make their workplace work better for everyone, because that's what a union does. These people are anxious about the implications of organizing, about facing the employer's hostility and what it means for their jobs and their working conditions. When these workers push on despite those barriers and they join an organizing campaign, they sign a card; whether they realize it or not at the time, what they're doing is solidarity. And that means to step up, to work together and make their workplace better for everyone.

Bill 7 attacks those principles. Bill 7 disrespects those workers, and that's why Bill 7 does not deserve our support. Thank you very much.

**Mr. Chairperson:** Thank you for your presentation, Mr. Rigaux.

**Mr. Cullen:** Thank you, Mr. Rigaux, for your perspective tonight.

**Mr. Rigaux:** Yes, it's an—obviously, I thank the minister for being present for my response.

I would've liked to have seen the minister—or the government side of the table maybe ask the same questions they offer to the employer side, but I see that's not going to happen. And I think we all know why. One side is being consulted; one side hasn't.

**Mr. Lindsey:** I thank you for your very insightful comments and your facts that you've presented. As an organizer, did anyone ever consult with you from the government or the organization that you represent prior to introducing the legislation?

**Mr. Rigaux:** Absolutely not with myself, and I don't believe anyone with the organization as well.

**Mr. Lindsey:** I guess we can ask you the same questions we've asked other people that have presented and try to be fair and ask questions of all presenters, not just ones that might support my opinion.

Have you seen instances of employer intimidation during organizing drives that you've participated in?

**Mr. Rigaux:** I am a relatively new organizer. I've only been at it for a couple of months now. My drives that I'm involved in, we're not quite at that point where the employer's aware that it's happening.

I suspect, however, that we will, and I know for a fact that the people that I'm working with are, frankly, terrified of that when it happens.

**Mr. Lindsey:** I thank you for sharing that with us, and I won't put you on the spot anymore, because you're reasonably new at this. So I thank you for coming out, and thank you for sharing your opinions with us.

**Mr. Chairperson:** Thank you for your presentation, Mr. Rigaux.

I will now call on Marty Dolin.

Do you have any written materials for distribution to the committee?

**Mr. Marty Dolin (Private Citizen):** No, I don't.

**Mr. Chairperson:** Please proceed with your presentation when you're ready.

**Mr. Dolin:** I'm overcome with a wave of nostalgia. Thirty years ago, I sat on this committee and listen to young Billy Gardner talk about how the minimum wage would force all businesses to leave the province, the sky would fall and all horrors would take place if we raised the minimum wage 25 cents. So I'm glad to see he's still in business.

The reality is I'd like—I think, Mr. Lindsey, you know, the idea of a secret ballot—has anybody at this table, in this building, this bastion of democracy, this august assembly, has ever been a secret ballot in this building? The answer is no.

Do you—a secret ballot comes at certain times, when an organization has its membership, and the membership wants to choose its leaders, be it a government, a book club, a political party, choosing leaders is a secret ballot in order to prevent problems internally, right. The reality is when somebody signs a card for book club or a political party, there is no secret ballot after that that you really want to join that.

What I'd like—I am not going to repeat the articulate presentations of my friends in labour. This bill, to me, is basically an opening salvo in what I consider a very difficult issue for the Province. It is basically creating an adversarial position between government and management and labour. I have studied management and I have been a—by the way, I have not held a union card since I arrived in Canada in 1965.

I've been a boss. I've had 30 to 40 employees in what would the Brits refer to as a quango, quasi

non-governmental organization. So I've run Klinik, with a K; I've run Welcome Place, I ran a family service bureau in Nova Scotia. Average about 30 to 40 employees.

One of the things that I found very positive is what the Germans and the Japanese and the progressive companies in the United States have done is to try and get the co-operation of labour. Is—I encourage my people to unionize. One is because I'm lazy, and I didn't want to deal with individuals all the time; I'd rather deal with collective bargaining, right. That's No. 1. Number 2 is I wanted people who were going to be treated fairly. We opened our books; we put workers on the board of directors in all these agencies we had committees of worker management that met all the time and regularly. And, basically, the idea was to have the same kind of results that the Germans are, with high productivity and low turnover and low sick leave.

