

**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. 4 - 6 p.m., Thursday, November 3, 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**

**Thursday, November 3, 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. Messrs. Cullen, Eichler*

*Messrs. Allum, Johnston, Ms. Klassen, Messrs.  
Lagassé, Lindsey, Ms. Marcelino, Messrs. Smith,  
Smook, Yakimoski*

**PUBLIC PRESENTERS:**

*Mr. Wayne Chacun, private citizen  
Ms. Kelly Moist, Canadian Union of Public  
Employees, Manitoba  
Mr. Paul Moist, private citizen  
Ms. Brianne Goertzen, private citizen  
Ms. Elizabeth Carlyle, private citizen  
Mr. Paul McKie, private citizen  
Mr. Lee McLeod, private citizen  
Mr. Gord Delbridge, Canadian Union of Public  
Employees, Local 500  
Mr. Jerry Storie, private citizen  
Mr. Matt McLean, private citizen*

**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.

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 will have been scheduled before presenters from the city for each meeting.

Tonight, we will hear from 10 of the presenters registered to speak on Bill 7, and if you have—and you have the list of those presenters before you.

I would also like to inform all in attendance of the provisions regarding the hour of adjournment set in the Sessional Order adopted by the House on June 21st, 2016.

If a committee sitting on November 3rd, 2016, has not completed public presentations, it must close public presentations by 9 p.m. By unanimous consent, the deadline can be extended to 10 p.m. The public has the ability to provide written submissions for an additional 24 hours. Also, the committee shall not rise until clause by clause is completed and the questions to report the bill have been put to the committee.

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 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 you 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 also like to remind members of the public, who are observing the committee meeting, 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 recording.

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 the Hansard recorder to turn the mics on and off.

Thank you for your patience. We will now proceed with public presentations.

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

**Mr. Chairperson:** I will now call on Wayne Chacun. If I'm not pronouncing the name properly, if you'd correct me on that.

**Mr. Wayne Chacun (Private Citizen):** That's okay. It sounds nothing like it's written. It's—

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

**Mr. Chacun:** I do. I don't have enough. They're making a few more copies.

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

**Mr. Chacun:** All right. My name is Wayne Chacun, and I work full time as a—and I've worked full time as a paramedic since 1996, in Virden, Manitoba. I've also been a member of the MGEU since 2001. I want to say thank you to the committee for allowing me to speak on Bill 7. Granting citizens the opportunity to speak to a bill is true democracy at work.

Since MGEU has started representing rural medics in the early 2000s, it has been a strong advocate in advancing EMS in rural Manitoban, not just making things better for paramedics but advocating for better health care for all patients that EMS deals with.

We, the paramedics, have seen improvements to our working conditions such as paid breaks while on shifts. As well, our union has advocated for our safety through improved lifting devices, better safety gear and improvements to the ambulances themselves.

Over the last 15 years, our wages have also improved substantially. Fifteen years ago, many rural paramedics were barely making more than minimum

wage. There was no career future in being a rural paramedic prior to unionizing. While the wages are still nowhere near the wages in Winnipeg, and we still lose many rural medics to the city, the wages are much better than they were 15 years ago.

The union, on behalf of its members, has worked to bring rural EMS from just transporting to a hospital, to bringing the hospital to the patient. The level of education has increased, and the level of care being provided to patients has increased. As many of you know, these days, many rural areas of the province are experiencing emergency-room closures. Rural citizens rely on EMS as their front-line medical service. If it had not been for unions making working conditions better for paramedics, I don't believe that rural EMS would be able to bandage the emergency-room situation that we currently face.

The 2013 EMS review recommends many more improvements to the system. My union pushed for this review to take place and will push for the recommendations to be implemented. But I'm not here to just talk about the improvements that take place under a union. I'm here to talk about Bill 7 and why the elimination of the card check is a detriment.

When I joined my union, it was under the card check certification system. The medics in my regional health authority were amongst the last in the province to join a union. Prior to 2000, my coworkers and I had talked about joining a union, but our employer persuaded us not to join. The employer told us: Working conditions will be better; we'll listen to your concerns more; you don't need to unionize.

Well, it didn't get better, and they didn't do anything about our concerns. Finally, in 2000, many medics across the province in the other rural RHAs were joining unions. My employer tried again to persuade us not to join. The employer told us how we would have to pay exorbitant union dues and how the union wouldn't be able to get anything for the members that they couldn't already get us. The RHA's EMS education coordinator even made a point of letting all paramedics know how useless unions were and how we would regret joining.

\* (18:10)

And, again, this worked. Some of my colleagues were again persuaded not to sign a card. But in the end, enough of us, more than 65 per cent, signed cards and we were certified. Had we had to have a second vote after the cards were signed, the

employer may have coerced many more medics not to sign these cards. And that's what the elimination of automatic certification does. It makes workers have to vote twice, even when the vast majority have indicated that they're in favour of unionizing.

Unions help keep skilled workers in our province. When there are fair wages and working conditions, workers want to stay. When there's not, there are other places we can go and work. Let's not try and fix a system that isn't broken.

Thank you again for allowing me to speak.

**Mr. Chairperson:** Thank you for presentation, Mr. Chacun.

**Hon. Cliff Cullen (Minister of Growth, Enterprise and Trade):** Thank you very much, Mr. Chacun, certainly, for being here tonight and making the trip in. We really appreciate your perspective on things and appreciate the good work you do for us as well. Thank you.

**Mr. Tom Lindsey (Flin Flon):** Thank you also for coming in and speaking to us tonight about your experiences getting organized and about the importance of being organized.

When you got organized, you signed a union card? *[interjection]*

**Mr. Chairperson:** Mr. Chacun.

**Mr. Chacun:** Oh, sorry. Sorry about that. Yes, I did sign a union card when we organized.

**Mr. Lindsey:** Did you sign that union card in public, or was it a private matter?

**Mr. Chacun:** It was private.

**Mr. Lindsey:** So one could characterize your signing of that union card as being done in secret?

**Mr. Chacun:** That's correct.

**Mr. Lindsey:** So, in your opinion, democracy was fulfilled by you voting in secret and, in fact, having to have a supermajority of 65 per cent of your co-workers vote in secret to join a union?

**Mr. Chacun:** That's correct. As well, I think that there are checks and balances in place with the Labour Board, where, if somebody has been coerced by a union, that the employer could put forward that this has happened and that would disallow these signatures.

**Mr. Lindsey:** Were you aware of any instances of the union threatening or coercing workers to sign a union card?

**Mr. Chacun:** Not when I unionized, no.

**Mr. Lindsey:** I thank you for coming out tonight and telling us about how it worked in your workplace, getting unionized, and I appreciate that.

**Mr. Chairperson:** Thank you for presentation, Mr. Chacun.

I will now call on Kelly Moist.

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

**Ms. Kelly Moist (Canadian Union of Public Employees, Manitoba):** I do, thank you.

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

**Ms. Moist:** Thank you, and thank you for the opportunity to speak to committee tonight.

Good evening. My name is Kelly Moist. I am the elected president of the Canadian Union of Public Employees, Manitoba.

The Canadian Union of Public Employees, CUPE, is Canada's largest union. CUPE comprises 639,000 members across Canada and over 25,000 members in Manitoba. Our members play a vital role in our communities, delivering the core services on which all Manitobans depend.

CUPE Manitoba is fundamentally opposed to Bill 7. We believe that this is an unjustified and unnecessary legislative attack on the rights of Manitoba workers and on the labour unions that represent them. This legislation should be immediately withdrawn and abandoned. Before I explain CUPE's reasons for this position, I would like to highlight the importance of unions.

Workplace democracy. In virtually all cases, workers join unions because they recognize that they will have more success working collectively than they do acting as individuals. The inherent power imbalance between employer and employee is recognized in our nation's labour relations legal framework, starting with our constitutionally protected freedom of association. In the simplest terms, labour unions make the employee-employer relations a little fairer and a little more democratic.

Health and safety. For workers, it has been long clear that unions make work safer. A 2015 Institute

for Work & Health study found that unionized construction firms, when adjusted for firm size, had 14 per cent lower rates of claims that involved missed days of work, and 8 per cent lower rates of musculoskeletal injuries. Workers in unionized firms are less likely to have serious injuries which require time off of work. The research found that unionized construction firms had a better history of having workplace injuries recorded but lower rates of serious injuries.

The data suggests that unionized firms are safer, provide better health and safety legislation and have better programs and practices.

Wages and benefits—because of collective bargaining, workers in unionized environments earn more than those in non-unionized workplaces. The Manitoba union advantage, on average, is \$5.79 an hour for unionized compared to non-unionized workers. The advantage is even bigger for some groups. Unionized women earn \$7.42 an hour more than their non-unionized counterparts. Aboriginal workers earn \$6.60 an hour more.

Unionized workers are three times more likely to have a pension with employer contributions. Unionized workers are twice as likely to have health and dental benefits.

And there is more. Unions also raise the wages of non-union workers. The US-based Economic Policy Institute found that the loss of union density in the US private sector has contributed to substantial wage losses among non-union workers. This study found, for example, that non-union private sector men would've earned, on average, 5 per cent more in 2013 if union density remained at 1979 levels, an annual wage loss of \$2,704.

Inequality—there is growing concern about income inequality. A 2015 IMF study determined that this growing inequality is largely a result of lower union density. There is also growing consensus that inequality is negatively impacting economic growth. Research by the OECD has indicated that income inequality has a negative and statistically significant impact on subsequent growth. Clearly, unions matter.

Card check matters for some related reasons. Under current legislation, the process of verifying support for unions via signed union cards has a long history in Manitoba. There is no dire public policy reason for this legislation.

CUPE takes this an ideological attack on workers, unionized or not. And, while Manitoba looks to eliminate card check, the federal government is seeking to re-establish card check in areas of federal jurisdiction through—though with more—though with a more accessible threshold of 50 per cent compared to Manitoba's 65 per cent.

Card check is the preferable method for union certification, because it protects workers from intimidation, threats and bullying from anti-union employers and their agents, helping ensure that the true wishes of employees are recognized.

Mandatory labour votes, in essence, a second vote to reconfirm support for the union provides the employer with a week or longer to discourage employees from joining a union. During organizing drives, workers commonly hear from employers and their agents that unionizing may lead to reductions in pay or benefits, that the business could close or that there will be layoffs. While these activities may have contravened labour relations laws, in CUPE's experience, they're a common practice.

While it is the true that the law currently allows for automatic certification in cases where employer intimidation is deemed so significant that the true feelings of employees cannot be ascertained, the reality is often that employees are too intimidated to bring formal allegations forward. Employers essentially have nothing to lose by intimidation if they are convinced that the union drive is going to be successful. Get caught, and the result is the union certification, something that they were expecting to happen anyway.

In contrast, the existing legislation provides significant incentives for unions to avoid intimidation and coercion. It should be noted that section 40(1) states that the labour must be satisfied that the employees were not subject to intimidation, fraud, coercion or threat and that their wishes for union representation were expressed freely. Under section 45(3.1), a union is required to inform potential members about any initiation fees or union dues. Failing that, the board will not accept their membership in the union as valid.

Subsection 45(4) sets out that if the union or someone working on behalf of the union engages in any sort of intimidation, coercion, threat or fraud to induce an employee to join the union, the Labour Board may dismiss the application outright or order a vote to determine the true wishes of the employees.

Section 47(2) of The Labour Relations Act grants all employees the right to file an objection to the certification application in cases of intimidation, fraud, coercion or threats during the membership drive.

Combined, these various sections of the LRA create a very strong incentive for union organizers to treat potential members with the utmost respect.

We are certain that your government will hear from those supporting the bill that this legislation is necessary in order to protect democracy; however, we believe support is more interest based.

Multiple studies have confirmed that union drives with card check certification are far more successful than those that require a reconfirmation of union support through a Labour Board representation vote.

\* (18:20)

Chris Riddell's study of union certification in British Columbia between 1978 and 1998 found that union drives requiring mandatory representation votes were 18.6 per cent less likely to succeed than drives which took place under card-check automatic certification.

And amendments: CUPE does not accept that there is any public policy need for the legislation changes proposed in Bill 7. However, it is clear to us that the government is dedicated to seeing the passage of this bill. In that case, we have several recommendations to improve The Labour Relations Act.

(1) Quicker votes: the current seven-day threshold for the Labour Board to hold a balloted vote is simply too long. CUPE recommends that the requirement be shortened to five days in order to help reduce the negative impact of this legislation.