One of the things I found is when I did this, is the turnover in my place—every year we were giving 20-year, you know—like, of service. Also, the sick leave went down considerably. A lot of money was saved on the fact that we didn't have to train people because we didn't have turnover. You had people who were more and more experienced. What bothers me about this bill is the fact that this bill is just, to me, an opening salvo. It's a shot over the bow of labour, and I think that's unfortunate, because I think we should be moving towards co-operating between labour and management and government. What has happened in the past few days, for example, at the University of Manitoba, and the government statement strikes me that this is something that's going to progress negatively. And it's not something I'm blaming this particular government. I'm saying is that this is something that should be reconsidered, whether—do we want to have an adversarial position between government, management and labour, or do we want to try and encourage co-operation?

And co-operation means better business for the province, better productivity, better working conditions, less toxic environment, et cetera. So the reality is, I think, it—not only this bill should be reconsidered but the direction that is being taken here, that strikes me as fairly obvious, to anybody sitting around the table can see what the direction is, is to be adversarial and, basically, to keep waving a red flag in front of the labour board. And I think that's a mistake. And I think it's a mistake that should

be reconsidered, and I think there are better ways of doing it.

I—you know, I—what frightens me and should frighten—the nurses' contract is coming up. If this kind of reality continues with this, there's going to be chaos. And it's not just that contract; it—you know, this government's going to be in for another three years minimally. And I think, in that three years, they could, if they wanted to, reconsider and sit down with labour and try and figure out progressive ways to benefit everybody in the province, not just a few. And also not to have an adversarial position where you have a toxic environment in the labour market in Manitoba. I think that's a mistake.

So I thank you for your time. I have a suspicion you're not going to give this fair consideration. The majority government's going to do it. I'm just giving you a warning. You may be doing something harmful to yourself and to the rest of the province.

**Mr. Chairperson:** Thank you for your presentation, Mr. Dolin.

**Mr. Reg Helwer (Brandon West):** Thank you for your presentation, Mr. Dolin. And we do have a secret ballot in the Legislature that I hope you're aware of, and that's when we select the Speaker at the beginning of session, so. *[interjection]*

**Mr. Chairperson:** Mr. Dolin. Mr. Dolin, before you—Mr. Dolin, before you can respond you have to get my attention, so I can turn the mic on.

Mr. Dolin, now you can speak.

**Mr. Dolin:** Oh, I just did.

**Mr. Chairperson:** You'll have to repeat what you said.

**Mr. Dolin:** I think secret ballots are important within a country, for example, to have an election, within an organization to elect its officers, right. You don't have secret ballots on policy. You know, for example, I was the whip for a while. If you had a secret ballot, you know like, for votes here, what would the purpose of the whip be?

I mean, how would you know who's doing what and where?

I happen to be, unfortunately, the whip when Jim Walding did his trick.

And, you know, with a secret ballot, we never knew—would've known who did that. So I think that fact that is, yes, you have secret ballots when you

elect a Speaker, you have secret ballots if you belong to a book club, when you elect a president and what—you do not have a secret ballot once you've signed a card and—to have it reconfirmed by secret ballot. You sign the card, you sign the card.

\* (20:20)

**Mr. Lindsey:** Thank you for your presentation, and I thank you for responding sensibly with the questions that have been asked so far.

So it would be fair on my part to kind of summarize what you've said, that there may be different types of democratic action depending on the circumstances or the place where the democracy is being exercised?

**Mr. Dolin:** Yes and no. I mean, democracy is for all people. My concern is the fact is when you divide management and labour and government and labour, you're creating a potential for serious problems for labour unrest, for management bullying. I think that can be overcome if you tried to co-operate. And if—you know, I remember when I—when we were government here 30 years ago. You know, when we sat down, we had management and labour and, you know, like, I listened to a younger Billy Gardner, you know, doing his tricks, you know, 30 years ago, and the reality is we listened to—you know, sometimes people on the other side make sense and you do accommodate, and I think that should go both ways.

**Mr. Lindsey:** I thank you very much for your presentation and thank you for taking time to come and talk to us, and I look forward to hearing more from you in the future.

**Mr. Chairperson:** Thank you for your presentation

I will now call on Jonathan Alward, Canadian Federation of Independent Business.

Do you have any written materials for distribution to the committee?

**Mr. Jonathan Alward (Canadian Federation of Independent Business):** Yes, I do.

**Mr. Chairperson:** You may proceed with your presentation when you are ready.

**Mr. Alward:** Good evening, everyone, and on behalf of the Canadian Federation of Independent Business, I'd like to thank you for allowing me to present here tonight on Bill 7, The Labour Relations Amendment Act.