(2) Off-site voting: currently balloted votes are held exclusively at the worksite. CUPE believes that, in some cases, off-site voting may help relieve workers of feelings of coercion and intimidation. We suggest that an easily accessible voting location should be mutually agreed upon by the union and employer, whether on or off site and, where no agreement can be reached, an off-site location selected.

(3) Stronger penalties: if caught by the labour relation board for unfair labour practices, the penalty is recognition of the union, the same outcome that results when workers freely join a union. In cases of

individuals who are unfairly terminated, there is a maximum fine of \$2,000 per employee. For a large company, especially, this is not much. If the government insists on creating a framework that encourages employer intimidation, stronger disincentives need to be created.

And, finally, we know that over the last three years the Labour Board was unable to meet the seven-day time allowed by for the Labour Board to hold balloted votes in 32 per cent of cases. This is an already unacceptably high level. If Bill 7 is enacted, this problem will only worsen. For this reason, we urge the government to increase resources to the Manitoba Labour Board.

And that concludes my presentation, and I'm happy to take any questions. Thank you.

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

**Mr. Cullen:** Thank you, Ms. Moist, for your presentation and your advice on this bill. Appreciate it. Thank you.

**Mr. Lindsey:** I thank you for coming out and sharing your views and some facts with us as well.

You've been involved in organizing drives?  
[interjection]

**Mr. Chairperson:** Ms. Moist.

**Ms. Moist:** I apologize. Not myself—no.

**Mr. Lindsey:** As the president of the union, though, you're intimately in contact with people that are involved in the organizing drives?

**Ms. Moist:** Yes.

**Mr. Lindsey:** During any of your conversations with your organizers, have any of them brought up that somebody from the union had intimidated a worker into signing a card?

**Ms. Moist:** No, not in my experience in this role.

**Mr. Lindsey:** Have you heard from any of your organizers that employers have intimidated workers into not signing a card?

**Ms. Moist:** Yes, I'm conscious of the time, so I won't read the brief that I submitted to you, but there is a few cases directly regarding our organizing drive with Emterra and found in—within the brief.

**Mr. Lindsey:** Thank you for that, and we certainly will go through those reports.

As a union that represents a fairly significant number of workers, did anyone from the government approach you and consult with you prior to introducing this legislation?

**Ms. Moist:** No, I had no prior consultation, but appreciate very much the opportunity to do so tonight.

**Mr. Lindsey:** So you said that, in 32 per cent of the cases that go to a vote now, they've missed the seven-day deadline?

**Ms. Moist:** Yes.

**Mr. Lindsey:** In your opinion, did that negatively affect the outcome of the vote as far as successful certification?

**Ms. Moist:** Absolutely. I feel that any time there was any delay, it makes our work in organizing that much harder and provides the employer more time to intimidate the workers in the workplace to change their minds.

**Mr. Lindsey:** So mandating a vote in every circumstance, regardless of the number of cards that have been signed in secret, regardless of the workers' will already freely expressed to democratically join a union, by mandating that second vote, do you believe that will lead to more cases of intimidation of workers?

**Ms. Moist:** That is absolutely one of our biggest fears about this bill.

**Ms. Judy Klassen (Kewatinook):** I appreciate your presentation. Very excited that you put amendments in here as well, acknowledging the fact that government is dedicated to possibly seeing the passage of this bill.

I appreciate that there's—gives us something to help soften the blow. Appreciate that. Thank you.

**Mr. Chairperson:** Ms. Moist, did you have a response to that?

**Ms. Moist:** None. Thank you.

**Mr. Lindsey:** I thank you for coming out tonight, Ms. Moist, and thank you for your presentation, and thank you for the cases that you've provided us with.

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

I will now call on Paul Moist, private citizen.

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

**Mr. Paul Moist (Private Citizen):** I do.

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

**Mr. Moist:** Thank you, Mr. Chairman. I am appearing tonight as a private citizen. I was, until my retirement, a member of CUPE for 40 years, and 33 of those years I worked in a variety of capacities for our national union.

And I've a short presentation I'll just touch on very quickly. First is research paper from McMaster University. The empirical results indicate that the choice of mandatory representation votes or automatic certification has a significant impact on certification success in Canada. Mandatory vote legislation reduces certifications by six to nine percentage points from what they would be under automatic certification. And, as the previous delegation said, there are many other studies that confirm the same thing.

I listened very carefully last Thursday night, your opening night of presentations, from the Federation of Labour, the United Food and Commercial Workers, Unifor, the Steelworkers, all of them cited examples of employer pressure during campaigns.

Why should two votes be required, was a question posed to you, and there's been precious little back-and-forth engagement in the committee process, but there's a detrimental impact from that second required vote in instances where a clear majority have freely indicated their desire to join the union.

Bill 7 is not about rebalancing; it really is—bottom line—it's about reducing union certifications.

Card-based certification is the norm in Manitoba. In the seven decades since 1947, automatic, card-based certification has been the predominant provision in our Labour Relations Act, with the exception of the period 1996 to 2000, I was interested in the comments of the Winnipeg Chamber last week, here at this podium, saying that Bill 7 would restore balance within The Labour Relations Act.

Bill 7 is going to go back to a short period of time, four years, when there was imbalance. The predominant provision for the better part of 70 years in this province has been a form of card-based certification—sometimes 50 per cent plus one, more latterly 65 per cent, but automatic certification.



In August 2000, I reread—I participated in the introduction of Bill 44, by the NDP, in August of 2000, and I reread the committee proceedings in the Hansard debate in the Legislature regarding Bill 44, which, among other things, included a return to automatic certification. The then-official opposition predicted dire consequences, none of which came to pass should be return to card-based certification.

Here's the honourable Eric Stefanson, a former member of the Legislature from Kirkfield Park, questioning the premier in the Legislature in August of 2000: I remind the premier, that today companies and individuals are lining up to comment of the economic disaster in waiting, which is Bill 44. We know that businesses are considering leaving if this bill passes, and we know that young people may also leave.

None of that came to pass in the aftermath of the adoption of Bill 44. In fact, Manitoba's economy strengthened and population grew each and every year from 2000 to 2015. We don't have stats beyond that now.

In the first decade of the new millennium, the better part of the last 15 years, Manitoba's unemployment rate has been at or amongst the best in the country, the lowest in the country. So the August 2000 Hansard is interesting reading, that the sky would fall if we returned—among other things, card certification.

\* (18:30)

The then-critic for the PCs was Mr. Ron Schuler, now a member of Cabinet. And he was very active at the committee level and on the floor of the Legislature. He constantly asked delegations, was Bill 44—and every single provision of it, it just wasn't about card certification, but Mr. Schuler was diligent—was Bill 44 referred to the Labour Management Review Committee? Was every provision of it referred? And it appears that not all provisions of Bill 44 got a whole bunch of discussion at the LMRC, but most did. This bill has never made it to the Labour Management Review Committee, which is a bad way to conduct labour legislation in our province. It should be reviewed by both parties.

The next page, Mr. Chairman, is the act we're talking about, is The Labour Relations Act. And these words, it's about 20 words, have existed in the act for over 50 years. It's the preamble. It's not actually part of the act: Whereas it is in the public interest of the Province of Manitoba to further

harmonious relations between employers and employees by encouraging the practice of collective bargaining between employers and unions as the freely designated representatives of employees.

No one, in all of the changes back and forth, governments come and go in Manitoba, no one saw fit to change this; it's been left the same. Bill 7 discourages union organizing. And in it—and it is at odds with the public interest that is spoken about in this preamble. And it speaks about unions as the freely designated representatives of employees. It is not a question for employers in Manitoba if workers want to join a union. It's for workers and that particular union to sort that out in accordance with the provisions of our Labour Relations Act.

Second last page, unions reduce inequality. There was a lot of discussion last week, some very good discussion from the representatives of the building trades. It talked about inequality having risen in many advanced economies since the 1980s largely because of concentrations of incomes at the top of the distribution. And these are not union journals. First the International Monetary Federation: "New OECD research shows that when income inequality rises, economic growth falls." The OECD in December 2014—pardon me, the IMF quote is: Inequality has risen in many advanced economies since the 1980s, largely because of concentration of incomes at the top of the distribution. And last, but not least, Warren Buffett: "There's class warfare, all right, but it's my class, the rich class, that's making war, and we're winning."

The most effective counterbalance to unchecked corporate power and to inequality is a strong, free, democratic free-trade union movement. And Bill 7, as I say, is really about weakening Manitoba's labour movement.

Lastly, Mr. Chairman, I was looking forward and it used to be on the second floor here, but it's somewhere here, is a plaque commemorating the Winnipeg General Strike. And it was enacted—I worked with former Labour minister Praznik on this wording, was adopted by the government of the day, Mr. Filmon's government, and the plaque resides here in the Legislature.

And, for the record, I want to share with the committee what the plaque says: "The 1919 Winnipeg General Strike. On May 15th, 1919, some 30,000 workers in the City of Winnipeg went on strike in support of building and metal trades workers, who had walked out seeking union

recognition, collective bargaining, higher wages and a shorter working week.

"The Winnipeg General Strike was widely reported throughout North America and the British Empire, and was a watershed event in Canadian labour history. The General Strike concluded at 11:00 a.m. on June 26, 1919.

"In the years since the strike, the Province of Manitoba has enacted legislation which recognizes workers' rights to participate in free collective bargaining, to organize and to healthy and safe workplaces.

"This plaque commemorates the 75th anniversary of the 1919 Winnipeg General Strike, a landmark in Canadian history."

And the names of Mr. Praznik and Mr. Filmon appear at the bottom of the plaque. That second-last paragraph, the legislation enacted in the years since the strike were an effort by legislators of all political stripes here in Manitoba to put a framework in place to avoid what that strike represented for our community, a complete breakdown. The state called in, the federal government and troops called in.

And recognizing workers' rights to participate in free collective bargaining, to organize and health and—healthy and safe workplaces are just three examples of legislation that a variety of governments have put in place.

Bill 7 compromises our organizing rights, workers' organizing rights. It's nothing to do with balance or rebalancing. It—I can't think of an amendment that is worthy of speaking into this microphone, because there's no redeeming features to a piece of legislation that seeks to take away people's democratic rights to organize.

Giving people a second vote option is, as we've heard from the MFL, from the UFCW, from the MGEU, from the steelworkers, from Unifor, from CUPE, countless examples of the employer using that second kick at the cat to intimidate.

**Mr. Chairperson:** Mr. Moist, your time has expired.

**Mr. Moist:** So I would suggest that Bill 7 should be withdrawn in its entirety, and we should move on to running the economy of Manitoba in the interest of all workers.

Thank you, Mr. Chairman.

**Mr. Cullen:** Thank you, Mr. Moist, for your sharing your opinions with us—the committee tonight. Thank you.

**Mr. Lindsey:** I thank you for coming and sharing your opinions. You've got some experience with unions and organizing, and during previous administrations when the automatic certification was done away with, was that a time of great labour peace where unions and management got along well and there weren't very many strikes or was it—could you characterize it as the opposite of that?

**Mr. Moist:** Through the Chair, it was a period of great disruption in Manitoba. One of the largest strikes, other than the 1919 strike, was the nurses' strike in the early 1990s. So we did not have the track record that many of us would've wanted in the 1990s.

**Mr. Lindsey:** Do you see this legislation as being—or this proposed legislation as being completely contrary to what the government is trying to sell it as, as democracy?

**Mr. Moist:** Well, through the Chair, I'm not sure how the government is trying to sell it because there's precious little dialogue going on here, actually, between the government and witnesses coming forward. But what I've read in the newspaper is, and Mr. Remillard kind of alluded to this last week, I've heard similar comments from some members of government. Without any evidence, Mr. Remillard talked about rebalancing and giving fairness to workers, as if the Winnipeg Chamber was going to speak on behalf of workers.

And I don't purport to speak on behalf of any employers, private or public sector. And I don't speak on behalf of any legislators. I'm a private citizen tonight but I spent my whole life speaking on behalf of workers, and you earn that right. People do not sign a union card in a vacuum; it's an act of courage in many jurisdictions.

And unions don't retain certification rights. I presided over CUPE nationally for a number of years—3,800 collective agreements, 639,000 members, locals of four people and locals of 20,000 in the city of Toronto. And all of those bargaining relationships are important; we work hard at them. Less than one half of 1 per cent of the time do CUPE bargaining end up in strikes or lockouts. We're proud of that.