My name is Jonathan Alward, and I'm the Manitoba director of provincial affairs for CFIB. And at CFIB, we're passionate about small business because of their massive contributions to our economy, employment into our communities. We believe that small businesses deserve a strong voice in government decisions.

CFIB provides a reasonable, credible and effective way for small businesses to participate in the political process like going on here this evening, just as big businesses and unions do. Across the country, CFIB represents 109,000 independently owned and operated businesses and 4,800 right here in Manitoba. We're strictly non-partisan, non-for-profit organization and our members are located in every region of the province and in sectors that closely mirror our province's economy.

So, importantly, tonight, I'd like to stress, CFIB policy positions are set by direct feedback from our members through accurate and regular surveys. These surveys operate under a one-member, one-vote system, and our views at CFIB are strictly based on the results of these surveys. So it is with great confidence that I can present here on behalf of our 4,800 Manitoba members and express their strong support for Bill 7.

CFIB commends the Manitoba government for bringing Bill 7 forward to ensure that Manitoba labour laws provide all workers with access to secret ballot voting. This legislation brings Manitoba in line with the majority of other Canadian provinces. Our members believe that secret ballot voting is a cornerstone of our democratic tradition and should be used prior to any certification. Without question, it is the best way to ensure that employers can make decisions without undue influence from any party.

No one should assume that a majority of employees truly support a union application unless a secret ballot vote is taken. In fact, many studies clearly show that union support does drop significantly once secret ballot voting is introduced. Many presenters here tonight will agree or disagree with the impacts of Bill 7 based on personal opinion or anecdotal evidence but, in contrast, CFIB bases policy positions on surveys and facts alone. So, it is my pleasure to present to the committee with compelling data that shows small businesses and the Manitoba general public strongly support reinstating secret ballot voting.

CFIB conducted a member survey between May 19th and June 1st of this year, with responses

from 330 Manitoba small-business owners. When asked, to what extent do you support or oppose reinstating the secret ballot vote for union certification, 68 per cent answered that they were supportive of these changes. Only 10 per cent were not supportive of the measures and 22 per cent did not know, as you can see in your charts attached.

While these survey results are compelling, they do not encompass the views of all Manitobans regarding this policy, which is, again, something I want to stress here tonight. Because of this, CFIB commissioned a complementary public opinion survey, between January 18th and 21st of this year, to measure the level of support from Manitoba general public regarding secret ballot voting. When asked, do you agree or disagree that secret ballot voting should be used in all cases prior to union certification, an overwhelming 71 per cent of Manitobans agreed; only 9 per cent of the general public strongly disagreed with secret ballot voting used prior to union certification votes; 4 per cent of the 605 publicly surveyed did not know.

These results are clearly powerful. Not only does this research show that Manitoba's small-business sector is supportive of reinstating secret ballot voting, but the general public is even more supportive of these measures. Clearly, the current legislation is out of touch with what Manitobans want.

As I mentioned earlier, it is with great confidence that I can stand here on behalf of all of our 4,800 Manitoba members and express their strong support for the legislation being reviewed here this evening. Clearly, Manitoba's entrepreneurs support Bill 7, and, moreover, so do the vast majority of all Manitobans.

So we urge the committee members here this evening to consider CFIB's strictly fact-based evidence and implement Bill 7 instead of listening to the voices of a vocal few.

CFIB once again commends the government for introducing this legislation, and we're confident that a strong majority of all Manitobans will as well. Thank you.

**Mr. Chairperson:** Thank you for your presentation, Mr. Alward.

**Mr. Cullen:** Thank you, Mr. Alward, for your presentation tonight. I find the results of your survey quite interesting. It appears that there's actually more support from the general public than there is actually

from the business community in terms of moving forward with a secret ballot for unionization.

Was that a surprise to you?

**Mr. Alward:** Look, it was a surprise to me. To be completely candid, I was not with CFIB when the results were conducted. But, again, I'd just like to reiterate I'm here to talk about facts tonight, not my own personal opinion.

**Mr. Cullen:** Yes, thanks for that; I appreciate that. You know, we heard comments earlier tonight about other provinces have moved in the direction of Bill 7 would take Manitoba potentially. Do you have any comments relative to other jurisdictions that you may deal with? It looks like there's probably—quite a number of them have moved to the secret ballot vote across the province—across the country. *[interjection]*

**Mr. Chairperson:** Mr. Alward.

**Mr. Alward:** Sorry—I know they have. I know our neighbours in Nova Scotia have done the same. I haven't seen any significant impacts of that, but, again, I'm focused strictly here in Manitoba. I don't think anything has changed, but we can certainly look to our neighbours for that evidence.

**Mr. Lindsey:** Thank you for coming and presenting facts. Is it correct when you've said that in Manitoba alone you represent 4,800 members?

**Mr. Alward:** That is correct, give or take a couple.

**Mr. Lindsey:** The survey that you include is based on a result of 330 responses. Is that correct? *[interjection]*

**Mr. Chairperson:** Mr. Alward.

**Mr. Alward:** Sorry—yes, that is correct.

**Mr. Lindsey:** So, clearly, your facts are presented by a small fraction of the number of employers that your group actually represent?

**Mr. Alward:** I'll beg to disagree. And, if you look at figure—I believe it's the first figure in your report, you'll see that the margin of error is very minimal and that we had significant enough response rate to have very credible results.

**Ms. Lamoureux:** Thank you for your presentation. In order for people to be polled accurately, they have to fully understand the issue that's being presented in front of them. The people who have been polled in the statistics here, were they given the background on our current unionization and Bill 7, or were they specifically asked what is noted in your chart? To



what extent do you support or oppose reinstating the secret ballot for union certification?

\* (20:30)

**Mr. Alward:** Thank you for that question. I do not have a copy of the second report with me, but in regards to the first one it's very important that we're educating our members in the questions being asked. We always have a background with supporting and opposing arguments for each piece of information before members are polled on their mandate surveys.

Another thing that we use are pop-up windows to clearly explain an issue if there's any confusion with the person taking the survey.

**Ms. Lamoureux:** Another question is how—I'm stealing Mr. Lindsey's question here—how did people vote for the survey?

**Mr. Alward:** These are online surveys conducted with complete anonymity, unlike the MEC vote. This is evidence from employers that was strictly taken in privacy and confidence.

**Mr. Lindsey:** Thank you for your responses so far. Your response to this survey represents something like 0.06 per cent of your membership. Is that correct?

**Mr. Alward:** If you've done the calculation, that may or may not be correct. I'm not sure without doing it in front of me, but I can guarantee you that, again, we place a huge amount of emphasis on the accuracy of our reports, as we've always done, whether it's in Manitoba or national. Our chief economist is extremely competent and extremely thorough, and he will make sure that every piece of evidence that CFIB submits is credible and compelling.

**Mr. Lindsey:** I guess I'm just somewhat left agog that 0.06 per cent is good enough for your membership to express their opinion, but 65 per cent of workers signing a union card in secret is not good enough for you. I can't fathom how you can explain the difference, sir.

**Mr. Alward:** If I can answer with a question, I would say that the 600-plus responses plus the 330 responses we got from small-business owners here certainly outweighs the remaining people who have presented before me and will present after as independent voices.

**Mr. Chairperson:** Thank you for your presentation, Mr. Alward. Your time has expired on questions.

I will now call on—oh, sorry. Our next presenter is Gord Delbridge, CUPE Local 500.

Mr. Delbridge has informed us that he's not able to attend tonight and asked that his name could be kept on the list for November the 3rd, Thursday.

What is the will of the committee? *[Agreed]*

Mr. Delbridge's name will be moved to Thursday.

I will now call on Serina Pottinger, and please let me know if I'm pronouncing your last name properly, Serina.

Do you have any written materials for distribution to the committee?

**Ms. Serina Pottinger (Private Citizen):** I don't.

**Mr. Chairperson:** You can proceed with your presentation whenever you are ready.

**Ms. Pottinger:** Thank you. So first I just want to thank you for allowing me to present tonight and share my personal experience.

I have not had the privilege of being a union member for most of my working life. My involvement in the labour movement as an active member and being part of a union is only within the last two years.

I've worked for a number of private companies that are not unionized, doing precarious and low-paying work, jobs where the employers consistently walk the line of basic Manitoba employment standards, and many even stepped over that line in circumstances where they felt they could get away with it.