But you need to work at relationships and you don't get members' rights. Mr. Remillard did not

know what he was talking about here last week. We don't need, in Manitoba, the Winnipeg Chamber of Commerce or any political party to save workers from unions.

**Mr. Lindsey:** I thank you for that. I suspect while you are a private citizen at the moment, you still kind of keep your ear to the ground with what's going on in the labour movement. Have you heard any great rumblings out there, in your contacts, of the need to change the existing legislation?

\* (18:40)

**Mr. Moist:** I have not. I spoke to the Federation of Labour president, who was the first speaker here at the first evening of hearings, and part of his duties are to co-chair the Labour Management Review Committee. And there's a history. Even when we have argued with one another over the years, there has been a history of referring labour legislation to the Labour Management Review Committee for discussion. Soon as we found that didn't happen with this, we knew that there was going to be problems. And this will exacerbate and worsen labour relations in Manitoba, and it'll make it harder for workers who, in my respectful opinion, if they choose to have a union, need unions in the times we're living in. This will make that harder.

**Ms. Klassen:** Thank you for your presentation.

I'm very new at this, and so you're the second person that has pointed out that the—my colleagues across the table haven't asked questions of our presenters, and I'm wondering what's your opinion—like, why is that process—you seem to be very knowledgeable in this area.

**Mr. Moist:** I won't speak for any members of the government, but it's a common tactic to get the pain of these committee hearings over at times, and the quickest way to do that is to say nothing.

**Mr. James Allum (Fort Garry-Riverview):** Thank you, Mr. Moist, for coming in. It's interesting that the one group who did say they were consulted was the employers council of Manitoba. Everyone else has answered no to that particular question.

I'm wondering if you—in addition to the growing inequality that would happen as a result of unions' membership or union participation declining, whether we could see this kind of legislation as also a beachhead for other very important things, whether it's pensions for workers, whether it's health and

safety regulations, whether it's benefits themselves. I just wanted your opinion on that.

**Mr. Chairperson:** Mr. Moist, you'll have to be quick, though, because our time has expired for questions.

**Mr. Moist:** I do think that the parties need to talk in this province, and I get worried when I pick up newspapers and read questions about pensions and the cost of pensions. And there were decisions made by previous governments that have impacted on the funding of those pension plans. But the last place we should be discussing that is me writing an article to the Free Press in response to a statement from government.

Labour need not be consulted on all issues, but when you're talking about pensions or The Labour Relations Act or organizing, it behooves you to follow the practices of previous Conservative administrations and at least have the decency to sit down with the trade union movement. If we don't agree, you'll go ahead and do what you want. But these issues merit attention away from microphones.

Thank you, Mr. Chairman.

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

I will now call on Brianne Goertzen.

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

**Ms. Brianne Goertzen (Private Citizen):** No.

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

**Ms. Goertzen:** Good evening. I want to begin by thanking the committee for their time and attention to this very important bill.

My name is Brianne Goertzen, and I am here tonight as a private citizen in complete and utter opposition to this bill. I understand that you have heard from union leaders, workers, students, academics and concerned citizens. You've heard from people with official titles and the strength of numbers behind them. You've heard personal stories and experiences from workers. You have even heard the impact on students and the future of Manitoba. The majority of folks speaking against this legislation have provided countless statistics and research backing up their position.

I will not take my time today repeating these very legitimate and founded academic papers. I am here to share a very personal story.

I was raised most of my life by a single mother. However, one of my earliest memories was accompanying my mother to deliver food to my father and his co-workers who were on strike at their factory. I remember seeing a strength of solidarity that was fostered among them. At the time, I obviously didn't understand how pivotal this memory would be in my life, but now—but I know now this was my initial consciousness-raising on the importance of using your voice and the inherent power imbalance between worker and employer.

My mother worked three jobs to support us when my father left. She worked in non-unionized work environments, so poverty was very real for me. She tirelessly worked to support us and provide for our basic needs. However, we still needed the help that was provided to us so graciously by our church community and, of all places, our schools, being the family—and also being the family that received the holiday hamper in the school because we just couldn't afford food, quite frankly.

She managed to get a job that paid a living wage. However, it came at a steep cost because her place of employment was not unionized. The majority of workers were hired on part-time permanent basis, which came in the form of contracts. There were countless stories of fellow co-workers being laid off when times were slow, and my mother knew that being placed on a layoff would constitute financial devastation for us. She instead took the only shift that people did not want: the midnight shift. For those who have never experienced the midnight shift, it takes a detrimental effects on both your health, both physically and mentally.

Although there were a number of organized—organizing drives taken up at her workplace, my mother would proudly sign union cards, hoping for unionization. Because to her and our family, unionization was a way out of the poverty and, more importantly, access to benefits and a safe working environment. However, each time the employer would intimidate those who were leading the charge, while at the same time promising the moon to those employees unsure. They would promise people higher wages, more benefits, safer conditions, all without having to pay those union dues. However, after every failed attempt, these promises would go unfulfilled and, actually, layoffs increased.

I asked my mother once why she wasn't part of the unionizing drive and she's expressed to me her very real fear of being fired, even though she so deeply believed in the union and what it would bring to us. The power the employer had over our livelihood effectively silenced my mother.

That is why I am here tonight: to bring voice to all those workers who are afraid to stand up for their rights to organize and are intimidated by employers, not unions.

To portray this bill as anything but an attack on workers and their rights is a disservice to all hardworking Manitobans.

This is not what democracy looks like.

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

**Mr. Cullen:** Thank you, Ms. Goertzen, for sharing your views with us tonight. Appreciate it.

**Mr. Lindsey:** I thank you for coming and sharing your very personal views and facts from things that have affected you and your family. I don't believe I'm going to spend a lot of time grilling you like perhaps I have some other people up there, but I just really want to, again, thank you, because it's stories like yours, from real, hard-working Manitobans that this government needs to listen to, that this government really needs to hear. Thank you for bringing that.

**Ms. Goertzen:** Thank you.

**Ms. Klassen:** May I have your mother's name for reference?

**Ms. Goertzen:** I prefer not to. Like I said, the fear is very real.

**Mr. Chairperson:** Seeing as no other questions, we thank you for your presentation, Ms. Goertzen.

I will now call on Elizabeth Carlyle.

Ms. Carlyle, do you have any written presentations for distribution to the committee?

**Ms. Elizabeth Carlyle (Private Citizen):** I do not.

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

**Ms. Carlyle:** Thank you. I appreciate the opportunity to speak with you this evening.

My name is Elizabeth Carlyle and I'm here this evening as a private citizen speaking in opposition to

Bill 7. I'm an active union member and proud of it. Union membership has made my life and my family's life much better. In fact, I liked being a member of a union so much that I decided to work for one. I've been a union member for over 15 years now, but that's not really what I want to talk about this evening. I would like to focus on my experience over the course of 12 years before that as a wage worker, when I wish I'd had a union.

To articulate my support for keeping card-check legislation, I first need to speak a bit about why we need unions. I worked at a major retail outlet as a teen. It was not a unionized workplace and I was constructively dismissed. I had asked my manager what I thought was an innocent question about where we recycled the car oil that we collected from customers. A customer had asked, and I thought I was doing my job by passing on the question. Apparently this was a sore spot and the manager angrily told me that automotive wasn't my department and I wasn't to speak to customers about the details of car oil recycling.

\*(18:50)

I had difficulties in the workplace after that and began to feel insecure about my employment. I booked a vacation, filled out the appropriate form and returned from my vacation only to find the day after my vacation ended that I was fired for being absent without leave from work.

I produced the vacation booking form and showed them the manager's approval signature. They refused to discuss and walked me out of the store. I felt humiliated and confused. I didn't fight it because I didn't really know my rights, not to mention that I didn't want to work for an employer that treated people like that.

I just moved on to another low-wage job but soon learned that many employers treat employees in questionable ways. If I'd had a union, I believe things would have been different.

During the years that followed, I became more aware of my rights as a worker. I was in university by then and had friends who were union members. I heard them talk about retirement savings, about health and safety and overtime. They had problems at work, but they had a union to help them through.

I also heard some stories from my friends' non-unionized workplaces. A pregnant employee was fired from a small grocery chain. Her employer

told her that she shouldn't have gotten pregnant if she wanted to keep her job as a cashier.

A friend who was part of the union drive at a small hotel chain related how his manager threatened to fire anyone involved in the effort and how recent immigrants with English language barriers were threatened with having their hours cut if they supported the union. They were told they would no longer get tips and could be sent back to their originating countries if they allowed the union into the workplace.

It seems that not much has changed, unfortunately. Just last week, news outlets reported an all-too-rare occurrence—a successful union drive at a major fast food outlet. One more Taco Bell/KFC unionized, which is great. Even though the effort was successful union representatives reported serious harassment and intimidation.

The provincial government certainly can't control what every employer is doing, and I'm not saying that all employers are problematic. There are many good reasons to keep card check, though, but, in the interests of time, I'll focus on just a few.

Card-check certification starts from a neutral position, whereas a vote, no matter how secret the ballot, allows for employers to exert their obvious hold over the workplace, and that is a hold that all employers have.

If you assume that unionization is a positive or at least a neutral thing, then you have no qualms about card-check certification. On the other hand, if you think unions are a terrible thing, then removing card-check certification makes perfect sense. It gives anti-union forces an additional opportunity to influence the vote.

Card check gives workers a better chance of improving their workplace because it keeps the initial decision between the workers and the union. Even with card check, certifying a union is a very demanding process. It is also intensely personal. It's a personal decision to join or not to join a union. I am quite certain that a worker approached to sign a union card makes a careful assessment of her situation.

As much as I advocate for fairness at work, I also doubt that I would have risked my job to join a union when I was in a precarious job, especially once I had a family to support.

The action of joining a union does not require the advantage of surprise that card check can afford because it is nefarious. It's not inherently nefarious to have card check. It requires card check and the secrecy that that affords because the majority should have a voice and a fair shot at certification.

Card check is a bit like employment equity. It's not an unfair advantage; it's a chance to balance opportunities a little better.

So, conversely to what arguments have been made by people supporting Bill 7, I believe that keeping card check is our best chance of keeping a more balanced approach to labour relations in Manitoba. It doesn't solve everything, but it is significant.

The most vulnerable workers need the most protection, and it is precisely in the moment of joining a union that workers are very vulnerable. If things go wrong in the unionization process, it can cost a worker her livelihood, and any resolution through legal means may not bring satisfaction in time for a worker living paycheque to paycheque as most do.

Unions are sometimes accused of intimidating workers into joining. As the committee has heard from many learned submissions, there's an utter lack of evidence that unions harass and intimidate potential members, where there is ample evidence of employers doing so.

Unions have no interest in such an approach, as it would drive away more potential members than it attracts.

Unionization is often improperly characterized as a matter of wages alone with employers as the victim of unreasonable union demands. This might be a legitimate reason to question card check except for the fact that we have collective bargaining. Unions operate under the same conditions as employers, and wages are higher for unionized workers because order and reasonable comparisons are brought into the compensation scheme. But these wages are subject to negotiation, not to mention the reality of market rates and trade-offs for other things workers and employers want in their collective agreement.

In my experience, workers seeking to unionize most often want protection from intimidation and harassment and seek fairness in the workplace, as well as health and safety. The statement that joining

a union is the most effective single thing you can do to improve your work life was true in my case.

With the growing insecurity of precarious jobs, unions can also bring welcome stability to the economy and that results in more reasonable wages for non-unionized workers as well.

Other than the concept of majority rule, it is unfair to compare a card check to the electoral voting process and, in fact, the comparison is not even very good on majority rule because we have a supermajority here in Manitoba.

For all its faults, we simply don't see the amount of intimidation and harassment in elections as we do in union drives, although I won't speak for south of the border. That is a structural problem. Employers with anti-union animus essentially have an interest in pulling out all the stops because if they don't, the result will likely be certification. The essential dynamics of work have not changed much. Card check is still needed. Why change the course of labour relations in Manitoba when the need for change has not been established? In modern times, apart for a brief period of four years without card check, Manitoba has always had it.

I urge the members of the Legislature to reject Bill 7, and appreciate your time this evening.

I'm happy to take any questions. Thank you.

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

**Mr. Cullen:** Thank you, Ms. Carlyle, for sharing your views with the committee tonight. Greatly appreciated.

**Mr. Lindsey:** I thank you for coming out and sharing your views and your thoughts on the importance of the card-check system. Do you feel that 65 per cent of workers who signed a union card have freely expressed their democratic right?