The thing is they often can get away with it. Employees frequently don't know the law or where to look to learn about their rights, and I'm not even talking about the improved working conditions that unions fight for. I'm talking about basic labour law, the laws that all employers should be following.

Even in cases where the workers think something that is going on in their workplace isn't right, like having their pay docked, or being forced to work through breaks, even if someone points out to them that it's not right, that they are often too afraid to confront their employers.

How can they rock the boat when their employers have arbitrary control over their working conditions, scheduling, whether or not their rent gets paid or their children eat?

Unions empower workers to stand up for their rights by providing some protection, security, and education. They fight for fair and equitable working conditions for their members, and I know it might be a hard concept to accept, but in my opinion unions can be an asset to the employer as well as the employee and it's an asset that employees pay for themselves.

It can be very difficult for people to represent themselves clearly when they are being treated unfairly and when the issues are so close to their survival, to their ability to take care of their families, their ability to contribute to society. This can cloud judgment with emotion. Having a union representative to go to in these circumstances gives the workers a safe place to voice those inequities and vent their frustrations appropriately. It gives them time to be heard and distance to gain perspective. It allows for workers to deal at arm's length with these emotionally charged issues, making room for objectivity and fairness. I don't know about you, but I'm far more invested and inclined to work hard for the success of a business where I feel I'm being treated fairly and have a voice to make a difference. And I'm certain that I'm not alone in that.

In 2010, I was working in an office that was not unionized. The salary was reasonable, and although there were some inequities in relation to the benefits, that was certainly not a motivator for us to join a union. Our work was precarious, one-year term contracts that could be arbitrarily ended at the whim of the employer. There were poor processes in place for those that had responsibility but no authority and weak direction from the employer. We believed that unions do good and important work, and we wanted to be a part of the labour movement as members. For these reasons, in 2014, we decided to seek union representation. Over 65 per cent of us signed cards, without hesitation. I believe it was 75 per cent to be exact, a supermajority.

When the labour board gave notice that we wanted to be represented by a union, the employer went straight to work trying to stop us from exercising our right to organize. They obtained legal opinions to try and make positions exempt to weaken the bargaining unit. There were efforts made to convince some workers that joining a union would be a conflict of interest, or that it would create a toxic workplace. We were told how upset the employer was and how this is the wrong union for us. Our schedules were unilaterally changed, threats that our contract may not be renewed. The perceived

instigators were targeted, a long-term employee with no prior record suddenly being disciplined. Our workplace became very toxic and our supermajority became divided. Thankfully, workers would not be forced to vote a second time.

If not for the automatic card-check system where the workers were able to consider this decision before the employer became aware that their staff wanted to join a union, there is a very good chance that we would not have been successful. Had we not been successful, it is certain that the working conditions would not have improved, and some workers that were in support of the union likely would have been disciplined or terminated. And how would that be more fair?

Thank you.

**Mr. Chairperson:** Thank you for your presentation, Mrs. Pottinger.

**Mr. Cullen:** Thank you, Ms. Pottinger, for your presentation tonight and waiting 'til the last. Appreciate that.

**Mr. Lindsey:** I thank you also for your presentation, and thank you for sharing your personal story of the importance of unions and how the system can work against a worker trying to get organized.

Before I go any further, I need to correct an error I made in one of my previous statements. The number was actually 7 per cent, not 0.07, so I stand corrected. Much like the Minister of Finance (Mr. Friesen), sometimes I don't get the numbers right.

I thank you for your presentation and have a good evening.

**Mr. Chairperson:** Thank you for your presentation, Mrs. Pottinger.

I will now call Charlene Matheson for the second time. Charlene Matheson? Since she's not here, her name will be removed from the presenters list.

I now will call Laurie Kjartanson. Laurie Kjartanson? Since she is not here this evening, her name will be removed from the presenters list.

That concludes the list of presenters I have before me. Are there any other persons in attendance who wish to make a presentation?

Seeing none, that concludes public presentation for this evening.

I'd like to remind everybody that we will be holding committee on Thursday, November 3rd, in regards to this bill.

Before we rise, it would be appreciated if members would leave behind their copies of the bill, so they may be collected and reused for the next meeting.

The hour being 8:41, committee rise.