**Ms. Carlyle:** Absolutely. In fact, as I alluded to in my presentation, I think that 50 per cent plus one, a simple majority, also achieves that same intent. I believe that the fact of signing a union card is a serious commitment, a very significant commitment to the union that you're seeking to join, and it should carry the weight that it does currently in the legislation. There's no need to change it and to add a second vote that is completely unnecessary.

**Mr. Lindsey:** In the circles that you travel in, you've talked to workers, coworkers, people on the street,

friends, family, have you heard a great hue and cry go up anywhere that there needs to be a change to labour legislation?

**Ms. Carlyle:** Absolutely not. Certainly not with regard to making it more difficult to join a union as Bill 7 seeks to do. I hear concerns about labour legislation that we need to do more to make unions more accessible and also to make workplaces more fair and more safe, but I certainly haven't heard the opposite.

**Mr. Lindsey:** I thank you for coming out tonight and sharing everything with us.

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

Seeing as no other questions, I will now call on Paul McKie.

Is that the correct pronunciation of your name?

**Mr. Paul McKie (Private Citizen):** You nailed it.

**Mr. Chairperson:** Thank you very much, Mr. McKie.

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

**Mr. McKie:** I do not. I will be relying on the sheer force of my words.

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

**Mr. McKie:** I'm proud to live in a democratic society that allows me the privilege of addressing elected representatives from the government and the opposition. This is what democracy is about.

I'm here as a private citizen, and my views do not necessarily reflect the views of my union employer or those people in orange whose company I'm often seen in. I'm a labour activist and a socialist; sometimes trolls on social media call me a union thug, really. A Local 191 member for 28 years.

I worked on organizing campaigns over the past 20 years, some in other provinces, most of them I worked on as a rank-and-file member of the union and not as a paid staff rep. Some succeeded, some failed. The ones that failed were because people chose not to sign cards. I have never ever been able to get someone to sign a card when they didn't want to.

In a perfect world, I would want all sorts of terrific labour legislation that protects workers, but

I'm pragmatic; don't let perfect get in the way of good. And we've had good legislation in Manitoba for 17 years. Was it as progressive as what I wanted to see? No.

Many years back, when I was a reporter, the then-president of the MFL told me, off the record, that he preferred a balanced approach for labour relations. The problem with partisan politics in labour legislation, he said, is that you get these wild pendulum swings back and forth every time the government changes power. Ladies and gentlemen, the pendulum is swinging right now.

The law in legislatures are rarely on the side of working people and organized labour. They weren't behind labour during the Winnipeg General Strike of 1919. Lawmakers generally need to be pushed and prodded to recognize the value of laws that support the dignity of working people.

\* (19:00)

In the history of the print industry where I come from, the heads of printing unions were called chapel fathers, now chapel chairs, because unions were illegal, and workers had to meet in church basements. To organize, they had to go to chapel. Nothing has come to working people easy. So when our new Manitoba government argues that this is about democracy, about fairness, it can be difficult for activists and progressives to believe it.

The government relies on the sanctity of the secret ballot vote in our democracy as the rationale for a secret ballot vote in labour relations to ensure those workers and employers have a safe, secure, intimidation-free process. Speakers in support of this bill have called a secret ballot a cornerstone of democracy. There's nothing democratic about a workplace. It is a hierarchy. There is a chain of command. At the top are the bosses, and at the bottom of that chain are the workers whose labour creates the goods and services and value and profits.

Workers are not free to participate in the workplace in the same manner as a citizen of our great province is allowed to participate in the political process. It is a false equivalency, a false assumption that plays well in sound bites and the comment sections of news websites by anonymous trolls. The only thing that makes a workplace democratic is a union, a union that workers choose to form that gives them a voice in the workplace.

Over the last few days of committee meetings, many impassioned, articulate and intelligent speakers

have told you the folly of your ways with this bill. But considering that this bill is exactly what the Premier (Mr. Pallister) said he would do during the election campaign, I get the sense this government is intransigent on this bill. The fact that you don't ask questions of opponents of the bill speaks volumes.

But I'm going to go sideways on my sisters and brothers and political colleagues; I'm going to go a little rogue. I'm going to accept you at your word for now. I'm going to accept that you don't hate workers, that this isn't about rewarding your supporters at the chambers of commerce and that you really do want a transparent, trustworthy system. Therefore, I ask that you back up your words with strong, fair, democratic legislation and amend Bill 7. Amend Bill 7 to make a secret ballot vote truly fair to the workers you claim to protect.

The government says this is about democracy, so let's talk about democracy. In secret ballot votes for election to this Legislature, the balloting on election day took place in a neutral location. Yet, in a secret ballot vote to decide if a union gets in the workplace, the balloting takes place in the workplace right under the nose of the boss. A vote in a workplace is not equivalent to a citizen vote in our democracy.

I know parenthetically here that a union must show 40 per cent support before it can apply to the Labour Board and get a secret ballot vote. Prospective MLAs only need 50 signatures on the Elections Manitoba form, which in an average riding of 20,000 people is 0.25 per cent support to get their name on the ballot. So which is more democratic?

In our democracy, during election campaigns, the political parties have equal and unfettered access to voters. There are election rules which allow the parties access to voters and allow them to promote their party and candidate. Parties are even given voters lists which have personal voter information on them. No such fairness or access exists within the labour relations spectrum. The employer already has all the personal contact information on its employees. More than that, the bosses can openly campaign against the union by calling for staff meetings and telling employees why they should not vote for a union. These captive audience meetings are all perfectly legal.

I'm asking you to amend Bill 7 so that when a group of workers forms a union and makes application to the Labour Board, that the union immediately gets a list of eligible voters. Build into the bill a clause that says the union has the right to a

captive audience meeting with employees during work time to give reasons why workers should join a union. That's fair and democratic.

When the then-NDP government introduced measures in 2000 to reverse the labour policies of former PC Labour minister Vic Toews, the Manitoba business community railed against card check and said, much like our new government says, that it was undemocratic. Then MFL president Rob Hilliard answered he was prepared to have a totally democratic system. Once a year, every workplace in the province should be allowed to freely vote on whether they wanted a union or not. To date, Manitoba's business community has not responded to the offer. This government has sought to fix a problem that doesn't exist, which is union coercion of workers.

I want to read to you an excerpt from a blog by Professor Doorey, an associate professor of work law at York University. It was written about Newfoundland and Labrador but I think it's appropriate here. Quote: For my part, I doubt that tricking and threatening workers into signing cards is an often-used strategy by unions. For one thing, threatening workers is illegal and could result in the union's application being thrown out in its entirety, which would not win the union organizer any kudos. So there's a built-in disincentive for organizers to threaten workers as a tool for getting signatures on union cards.

Secondly, and more importantly, there is little benefit to a union in making outrageous promises to employees to get them to sign a union card, only to then enter into bargaining and to—and be able to attain none of the things promised. That will almost certainly result in the union being decertified. Remember that all that being certified gets the union is a chance to try and bargain a collective agreement that the employees will support. Part of getting that to happen involves keeping the employees' expectations at a reasonable level. The real test for the union comes when they have to try and sell a first collective agreement to the membership with the hope that the workers will see value in what the union bargains. End quote.

Nonetheless, Manitoba's new government believes it has to protect workers from union coercion. But a truly fair and balanced system would also protect workers from employer coercion. Surely, if you believe one exists, you believe the other exists.



So I ask you now to amend Bill 7 and protect workers from employer intimidation by holding a vote immediately following a union application to the Labour Board. The longer the delay on a vote, the more likely there is employer intimidation. A vote no more than two to three days after application ensures fairness and protects the very workers you claim to be concerned with. Build that protection into the bill.

Ensure yet you staff the Labour Board properly with the resources needed to hold these extra mandatory votes in a very timely fashion. I would hate to see a system I observed in the 1990s when the Labour Board was the most underresourced board in the country per capita before Minister Toews brought in his anti-worker legislation and greatly increased the burden on the board.

Do these things, and I will accept the government's words that you believe this is about democracy and helping working Manitobans. But plow forward and ignore all that you have heard over the past three days of submissions, and this government reveals itself to be what many in the community already believe: you are anti-union, you are anti-worker. This bill will become known not for restoring balance to labour relations in Manitoba but as an attack on workers' rights and the organizations that fight every day for fairness and decency in the workplace.

It is your choice as our government. Make life better for working Manitobans with good legislation or continue with a legislative vendetta against those who didn't support you at the ballot box. Remember that, as a government, you have a duty to represent all Manitobans now. When you work with labour, not against us, we are better together.

Thank you for your time. Thank you for the privilege of addressing you in this building built for all Manitobans. Thanks.

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

**Mr. Cullen:** Thank you, Mr. McKie, for sharing your views with us tonight. Appreciate it.

**Mr. Lindsey:** Thank you, Mr. McKie, for coming out and sharing not just your views on the importance of unions and some of the problems but also for making some suggestions that if this government is really stuck that they have to bring in this legislation, that maybe there's some ways to

make it more fair than what exists right now in the legislation.

You've been involved with the union movement in Manitoba for a while. Have you heard any great hue and cry from employers that your members are at, that there needs to be changes to the legislation?

**Mr. McKie:** None at all. And, in fact, in cases where card check with 65 per cent plus has been used, we don't even get objections from the employer.

**Mr. Lindsey:** Did anyone consult with you or anyone in your organization, to the best of your knowledge, prior to bringing in or after this legislation was brought in? *[interjection]*

**Mr. Chairperson:** Mr. McKie.

**Mr. McKie:** Sorry. I was not consulted at all.

**Mr. Lindsey:** I'm hung up on some of the things that you talked about that—things like equal airtime, if you will, for the union during a certification drive where the employer has free access to the employees the whole time they're at work. How would you see that playing out for the union, to have that same amount of time to have meetings with the workers in public?

\* (19:10)

**Mr. McKie:** I see it as levelling the playing field. It's not a good bill, obviously. I disagree with that, but with those changes, it would at least level the playing field from intimidation. Listen, the vast majority of union cards that I've had signed are signed in secret, because people—they're not scared of the union; they're scared of the employer.

**Ms. Klassen:** Thank you for your presentation, and before tonight, I couldn't coin the concept, but false equivalency really helps, and thanks for your suggested amendments.

**Mr. McKie:** Thank you.

**Mr. Lindsey:** I thank you for coming out, and in your years of involvement with unions, you've encountered employer threats, intimidation during organizing drives?

**Mr. McKie:** Absolutely. The captive audience meetings I've told you about, the inability to get—once a union drive becomes quote, unquote, public, anyone who—people don't wish to be seen as being involved in it. They get frightened. Fear is the

dominant characteristic of any union drive, and it's not fear from the unions.

**Mr. Lindsey:** I thank you for sharing your views with us and thank you for coming out tonight, and look forward to your continued participation as we move forward.

**Mr. McKie:** Thank you, again, to everyone for the opportunity to speak.

**Mr. Chairperson:** Seeing as no more questions of Mr. McKie, I will now call on Lee McLeod, private citizen.

Do you have any written materials for distribution to the committee, Mr. McLeod?

**Mr. Lee McLeod (Private Citizen):** No, I don't, just my own notes.

**Mr. Chairperson:** You may proceed with your presentation whenever you're ready.

**Mr. McLeod:** All right. Good evening, committee members. My name is Lee McLeod. I've registered to speak as a private citizen.

The bill that's before you, in my belief, is a bill that will reduce the opportunity for working people in Manitoba to exercise their rights to join a union. The fact is that unions contribute to a dramatically improved standard of life for Canadians, a standard of life that has been passed on to other Canadians who have enjoyed the same benefits, and those benefits, in many cases, have become the law of the land for Canadians and for Manitobans.

When I was a union member, I benefited from being a union member, so did my family. I had better wages, had better benefits at an overall better workplace. I was able to participate in improving my workplace, both for the benefit of employees and for those to whom we provided services. We provided flexible hours for our employees and for our employer, and that benefited our own families, but more importantly, benefited the families and the children that we worked with. And it reduced—our contract negotiations reduced overtime cost to this government, or to the government of the day.

As a child-protection worker, it meant that I could speak up for and fight for basic things such as cellphones for myself and other child-protection workers who were denied these things in the most adverse circumstances. And I can provide you a myriad of examples, and what a tug of war and a fight it was that we were able to have—just to secure

these basic tools that kept people safer on the job, and I was able to do it because I was in a union.

The research—and you've heard a lot this evening; I've heard it too—is very clear: that union membership results in improved wages, benefits, working conditions, safer workplaces, improved circumstances for families and a host of other benefits. These benefits raise the standards for all working people, and whether they're in a union or not. It's a rising tide that lifts all boats.