**COMMITTEE ROSE AT: 8:41 p.m.**

### WRITTEN SUBMISSIONS

Re: Bill 7

Members of the committee, thank you for providing American Income Life Insurance Company the opportunity to comment on proposed changes to The Labour Relations Act contained in Bill 7.

American Income Life Insurance Company (better known as AIL in Canada) is currently licensed in Canada, United States of America and is registered to carry on business in New Zealand. We currently have more than 7,000 representatives and employees internationally, which includes representatives in Canada. American Income Life, along with its New York subsidiary National Income Life Insurance Company, services over 10.8 million working families and has more than 50.4 billion of life insurance in force. We do have an administrative office located in Winnipeg, Manitoba, with Public Relations and Provincial General Agent offices located throughout Canada.

AIL contributes to the Canadian economy and the community through the payment of taxes and services, and by providing insurance to Canadian working families. We are a community-minded organization, and are involved in many national, provincial and local activities. As a company, we are able to provide career opportunities to local residents of Canada.

American Income Life recognized the importance of unions by holding a majority sign-up, and our results speak volumes about the positive relationship that we have with our representatives and employees.

American Income Life supports a card-based certification process and the right of workers to be represented by a union and have full collective bargaining rights.

American Income Life is a unionized company and has been for decades. We thrive as a responsible workplace. We continue to expand, and the growth

of the organization continues. With continued growth we create more career opportunities throughout Canada and the countries within which we operate. As an organization, we have maximized productivity, negotiated increased wages for our staff and expanded benefits. We continue to remain profitable for our stakeholders as a direct result of our unionized representatives and employees. American Income Life and National Income Life have combined assets of more than \$3 billion. This has been accomplished while working with the bargaining units that represent our representatives and employees.

The CEO of American Income Life and National Income Life, Mr. Roger Smith, believes that workers have the right to organize and to negotiate collective bargaining agreements. He believes that this right is integral to a fair economic system and is good public policy. Mr. Smith also contends that what is good for workers is likewise good for business.

It is our view that unions are an essential part of a strong democracy and play a crucial role in Canada's public and community life. Not only do they give workers a voice on the job and help negotiate fair benefits and wages for their members, but they also use their resources to raise the floor for everyone who works for a living. By promoting higher standards for workers, businesses, families, the environment and public safety, unions have helped to build the middle class and ensure that the economy works for everyone.

We have also long held the view that fair collective bargaining agreements have resulted in building a dynamic productive workforce with shared prosperity, a view that has been supported by data time and again. We believe in these tough economic times, employers and employees should be sitting at the table together, crafting solutions that support the long-term growth and sustainability for both business and workers.

Today more than ever, we need to protect the right to organize as well as the long-term economic interest of business. It is only logical for businesses to support policies that create a robust middle class, spur economic growth, and create shared prosperity. These types of legislative amendments proposed in Bill 7 are not good for workers and, ultimately, that is not good for our economy. The argument that unions coerce and intimidate employees into signing a membership card is not supported by the number of unfair labour practice complaints. On the

other hand, employer coercion and intimidation in the process of organizing certainly is supported by numerous complaints.

We do not support the proposed changes contained in Bill 7 regarding the current card-based certification process in Manitoba. In our view, the current process provides greater insurance of democracy, without interference, and furthers the rights of workers to have access to collective bargaining. This is supported by the analysis provided by Osgoode Hall Law Journal Volume 43, Number 4, Page 420. In the analysis it is stated that the effect of proposed changes would include a higher cost to employees and unions, would allow employers to have more opportunities for union avoidance, and would result in an increase in unfair labour practices with the balance of power shifting to employers.

At American Income Life, we believe that a more equitable work environment includes unions, which in turn will ensure fairness in rules and administration and a standardized wage. The type of regressive legislative proposed, in our view, does nothing to enhance the workplace and does not ensure the rights of workers to join a union.

Daryl Barnett  
American Income Life

Re: Bill 7

Introduction

The Canadian Labour Congress (CLC) is Canada's largest labour central body, representing the interests of 3.3 million Canadians who work in all sectors of the economy, and in all regions of our country. The Congress brings together Canada's provincial and territorial Federations of labour, and over 100 district labour councils throughout the country.

The CLC welcomes the opportunity to provide input into the review of Bill 7, The Labour Relations Amendment Act. A leading concern and priority of the Canadian Labour Congress is labour law reform. Being a provincial as well as federal responsibility, the reform of labour legislation in every part of the country is of interest to the Congress.