These proposed changes will make it more difficult to join a union by providing anti-union employers with significantly expanded opportunity to intimidate, harass and threaten workers in Manitoba who wish to join a union. The changes will expand the amount of time over which this harassment and intimidation can take place by requiring a vote in every instance, even when a super-majority of workers have expressed their wish to be represented by a union.

In other words, this legislation affords employers greater opportunity for the suppression of democratic rights for workers who most need a union in their workplace. When card check legislation is done away with, the research is also clear. Unionization rates go down. Expanded opportunities for harassment and intimidation limit the opportunities of workers to exercise their democratic right to join a union. Unionization rates go down because people are vulnerable to the reprisals of their employers, vulnerable to threats and intimidation and coercion, and whatever means an employer can use to utilize—can utilize to prevent workers from being represented by a union. Unionization rates go down because workers are subject to these hostilities. And this is the very intimidation, harassment and fear that governments in a modern democracy are charged with protecting their citizenry from, and this government is moving in the opposite direction with this legislation.

As a person involved in unionizing drives, I was always taken aback by how fearful people were that their employer might find out that they had signed a union card. They'd want to meet off the premises for sure, and they'd want to meet in all kinds of places that were the—where they would have the least chance of being found out by their employer or by their co-worker that they are exercising their rights to join a union. And it was surprising to me and alarming at how fearful people were. They were also fearful of asking a co-worker to join a union.

So the idea that a union person that's interested in a union would engage in harassment and intimidation, when they themselves are quite afraid of being found out by their employer and what reprisals the employer might bring upon them as a result, is quite absurd, and I've never seen any examples of it. I've only seen the opposite.

If there was no causal relationship between intimidation, then these intended changes wouldn't result in lower rates of unionization and this absurd notion that it's an improvement to a democratic process. In fact, the outcome only affords greater opportunity for coercion, harassment and will lead to greater inequality for workers in Manitoba and reduced opportunities for a better standard of living for workers and their families.

Employees generally remain fearful of asking their co-workers and having anything to do with any knowledge that their employer might gain that they are interested in or in support of a union, and the idea that unions would push and coerce people into joining a union is counterintuitive and certainly would work against successful union drives.

This legislation will also expand the administrative processes and government resources required to administer the legislation because it will require a vote in every instance. So, in a sense, it'll increase the red tape and balloon the administrative efforts that this government has talked about streamlining in government. It will introduce administrative processes that are unnecessary now and don't need to exist and only undermine the democratic freedoms and rights that people have to exercise to join a union.

It shouldn't also be characterized simply as an attack on unions. Unions are going to continue to exist despite Bill 7, but it is an attack on working people, and it is an attack on the kinds of benefits and—that they have from being part of a union.

Under the current legislation, Manitoba has the highest card-check certification threshold in the country at 65 per cent. It's a high enough percentage to be an obvious indicator of the will of the majority in the workplace, and now this government is dramatically tipping the scales against workers and their families, plain and simple.

The legislation will reduce rates of unionization by reducing the opportunity for workers to exercise their rights. It will also help to ensure that your children and mine will be worse off, that working

Manitobans will have less, that inequity in Manitoba will increase, that disparity will increase, that our workplaces will be less safe and ultimately that all Manitobans will be worse off, save the privileged few who will profit or benefit from lower rates of unionization, and that's bad for all Manitobans.

As the government of Manitoba, you have a responsibility to all Manitobans. You have the statutory legislative authority to protect the democratic rights—pardon me—of all Manitobans and perhaps, in particular, to act on behalf of those whose rights are threatened and whose rights are subject to harassment and intimidation and who need statutory protections.

Manitobans currently have those under the current Labour Relations Act, and it's the right thing for you to vote against Bill 7.

Thanks very much.

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

**Mr. Cullen:** Thank you very much, Mr. McLeod, for sharing your views with the committee tonight. Appreciate that. Thanks.

**Mr. Lindsey:** I thank you as well for sharing your views with us.

I do have a couple of questions for you. Did I hear you correctly when you said you'd been involved in organizing drives?

**Mr. McLeod:** Correct, I have been.

\* (19:20)

**Mr. Lindsey:** During the organizing drives you were involved in, did you ever encounter any kind of threats, intimidation, coercion, firings, things of that nature, for workers that were trying to get organized?

**Mr. McLeod:** Absolutely—private meetings; inducements to not join a union; threats about what might happen in terms of layoffs and reductions to benefits and wages in the kinds of things that employees currently had; or inducements that if they, you know, voted against the union, that things would get better once that question wasn't in play.

**Mr. Lindsey:** During the organizing drives you were involved in, did you or are you aware of any organizers from the union side that threatened employees to sign?

**Mr. McLeod:** Never heard of a single complaint like that.

**Mr. Lindsey:** Would you characterize workplaces as democratic places?

**Mr. McLeod:** I would say they're more democratic with unions, but I would say that they're not democratic at all. They're hierarchical, and people have a great amount of power—employers have a great amount of power to influence the livelihood and the employment of employees. And so they have tremendous power over employees.

**Mr. Lindsey:** Would you characterize a worker freely signing a union card as a form of them expressing their democratic will to join a union?

**Mr. McLeod:** Absolutely, I would. They sign the union card, and they sign it under some duress, so they're actually taking some risk to sign the card, whereas in someone voting under a secret ballot doesn't—is not exposed to the same risk as someone who's putting their name on that card.

**Ms. Flor Marcelino (Leader of the Official Opposition):** Thank you, Mr. McLeod. Thank you for your very strong presentation and arguments—very clear.

You are the 36th presenter. And we are now on the third day—or night of these committee meetings. And of the three of the—out of 39 there were 36 strong—speaking strongly against Bill 7. Only three are for Bill 7. And we haven't heard any questions from the minister that he—I don't know why he doesn't question the presenters.

But does it surprise you that there were only three presenters speaking for Bill 7?

**Mr. McLeod:** It doesn't surprise me in the sense that if they believe that the government has a clear majority and intends to push this through, it's a fait accompli, and maybe there's no point in coming here to petition the government when the government's made it pretty clear that this is what they intend to do—not a lot of details to Manitobans, but this is what they intend to do.

**An Honourable Member:** Thank you for your observations.

**Mr. Lindsey:** I thank you for coming out and sharing your experience and your views. Certainly, people such as yourself that have been organizing workers have a lot to offer to the government, should they choose to listen to what you've shared. Thank you.

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

I will now call on Gord Delbridge. Gord Delbridge.

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

**Mr. Gord Delbridge (Canadian Union of Public Employees, Local 500):** I don't. Just my own notes.

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

**Mr. Delbridge:** And thank you for this opportunity to speak here today, and good evening.

My name is Gord Delbridge. I'm the elected president of the Canadian Union of Public Employees Local 500, representing more than 5,000 City of Winnipeg civic employees. I'm here today to speak in opposition to Bill 7, The Labour Relations Amendment Act. This proposed change to existing labour legislation would leave workers, unionized and non-unionized, worse off.

With the exception of a brief period from 1996 to 2000, card-check certification has been the law in Manitoba. This feature of The Labour Relations Act did not create a crisis. In fact, I'm not sure that this brief period of mandatory votes in all cases would be sufficient to establish patterns. I believe that the current proposal to make it more difficult to join a union is not in the best interest of workers, labour relations or the economy.

I work every day for CUPE Local 500 members with a variety of employers, and I understand the complexities of labour relations. I've been involved in numerous organizing efforts personally within the public and private sector, and in every case, I've seen first-hand how many tactics employers use to discourage unionization. I personally became involved, or became a union member, because I organized my workplace. And I personally, you know, felt some of the intimidation tactics by my employer amongst myself and some of my colleagues. It was not a pleasant time. It was—I had young kids and a family at home, and I wanted to improve the lives of working-class people there, and that's why I'm involved, and that's what I—why I'm doing what I do today. I think that people should put an honest day's pay for an honest day's work without intimidation by an employer.

But I'll tell you, that was—it was a very difficult time to come home not being sure whether or not I

was going to have a job the next day, because I was constantly getting threats by our employer when we were trying to organize our workplace. That did—all that did was inspire me to ensure that this wouldn't happen to others and that people wouldn't continue to receive this type of treatment, and so I went on to organize many other workplaces to ensure that workers would have rights in their workplaces. And now, here I am today as the president of CUPE Local 500.

I think that, you know, for those of us who are invested in the issues, it's important to examine the broader evidence. And to that end, I'll discuss three concepts to underline why card 'chep'—card check is so important: union density, democracy and wage gap.

So, I'll start with union density. The correlation between card check and union density is probably the most important reason to oppose Bill 7. Union density refers to how many workers in a given place are unionized compared to non-unionized. Susan Johnson, as associate professor of economics at the Wilfrid Laurier University and expert in industrial relations, conducted research published in 2002 that you've already heard about in other submissions. Important research by Chris Riddell has also been cited. These researchers quantify that mandatory voting reduces chances of unionization by 9 per cent to nearly 19 per cent.

I also want to focus on a 2004 follow-up article by Johnson that analyzes empirical evidence from Canada and the US. The US has, since the 1970s, had lower union density than Canada, but Canada's union density has been declining, and that gap has narrowed. Johnson sought to explain the phenomenon and concluded that the increasing use of mandatory votes in Canada accounted for at least 3 to 5 per cent point gaps in the period that she studied. In the context of other evidence on union density and organizing process, it is hard to ignore this correlation. Eliminating card check is expected to lead to lower rates of unionization. I want to work with government to stop this decline and keep our Canadian advantage.

The second point is democracy. There is no contradiction in supporting democracy and democratic institutions while opposing mandatory votes to join a union. The reason? There's nothing inherently democratic about union certification votes. Mark Hudson, associate professor of sociology at the University of Manitoba, stated: The fairness of a

secret ballot election requires conditions that are absent in the context of union certification. Bill 7 will limit, not increase, workers' freedom to choose how they are presented in their workplace. Any other claim that represents a profound distortion of how decisions are made on the job. The vast majority of workplaces are not controlled by workers. While their employers exert control over their day-to-day work life, including the fact that they have a job at all, fear of reprisal or job loss dampens the freedom to choose, making mandatory votes a less democratic alternative to the greater freedom of choice exercised with card check.

And lastly, the wage gap. There is ample evidence showing that strong unions and higher union density improve income equality and reduce inequality. A recent 2015 study by the IMF economists recently uncovered important evidence about union density in Canada and other advanced economies. We found strong evidence that erosion of labour-market institutions in the advanced economies examined is associated with an increase of income inequality. The most novel result is the strong negative relationship between unionization and top earners and income shares. This finding challenges preconceptions about the channels through which the union density affects income distribution. Indeed, the widely held view is that changes in labour-market institutions affect low- and middle-wage workers but are unlikely to have a direct impact on top income earners.

\*(19:30)

We argue that if unionization weakens earnings for the middle and low-income workers, this necessarily increases the income share of corporate managers and shareholders.

If Bill 7 has the predicted negative impact on union density in Manitoba then income inequality is likely to increase. The IMF study is especially important because it is so recent and because the IMF historically encouraged government to weaken labour laws. These novel results are not unique. The Canadian Centre for Policy Alternatives and others have made similar findings.

The wage gap is magnified by Aboriginal workers and other workers for whom wage inequality is worse. The fastest growing population in Manitoba is Aboriginal peoples. Young Aboriginal peoples are younger than their counterparts, access to education much more obstructed, unjust proportionate, percentage of minimum-wage

earners are racialized. If unionization density continues to decline, it will be more difficult to reduce poverty and create hope for the future.

The employer holds a central power over workers and their work, the power to end employment, to intimidate or to punish. A reasonable employer has nothing to fear from card check or a union drive. Workers have a lot of fear when union drives are prolonged or derailed.

I urge that Bill 7—I urge that the—Legislature to reject Bill 7. It does not meet any reasonable tests of public policy, evidence or argument, and it will hurt almost all of us. Other jurisdictions, including the federal government, are returning to card check. We've heard this earlier. Not only do I want Manitoba to maintain card check, but I would like to see improvements to the Labour Relations Act, such as offside votes under certain circumstances, quicker votes, stiffer penalties for intimidation and harassment, additional resources for The Labour Board, especially if now, they will be administering many more ballot votes.

Bill 7 adds to the bureaucratic demands. It's the opposite of streamlining government.

I thank you for this opportunity to speak to the committee and I'll do my best to answer any questions that you have.

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

**Mr. Cullen:** Thank you very much, Mr. Delbridge, for sharing your views with committee tonight. We do appreciate it.

**Mr. Lindsey:** I thank you. Mr. Cullen makes it way too easy for you folks by refusing to ask you any questions about anything. That's too bad.

You've been involved in organizing drives?  
*[interjection]*

**Mr. Chairperson:** Mr. Delbridge, you have to wait 'til I recognize you.

**Mr. Delbridge:** I've been involved in many organizing drives, including organizing one of my very own workplaces at one time. I'm going back a number of years ago, but I've been involved in very many.

**Mr. Lindsey:** The workplaces that you've been active in organizing, including your own personal

experience, would you characterize those workplaces as democratic places?

**Mr. Delbridge:** No, absolutely not. I would say that once we did organize and we did have a union in place, it brought some level of increased democracy and some say—actually, to tell you truth, what I found is that it actually improved production in that of the employees—they didn't have the threat of, you know, keeping information to themselves, than trying to strive to work and get ahead of one another. They, you know, being in a unionized environment, people are placed in positions typically by qualifications and seniority, so there, the employees had a tendency to share information with one another and it became a lot more of a democratic environment where people got along much more.

**Mr. Lindsey:** I thank you for that—an interesting perspective that workplaces become more democratic and more productive once they're unionized.

You represent your union. Through you, you represent a fair number of workers in Winnipeg. Did anyone ever consult with you or any member of your union that you're aware of prior to introducing this legislation?

**Mr. Delbridge:** No, not that I'm aware of. No.

**Ms. Klassen:** Thank you for your presentation, also adding the red tape factor in there in that we're increasing that by going this route.

I also want to express my thanks for adding the indigenous component to your presentation because I had stated in the House one time as soon as a lot of Northern staff get paid in these First Nations, they go and stand in the welfare line, because their pay is simply not adequate to address any kind of issues that they face up there. And definitely we'd like to meet with you in trying to get unions for these northern residents, because I think it would be a great benefit for—

**Mr. Chairperson:** Mr. Delbridge, did you—

**Mr. Delbridge:** No. Thank you.

And I appreciate those comments. You know, we've seen—we know that the indigenous community is one of the fastest, you know, growing demographics in Canada, and Winnipeg being one of the largest. And I think it's really important that we all work together, and we all work together on a united front. And, you know, there's a lot of advantages, I think, to working together, and all too often, I mean, we're, you know, this—bills like this is—

it's only going to make it more difficult for us to progress as working class people in society.

**Mr. Allum:** Thank you for coming tonight, and much appreciation for your presentation.

We've talked a lot about the material benefits of the union membership, and we were just speaking about the productivity and democratization within the workplace. But, as a former City of Winnipeg employee myself, I also saw CUPE's participation in a number of things that were central to inclusion not only in the workplace but as part of our community, and I'm thinking about the indigenous employee group, thinking about participation in the commuter challenge, thinking about participation in any number of charitable events. I think it's important, and I want to get this on the record, how important it is for individuals to have a sense of belonging through union membership.

**Mr. Delbridge:** Yes, no, absolutely, and that brings—you raise a really good point there. There is a lot that we do. We are members of the community. We partake in the community. We—there, within the City of Winnipeg, we work at making changes within the workplace. Currently, right now, I'm working with Mayor Bowman on an indigenous file and then—you know, an area of common interest and common ground where we can, you know, work together on those issues. We partake in community events. We encourage our members to get involved and partake in community events.

We're members of the community, and we play a significant role in the community, and I think we do that through a lot of our organizational aspects and through a lot of our committees and through a lot of our discussions on how we can play a better role in bettering our community. And there's no question about it; we do make a significant difference. And we wouldn't be able to do that if we didn't have that organizational aspect, where we can have those discussions—so.

**Mr. Chairperson:** Time has more than expired, so I'd like to thank you for your presentation, Mr. Delbridge.

And I will now call on our next presenter, Mark Armstrong.

Mark Armstrong?

Mr. Armstrong's name will be dropped to the bottom of the list. He will be called once the other presenters have been.

I will now call on Jerry Storie.

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

**Mr. Jerry Storie (Private Citizen):** Mr. Chairperson, I do.

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

You may proceed with your presentation when you are ready.

**Mr. Storie:** Thank you, Mr. Chairperson, and I would like to also thank everyone here who sought election. I was an MLA at one point. It is a very honourable undertaking and a very difficult one, and you all face innumerable challenges. And you're facing one, actually, tonight. You may not realize it, but you are because governments lose support one drip at a time, and I think I hear something dripping. And it's because it seems, to me, at least, that what's being done here is motivated by politics and not reason. And there's nothing wrong with that; that's the game we're in, but it's dangerous.

So I want to begin by saying that when I saw the announcement—I actually heard the announcement the current Premier (Mr. Pallister) made that he was going to introduce legislation like this and, when I saw the legislation, my first thought was this seems to be a solution in search of a problem. And then I started thinking about your roles as MLAs, individual MLAs, and it doesn't matter what caucus you're in, but your job is a difficult one, because ultimately it isn't just about the decision you're making today. And we've heard a lot from union representatives and union leaders and individual union members who will talk about the impact that—on them. But this legislation actually has an impact on all of us. And so it's important that we all think through what it is we think we're trying to do here.

\*(19:40)

So I asked myself, I said, does this bring labour peace in any real way? Is this going to set the current government up so that they will enjoy labour peace over the next three or four years? I think we need to say that the current legislation doesn't do anything that changes the labour circumstances in Manitoba today or tomorrow. The fact is that strikes are—may or may not be going on for the next few years because it does nothing to change the current circumstances. It only affects—and I think probably in a minor way; I don't think it's a significant way—the possibility of certification into the future. But what's

the real purpose behind this? What is it that we're trying to achieve? Is it we're—are we actually trying to see fewer certifications? Is that the real motivation? Or is this about some other discussion about democratic rights or such?

It was only on, I guess, Tuesday night that a representative of the Canadian Federation of Independent Business was here, Mr. Allard [*phonetic*]-Alward, pardon me. And he said, quite candidly, I thought, that he was aware of research that said that requiring a secret ballot vote can make union organizing more difficult. Those were his words. I don't know the circumstances, what question he was asked, but he was quite candid about that's the outcome. And my question then would be to the committee members, and particularly the members on the government side, is that the objective? Is that the real objective: we want fewer unions in the province? And if that's the case, why?

I come before you as someone who has been on both sides. I was an MLA. I was a Cabinet minister. I was a school superintendent. I bargained for the teachers before I became an MLA. I was the chair of the collective bargaining committee in Flin Flon in the 1970s. So I bargained for teachers. I also became a superintendent, and I bargained on behalf of school boards in Minister Cullen's constituency and in Frontier. I also went through a strike as an administrator as the dean of the Faculty of Education in Brandon, a difficult strike, as a dean, as the administrator, as the manager. I also ran a small business for five years. So I bring a different perspective to this, and my question goes to you again: why this? What are we really trying to achieve? Because it's important.

A recent national poll found that 70 per cent of Canadians think unions are still needed in Canada. They also think unions have generally been good for the country. So I'm wondering, do some members on the committee believe that unions are bad, inherently bad, in some way? I think that's an important question, and it's a question you should ask yourselves.

The fact is there's ample evidence to show that unionization means better wages, benefits, better benefits for workers and increased spending as a result. Henry Ford recognized this principle more than 100 years ago. In 1914, he unilaterally doubled the wages of his employees. Think about that when we think about how difficult it seems to be to make a modest increase in the minimum wage. He doubled

his wages, and why did he do it? He did it because he understood that doubling a worker's wage was going to give them buying power. And in a market-driven, consumer-oriented society, that's real power. And there's no evidence that increasing the minimum wage in Manitoba, for example, has done anything but help our economy. So if Henry Ford knew that, what else do we know about unionization? So I would say that Henry and I believe that better wages and secure jobs make societies healthier and better.

Nobel Prize-winning scientists agree with me. Paul Krugman, Joseph Stiglitz and the former US Secretary of Labor Robert Reich all have reviewed this issue, and they found that the rates of unionization in industrialized countries reflect growth in the middle class, growing incomes, reduced disparity and benefits for the society. It's not imaginary. Unions actually have a significant benefit for all of us.

Unions in Manitoba have been responsible for introducing supporting—and supporting some of the best family- and worker-friendly legislation in our province, things that we take for granted like eight-hour workday, 40-hour work week, equal pay for work of equal value, health care, pensions, daycare, minimum wage, health and safety legislation, maternity and paternity leave and numerous other things that make this, if not the greatest—contrary to what some people say about our neighbour to the south—one of the best countries in the world to live in. And I think there's evidence to support that.

And all—while all of that was happening, while wages were increasing, the minimum wage was being increased, as has been pointed out by other presenters, our economy remained strong. We have a healthy economy. It has its problems; it's had its blips. But, on balance, we're doing quite well. And I think it's instructive that—and somebody mentioned the fact that very few presenters have been here arguing against the bill—pardon me, arguing for the bill. Most people have been here arguing the opposite.

And that leads me to the question about what it is that MLAs are required to do. It's a difficult job. I would be interested to know, and I would like people—committee members to reflect on the question of whether this has been adequately discussed in your caucuses. Was this a subject of discussion? Who supported and why did they support this legislation? Because, ultimately, someone has to explain why this legislation is being introduced, why



it's being supported and, if it passes, why it passed. And they're going to have to explain what the benefit is for the average Manitoban because if what many economists would believe, and I believe to be true, that unionization is a general good for society, then you—we should be supporting greater levels of unionization. We should be supporting making it easier for unions to be created.

I know that if you own a small business or a medium-sized business, the thought of unionization is troubling. And it is troubling for some businesses. But the fact of the matter is that a collective agreement works both ways. It can actually be of benefit to an employee—an employer, I should say, and an employee. The trick is managing the collective agreement.

And I'll give you one example. The current member for Flin Flon (Mr. Lindsey) was probably a steelworker when this happened. But in the mid-1980s when Hudson Bay Mining & Smelting was doing quite well, they had a problem with their workforce. They were getting AWOLs. People weren't showing up for the shift. And, at some point, the company became concerned about it, and they approached the steelworkers and said, we have a problem. There's people that are going AWOL, blowing a shift, and it's affecting production, and we need to straighten this out. And the then-steelworker rep said—he said, well, wait a minute. We have a collective agreement. The collective agreement says you can discipline someone who is AWOL. Why aren't you disciplining them?

And I think that that reflects kind of a misconception about what unionization, what collective agreements can do for both parties—

**Mr. Chairperson:** I'm sorry, but your time has expired.

**Mr. Cullen:** Mr. Storie, good to see you again. Thank you very much for taking time to present to committee tonight. I do appreciate your point of view.

**Mr. Lindsey:** Thank you, Mr. Storie, for coming out and sharing your views, and thank you for getting me disciplined back in the 1980s.

I do have some questions. I guess you've alluded to asking the government, really, what's their end game, that this legislation in and of itself isn't going to be the end of the world, but why introduce it. Do you have any thoughts on where this may lead us, what slippery slope we may be on?

\* (19:50)

**Mr. Storie:** Mr. Chairman, I don't know that we're on a slippery slope. Governments introduce legislation for lots of reasons, as we all know. Some of them are better reasons than others.

I don't think the reason for introducing this was necessarily the best of reasons. I don't think it considered the long-term implications of what de-unionization—the impact it will have on Manitoba and the lives of all Manitobans.

**Mr. Lindsey:** Would it—you think it's a fair statement to say that when an employee, a worker signs a union card, that that's an expression of their democratic will to join a union?

**Mr. Storie:** Mr. Chairman, I think that that's probably fair. I think that the committee has heard from lots of people who have actually done union organizing, and certainly there is no balance in that equation when someone is—when a union is trying to form. The power lies with management and with the company.

So, yes, I think that that imbalance is obvious, if you think about it.

**Ms. Klassen:** Thank you for your presentation. You are now 38—the 38th person or group that has—speaks up against this bill and asking for the government to retract the bill or put it back on the shelf.

Some of the groups represent thousands upon thousands of Manitobans, so I know for certain that we are hurting the majority of Manitoba workers if we go forward with this, and I feel so trapped. I know that in by becoming a politician that there was a chance that I'd be part of a legislative group that hurt Manitobans and that's not why I ran to this seat. And so I appreciate you bringing, you know, what you're talking about, being the MLA and having these tough decisions. So I want to thank you for your presentation.