Bill 7 would repeal the interim certification power of the Manitoba Labour Board, and remove the requirement that the Board certify a union applying with 65% or higher support of the bargaining unit. In so doing, Bill 7 treads familiar ground in Canada in

recent years, proposing significant and one-sided changes to the labour law regime without proper study and the full participation of unions and the public. By doing so, Bill 7 politicizes the process of labour law reform, and once again commences a swing in the legislative pendulum, adding uncertainty and instability to the province's labour relations.

Bill 7 is a concern for workers in Manitoba, and across the country. Academic and scholarly industrial relations research has firmly established that dismantling automatic card-check certification procedures erects additional obstacles in the way of workers that wish to form a union. A consistent finding of the academic literature across Canadian jurisdictions is that imposing a mandatory certification vote results in significantly lower levels of certification applications and success rates. A major academic survey of scholarly research on collective bargaining conducted for Ontario's Changing Workplaces Review initiative concluded that changing the representation process to require a mandatory representation vote reduces the likelihood of certification (Johnson 2001; Slinn 2015). The mandatory vote requirement provides employers with more opportunities for procedural delay, and to engage in interference tactics which in turn invite unfair labour practice complaints. Longer-term consequences can include labour relations instability and a difficult collective bargaining process.

Allowing procedural delays and employer efforts to thwart certification entail more obstacles to the exercise of workers' associational rights. However, there are also larger negative consequences extending to non-union employees and the economy as a whole.

Efforts to Undermine Union Strength Will Reinforce Growing Inequality

Ensuring that workers are able to exercise their freedom to join a union and bargain collectively with their employer brings important economic benefits beyond the immediate workplace. Unions and collective bargaining ensure that the gains from productivity increases are broadly shared, with a portion redistributed as higher wages and benefits (Rouillard and Rouillard 2015). For this reason, union decline in recent decades is strongly associated with concentrated incomes and rising inequality. Declining unionization and weakened bargaining power has led to a drop in the labour share of total income, and the concentration of income among top

earners (Sharpe et al. 2008; Jaumotte and Buitron 2015).

Rising inequality is a concern in Canada. Until recently, the system of tax and transfers has partially compensated for more unequal market incomes, so that the growth in after-tax income inequality has not matched the rise in market income inequality. However, as inequality of market earnings rises, taxes and government income transfers must do more of the heavy lifting to prevent income inequality from rising further.

Rising inequality is a concern for all Manitobans, for several reasons. Research has increasingly pointed to the connection between rising inequality and lower rates of economic growth, and conversely, the link between more equal societies and stronger and more sustainable growth (Berg and Ostry 2011; Ostry et al. 2014). The quality of growth is also likely to suffer from higher inequality, with financial fragility and instability undermining sustained economic growth and broadly-based prosperity (Kumhof and Ranciere 2010).

Unions and robust collective bargaining institutions are a vital means to slow down and reverse rising income inequality, with benefits for economic growth and societal well-being. Indeed, research has identified the various ways in which the benefits of strong unions extend well beyond the immediate union membership. Unions have spillover effects that improve outcomes for all workers, and low-income

earners in particular. A strong union presence and the threat of unionization of non-union firms raise the wages of all workers; as a result, declining union strength in recent years is associated with lower wages for non-union workers (Western and Rosenfeld 2011; Rosenfeld et al. 2016). Unions are associated with greater upward economic mobility and greater opportunities for low-income households (Freeman et al. 2015). In the United States, unionized jurisdictions are more likely to have paid sick leave, paid family leave, and minimum wages (Cashman and Butcher 2015). And strong unions mean safer workplaces, a vital workplace good that affects the well-being all workers (Amick III et al. 2015).

#### Conclusion

By seeking to reduce the likelihood of union certification in Manitoba, Bill 7 will frustrate the democratic wishes of many workers seeking to unionize and advance their workplace interests. On behalf of its affiliated organizations, the Canadian Labour Congress urges the committee to reject Bill 7 and retain automatic card-certification under the Labour Relations Act. We urge the government to withdraw Bill 7 and to instead convene an evidence-based, inclusive, and properly consultative process for improving labour law in the province of Manitoba.

Cindy Murdoch  
Canadian Labour Congress

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

**<http://www.gov.mb.ca/legislature/hansard/hansard.html>**