**Mr. Storie:** Mr. Chairperson, I don't think I recommended or made suggestions that the government should withdraw the legislation. I think that, you know, we need to be thoughtful about what we're doing and government caucuses, you know, end up doing the—sometimes the dirty work of—in some ways of those who lead. The motivation for introducing legislation isn't always clear. It wasn't in my day and I'm sure that nothing has changed.

**Mr. Lindsey:** I thank you, Mr. Storie, for coming out and getting back into the saddle again, if you

will, and speaking really with a voice of reason and giving us all something to think about.

**Mr. Chairperson:** Mr. Storie, we'd like to thank you for your presentation.

Seeing's no more questions, I will now call on Mark Armstrong. Mark Armstrong, this is the second time we've called. He is not here, so we will drop him from the list.

We will now call on Matt McLean, private citizen.

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

**Mr. Matt McLean (Private Citizen):** No, I do not.

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

**Mr. McLean:** Okay. Well, first, thank you all for taking the time to hear from myself and other members of the public tonight. My name is Matt McLean. I'm a resident of Winnipeg. I'm a worker and I'm here to speak against the adoption of Bill 7.

I have worked for wages since I was 14, which, in retrospect, was likely in violation of many health and safety as well as several employment standards. I've worked union and non-union jobs. I've held jobs in management and I've worked front-line service.

I've worked in construction doing physical labour and I've performed intellectual labour as a teaching assistant and grader at both the University of Winnipeg and the University of Manitoba. I've worked in human resources as—in a non-profit organization and I've been the president of a 2,000-plus member union local.

At present I'm a researcher with the Canadian Union of Public Employees. In short, I'm a typical Manitoban. I'm a proud member of Manitoba's working class. I was born a member of the working class and, unless I hit the jackpot some day, I will die a member of the working class, and that's nothing that I'm ashamed of.

I've spent two previous nights listening to this committee hearings and, truthfully, I wasn't sure whether or not I would sign up to speak. I'm fairly certain that minds have been made up, but I'm hopeful that these nights haven't been for naught and that there is a chance that the members present here tonight may reflect on the testimony they've heard and bring reason to what has been, in my opinion, unreasonable and unnecessary legislative changes.

Several years ago, when I was president of my home local, local 3909 at the University of Manitoba, I was asked to backfill for an ailing staff representative at CUPE. And through a series of accidental events, I suddenly found myself in a meeting with a prospective member in my neighbourhood Tim Hortons. For those of you who don't know, Tim Hortons is a hot spot of union activity where cards are often signed. I quickly realized when meeting with this prospective member just how nervous he was just to be in my company. He was so fearful of anyone from his company seeing him meeting with me that he had me pass the—our union pamphlet to him under the table, and he would later only fill out his union card in the secrecy of my car, away from any potential prying eyes.

From this meeting, it was only a matter of a week or so, and we had what we believe to be 75 per cent of his coworkers signed up to join our union. Unfortunately, after the employer suddenly found new and expanded employees on their employment roster, we ended up short of the 65 per cent supermajority that's required for automatic certification. And this meant that we would end up having a Labour Board certification vote at this workplace.

Now, the same day that we applied for certification, a supervisor at this workplace illegally removed from the workplace the official information posted by the Manitoba Labour Board regarding the application for certification. The following day, the employer began calling workers into closed-door meetings individually, sometimes in pairs, to discuss the union organizing drive. Management also called a captive, mandatory meeting of all staff to discuss the union-organizing drive. At this meeting, management asked the workers present if anyone had approached them about the union, and told them that the union didn't provide them all the information it was legally required to. And, when a worker present objected to the nature of the meeting and told them it wasn't right for management to interfere and to pressure employees, the management at the meeting accused the worker of being a member of the union.

Later that day, a second mandatory meeting was called, this time with the out-of-province CEO. At this meeting, the CEO suggested that the union may threaten to fire people if they don't support the union and told them that they were giving away their rights to talk from the—to talk with the bosses from now on. The CEO told the workers that they—and they would need to pay an initiation fee to the union that could

be hundreds of dollars or more. In reality, CUPE's initiation fees are between \$1 and \$10 depending on the local, and in many cases, the locals pay it to national out of their own local funds.

At this meeting, the CEO also explained to workers how to go about filing their objections with the union board to rescind their support. Throughout this meeting, the CEO compared joining a union to getting married and told workers they could, quote, call off the engagement. Management took the opportunity at this meeting to scold workers for not properly swiping in and out of their tracking system and telling them that they were creating issues for management and threatened to stop paying them if they didn't figure out how to sign in and out properly.

At the same meeting, the CEO asked individuals present if they'd ever been members of the union. That same evening, the employer began calling people at their homes, advising them about how they should go about filing an objection with the Manitoba Labour Board. As a result of these phone calls, I heard from members that they felt like supporting the union drive could leave them laid off or fired.

The next day—again, this is only two days after the application was certified—a third mandatory meeting was called. At this meeting, all employees were provided with a piece of paper which highlighted for them how they could file an objection or their opposition for the application of certification. These employees told me that they felt pressured by the employer to file such objections.

\* (20:00)

A few weeks later, I got a call from an employee in a different division of the same organization, and shortly thereafter, a second organizing drive had begun. However, the employer was better prepared this time and began the process of intimidating employees while the card signing was taking place. Management began meeting with the—our potential members, the—their employees and informing them that they had to become private contractors and, if they didn't, they would be replaced with contractors from out of the province. When employees told the company that they would prefer to remain employees, they were told that their options were unemployment or becoming an independent contractor.

Now, after we filed an application for certification, these intimidation continued and, again,

they were asked to resign and to become independent contractors. Two mandatory meetings were held after the application had been filed. On both occasions, the out-of-province CEO was present and, at these meetings, the CEO targeted visible minorities, suggested to them that as new immigrants they didn't know what their rights were, even when they weren't new immigrants, and were told that they were signing—that joining a union was signing away their rights. The CEO now was telling them, the workers, that the initiation fee would be \$1,000. The employee—or the CEO told employees that the union was trying to brainwash them, compared unions to communism and dictatorships. They were told to keep the union out so that the company could remain as a family.

In one meeting, the CEO told workers that nine of them should be fired for missing work earlier that week. At another meeting, the CEO told staff that, with the union in place, they would put in a three-strike policy. If you were late three times, you'd be fired. Now, I'm proud to say, in both of these cases, the workers held strong and voted to join the union as part of the Labour Board vote. But I can tell you, in absolute honesty, that these workers were absolutely terrified of their employer. They were harassed; they were intimidated; they were fearful for their jobs.

The proposed legislation takes an already hard situation—that is, joining a union—and makes it even worse. I beg you to please reconsider. And that's all that I'll be presenting on today.

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

**Mr. Cullen:** Thank you very much, Mr. McLean, for signing up and sharing your personal views with us. We do appreciate it. Thank you.

**Mr. Lindsey:** Well, thank you, Mr. McLean, for coming out and sharing your personal—not just your views but your personal experience and facts of what all is involved in some of these organizing drives, in particular, the ones that you were involved in.

During those drives, was there ever any hint that the union had threatened workers?

**Mr. McLean:** I absolutely did not threaten any workers. As far as I'm aware, no one else did. And I can tell you, from my personal experience, that asking someone to sign a union card is a very special and sacred thing. It requires immense trust. The relationship that is built through signing a union card

is one that has to last years—in many cases, decades, if employees stay on in that place. And you cannot start that relationship under a position of intimidation; it would undermine not only that drive, but it would undermine the entire relationship and bargaining, the ability of the union to local—of the union to represent those workers.

**Mr. Lindsey:** Did anyone ever ask you personally about this legislation prior to it being introduced or anybody in an organization that you're a part of?

**Mr. McLean:** No, I was not consulted and, as far as I'm aware, no one in CUPE was consulted with either.

**Mr. Lindsey:** Thank you very much for stepping up and speaking out and being willing to be consulted. And I thank you for your time tonight.

**Mr. Chairperson:** Mr. McLean, any final words?

**Mr. McLean:** Thank you.

**Mr. Chairperson:** 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 presentations.

\* \* \*

**Mr. Chairperson:** We will now proceed with clause-by-clause consideration of this bill.

During the consideration of a bill, the preamble, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is an agreement from the committee, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members have comments, questions or amendments to propose. Is that agreed?

We will now proceed to clause-by-clause consideration of the bill.

Does the minister responsible for Bill 7 have an opening statement?

**Mr. Cullen:** Yes. Thank you very much, Mr. Chair. I just want to thank everyone that presented tonight and certainly those that presented previous committees. We obviously believe this will restore basic democratic rights to all Manitoba workers and ensure

that workers are protected from intimidation by employers and employees alike.

Thank you very much, Mr. Chair.

**Mr. Chairperson:** We thank the minister.

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

**Mr. Lindsey:** Yes. We've spent a lot of time in the House talking about this bill and whether it's required, whether it isn't required, what the purpose of it is. We've talked a lot about words, what they mean, what they don't mean, what the government would like them to mean. Our take on this bill is it's unnecessary; it's not needed.

Certainly, we've listened to, I believe, 49 presenters. However, as we've determined the other night, my math sometimes isn't that good, so it could be plus or minus. From those, 46 presenters have very clearly and very emphatically, very personally presented their views on why this bill should not proceed. And of the three presenters that were in support of it, their facts were questionable, their opinions were nothing more than opinions with no facts. It really leaves us to wonder what the purpose of introducing this legislation—as we've said time and time again, it's a solution looking for a problem that doesn't exist.

Thank you, Mr. Chair.

**Mr. Chairperson:** We thank the member for his statement.

Shall clause 1 pass?

**Some Honourable Members:** Yes.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

#### Voice Vote

**Mr. Chairperson:** All those in favour of clause 1 passing, say aye.

**Some Honourable Members:** Aye.

**Mr. Chairperson:** All those opposed to clause 1 passing, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

Clause 1 is accordingly passed.

\* \* \*

**Mr. Chairperson:** Shall clause 2 pass?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

### Voice Vote

**Mr. Chairperson:** All those in favour of clause 2 passing, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

Clause 2 is accordingly passed.

\* \* \*

**An Honourable Member:** Now should I raise the point of order or point of clarification?

**Mr. Chairperson:** Yes, Mr. Lindsey, you can raise a point of clarification.

**Mr. Lindsey:** My understanding—and I could be wrong—was that as we go through the clause by clause, we get to discuss each one of them as we go through. Is that correct, or am I mistaken?

\*(20:10)

**Mr. Chairperson:** Shall clause 3 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Lindsey:** I have a question.

**Mr. Chairperson:** And you have a question? Proceed, Mr. Lindsey.

**Mr. Lindsey:** As with the previous two clauses and as per my opening statement, this clause should not pass as the entire bill should not pass because, again, there's no reason for introducing it.

Section 40.1 of the existing legislation that this clause hopes to take the place of is fine the way it is. It has not presented a problem. We've asked repeatedly for the government side, for the presenters that were in favour of this bill to present some fact,

some figure that supported their need for replacing the current 65 per cent automatic certification.

To date we've seen no evidence. We've seen nothing that would lead us to believe that there's a need for this particular subsection of the regulation, the act, to be replaced.

With having said that, I had asked at least one presenter that was in favour to present us with facts to back up what he'd said. No facts have been forthcoming.

I've asked the government to supply us with any instances of intimidation by the union people during a certification drive. Repeatedly, we've asked for that in the House, and to date none has been supplied—not one case has been presented to this committee. Not one case has been presented in the Legislative Assembly to suggest that there's ever been union intimidation, coercion, or any of the other things that this government likes to trot out as the reason for introducing this change to the legislation.

Again, we're left to ask why do we need this legislation. The current system, although it is still skewed in favour of the employers, not the employees, is working. By demanding that regardless of the level of support that a union gets during a drive, whether it's 40 per cent, 50 per cent plus 1, 65 per cent, 100 per cent, this government is bound and determined there has to be that second vote.

We've heard ample evidence—factual evidence, personal evidence backed up by people that were there, people that were involved in it, people that heard, people that saw, people that were threatened, intimidated. In fact, I believe we heard from one that may have been fired at one point in time.

We have not heard one instance, by one person—not one person has come to this committee and presented evidence that a union intimidated, threatened, coerced anybody to sign a card.

We've heard ample evidence throughout these committee hearings that the longer it takes from the time an employer finds out that there's a union drive going on, the more chance, the more likelihood there is of the employer attempting to force employees to not vote in favour.

The only conclusion that we can draw, then, is that this government does not want to see employees join a union.

One of our presenters here this evening left us with a very important question to ask: Why? What's the long-term goal of this?

We don't know the answer to that. Certainly, nobody has supplied us with that answer, as they have not supplied us with an answer to any question that we've asked on this bill yet. Not one answer has been forthcoming, not during these committee hearings, not during multiple debates in the House, and yet we're being asked to support this bill. We cannot support it. We will not support it.

Fifty per cent plus one is an accepted level of democratic will in any democracy in the world; 65 per cent of workers that have freely and secretly signed a union card and expressed their democratic will to join a union is far and above any other democratic requirement that we can see. When workers are forced to vote in their workplace that is controlled by the very employer that they're trying to organize because of the issues in that workplace, it strikes me as being similar to a Third World democracy with some tinpot dictator that says you'll vote and you'll vote the way I want you to. That's not democracy.

This government has tried to wrap themselves in the flag of democracy and try and use doublespeak to trick the public, to trick workers into believing that somehow their democratic right has been stymied when they signed a union card. Nothing, Mr. Chairman, could be further from the truth. They have very clearly expressed their free, democratic right; by signing that union card in secret they very clearly expressed their free democratic will to join a union.

Requiring a second vote would be akin to requiring the minister, for example, to have a second vote to sit here. He won a democratic election for the right to sit here. No one is suggesting—

**An Honourable Member:** I had to win the nomination, too.

**Mr. Lindsey:** Ah, the minister brings up that he had to win the nomination, as well. And, as one of our presenters pointed out, not a very democratic process at that point in time, when 50 people very publicly signed his nomination papers. There was nothing secret about that process. And yet, and yet, we accept that as being part of a democratic process that people have expressed their free will to support, not just the minister, but every one of us sitting around this table.

But when those same workers, those same people, express their democratic right to join a union by signing a union card, somehow that's not good enough anymore. And, Mr. Speaker, that is completely wrong. It's false. It's just not good enough for the working people of this province.

That concludes my remarks on this clause.

**Mr. Chairperson:** Are there any other questions on clause 3?

**Ms. Klassen:** I have a question, I guess.

Only three groups said that they were consulted, and it's very eerie that those same three were for the bill. Not one person against the bill or the one that—the undecided one said he was consulted. So I'm very worried about that. That, in itself, should change minds here at this table. We are talking about Manitobans, the workers of this province. And that's the ones who got us in. And that's the ones we need to represent. So I implore that to be—come into your thought process.

You know, I'm, you know—our Liberal caucus, we left the House when the vote was there because we wanted to hear, we wanted to know that we weren't biased. We're in the House daily where there's always this bickering between the two parties and so we wanted to base our decision on Manitobans. And all these people are saying this bill is wrong, so I'm wondering why it's not off the table immediately.

**Mr. Chairperson:** Are there any further questions?

**Mr. Lindsey:** The representative from Kewatinook brings up a very, very important and very valid point, that based on democracy, based on the will of the majority, certainly the majority of presenters that we've heard have been against this bill, have been against this bill most emphatically.

\* (20:20)

Again, we're left to ask, Mr. Chairman, what was the reason for bringing in this bill? Who are all these people that the Premier (Mr. Pallister) and this government purported to have spoken to that sent out this great hue and cry that this bill needed to be implemented?

We've talked to representatives of thousands upon thousands of thousands of working Manitobans, not one of them—not one of them—has heard anybody suggest at any point in time that the existing system was broken and needed to be fixed.

We've heard from three employer groups, I believe two of which said they'd been consulted, one of them I believe indicated that they had not been consulted either prior to this bill coming into force, which then leads one to believe, well, who's this body, who's this hue and cry that the Premier (Mr. Pallister), that the government seems to think exists? Who's it coming from and why is it coming?

Well, quite frankly, Mr. Speaker—excuse me—Mr. Chairman, I don't mean to promote you too soon, there has been no hue and cry, there's been some business groups perhaps that lobbied and perhaps they didn't even lobby that hard. It—it's an ideological entity that has no business being introduced.

The Premier and this government decided that it was something that they wanted to do based on no evidence—none, zero, zilch. Not one shred of evidence, simply based on their belief that unions are bad, workers don't deserve to have the right of unions. There's a long game here. We don't know what it is, but we do know there is one.

Why does this government wish to hamper workers becoming unionized? What's in it for the people that they perhaps did consult with? What's in it for the government?

Those are questions we don't get to know the answers to. Unfortunately, for working Manitobans and for all of us really, by the time we find out the answer to that question it may be too late for so many workers.

Mr. Chairman, 1919 is a very important year; 2019, hopefully, we're not back where we were 100 years ago where workers have to take to the streets to demand their rights. I hope this bill isn't the beginning of that, but I know it's the beginning of something and it's the beginning that isn't good for Manitobans. It is not good for the economy. It's not good for anything other than a very specific ideological belief. That's the only thing this bill is good for is that the Premier can stand up in the Manitoba Club, and say, look what I did for you boys.

He certainly can't stand up on the streets of Winnipeg, and say, look what I did for you Manitobans, because this will not be good news to them. Thank you, Mr. Chairman.

**Mr. Chairperson:** Are there any further questions on clause 3?

**Mr. Scott Johnston (St. James):** A very quick question to the minister.

On April 19th, 2016, were the people of Manitoba consulted?

**Mr. Cullen:** I appreciate the comments from all sides for sure. Clearly, we respect all members' opinions on this bill. We, obviously, don't necessarily share the same views moving forward. The question from the member is right, we—this was an election campaign that we made, as a government, Manitobans had the option to—where they wanted to vote and a secret ballot, and they did that back in April. We're simply carrying out an election campaign that we made and a promise that we made to Manitobans.

Surveys have been done, 70 per cent of Manitobans agree with the position we're taking with Bill 7, 70 per cent agree with the position we're taking.

I realize the campaign of fear has begun and the campaign of fear will continue from opposition members. We're used to that, that's nothing new. We believe that workers should be able to choose whether or not they want a union to represent them. We feel the best and fairest way to do this is by requiring that a secret ballot vote be held before a union can be certified. This allows workers to express their true wishes without being subject to pressure from either their coworkers or organizers.

This bill is not intended to reduce unionization in Manitoba. If the rate of successful union certification applications decreases as a result of this bill, it will be because the certification process more accurately reflects the true wishes of employees.

**Mr. Chairperson:** Before I continue on, I would like to also remind members, the questions are—should be relevant to clause 3, so I will continue asking if there's any more questions, but I would ask the members to be relevant to the clause that we are currently discussing.

**Mr. Lindsey:** I would suggest, Mr. Chairman, that every one of my questions and comments has been very relevant to clause 3. I can't speak for the questions that come from the opposite side that seem to lose relevance when it comes specifically to this clause. It's unfortunate.

This—

**Mr. Chairperson:** I would appreciate if you wouldn't reflect on any of my decisions. I believe

that is—the question was put out, and I would not prefer that you reflect on my comments.

Mr. Lindsey, you may continue.

**Mr. Lindsey:** I apologize for that.

The minister brings up some important points from the past that relate to this bill. When a previous PC government fell and calmer heads prevailed and Bill 44, I believe was the number of it, was proposed, which actually got us to the 65 per cent certification, automatic certification vote, the government at the time, and—or, the opposition, I believe, has pictures hanging there on the wall, did a lot of fearmongering, and some members of the existing government were part of that opposition at the time that said the sky was falling, said that 65 per cent, oh my heavens, businesses will flee the province. It will be the end of us all.

You want to talk about fear mongering, Mr. Chairman, that's what that was. What I've presented to this committee and to the government in the Legislature is facts, is people's opinions, people that have very intimate knowledge of the importance of allowing automatic certifications. I respect people's opinions that have that intimate knowledge. People's opinions that are merely ideological without the hands-on experience have less weight, in my opinion, than somebody that's been threatened, somebody that's been intimidated, somebody that's had their roommate fired during an organizing drive. I believe the weight of those opinions really has to be taken into account, more so than somebody who just thinks something's a bad idea with no facts to support them.

And I did ask speakers to present facts, and some have, that certainly were—I've got lots of paperwork from people that have presented studies and facts about the negative impacts that this bill will have, and we've also had people express opinions, and we've asked them for facts, and those facts have not been forthcoming, which leads me to believe that they don't exist. And again, I have to reiterate most strongly that there is absolutely not one shred of evidence that this bill is required. There's not one shred of evidence that there's been a problem in labour relations, in organizing in this province that requires this change to take place.

Previous governments, when they changed, as it's been pointed out, the pendulum swings from one extreme to the other. When the previous NDP government came to power, they chose a different

path, a path that didn't necessarily make all of organized labour real happy with them.

\* (20:30)

They tried to strike a balance that presented the 65 per cent supermajority, recognizing that workers signing those cards in secret had, in fact, expressed their free, democratic will. They didn't go right back to where organized labour—to where workers wanted them to go, which was 50 per cent plus one. They tried to take into account concerns that the business community might have had back then and said, listen, let's find something that can work, hopefully, for everybody. And, quite frankly, Mr. form—or—I'll get your name right yet, Mr. Chairman—that system has worked. There's been relative labour peace in this province for the last 17 years, at least, that the 65 per cent has been in place.

Achieving 65 per cent of employees signing a union card in a workplace, some people have suggested that organizers are just lazy and don't want to go the extra mile. Those people have never been a union organizer, have never once tried to organize a union in a workplace. I can speak from personal experience, having organized workers in a workplace. There is absolutely nothing lazy about anybody that attempts to organize a workplace because there's roadblocks thrown up at every step of the way. It's not a simple matter of handing people a ballot and asking them to vote. Workers that sign that union card do so in fear every time they sign that union card. They do so in fear of their jobs, their livelihoods, their families. Workers sign those cards in fear of being deported, in fear of all kinds of things that employers threaten them with. And make no mistake, Mr. Chairman, not all employers are bad employers. Those are not the employers that workers go out and try and get organized in. The ones that are good employers treat their employees with respect and dignity that all Manitobans deserve.

By pretending—and that's all this is, is a government pretending there's a problem—by pretending that workers have somehow been—had their democratic rights stolen from them is complete nonsense. Workers have very clearly demonstrated their democratic will in a free vote by signing a union card. This government can put whatever political spin they want on rallying unknown people about democracy, much like Donald Trump has tried to spin words in the American political system to rally troops in his defence. Workers, workers on the floor, workers in the shops, workers that understand,



workers that are in the process of being organized, workers that have recently been organized, understand very fully that they have expressed their democratic right to join a union by signing that union card. Nothing that this government has said so far has ever taken that democratic right away from a worker.

What this does, what this bill does, is—in fact, attempts to strip them of their democratic right. If we went to the polls as MLAs, knowing full well that people would be there threatening us, threatening that, well, you'll lose your home if you get—vote for Tom Lindsey, I believe the democratic will of the people would not be expressed. And yet, this government attempts to define democracy for workers as different than democracy for themselves. And, in fact, it is because there are different democratic systems in place in this country, in this province, in this building. To suggest, as one of the presenters did, that the only true form of democracy was a secret ballot vote that he himself didn't believe his group had to follow, is preposterous. Workplaces are not democracies, as any number of presenters have told us, have shown us, have presented facts to back up, so there has to be different types of democratic action, depending on the circumstances—I can talk all night.

So, Mr. Chairman, signing a union card is democracy in action in a workplace. It's not the same democracy in action that we use in this Legislature, but nobody is questioning that what we do in this Legislature is not democratic action. Why are we questioning what workers do to express their democratic free will is something less?

Thank you, Mr. Chairman.

**Mr. Chairperson:** I'll take a question from Ms. Klassen. You had your hand up earlier. Ms. Klassen.

**Ms. Klassen:** Thank you. I'm tired of the April 19th consultation rebuttal. The people of Kewatinook did not elect Edna Nabess. They did not elect Eric Robinson. I am a Liberal member.

Also, when consulted, the majority of Manitobans in the riding of Logan, in the riding of Flin Flon, elected these members here, so that argument should be gone away with.

So you answered the member for St. James's (Mr. Johnston) question. Can you answer my question: Why is the bill still on the table?

**Mr. Cullen:** You know, I'm not sure what the members opposite are afraid of. We're talking about a secret ballot vote. It doesn't get any simpler than that.

Mr. Chair, I know we're on clause 3 here, and that's relative to section 40.1, so I want to give the facts, put the facts on the table relative to this particular clause that the members opposite are raising.

This particular provision was put in place when the act was amended by the previous government in 2000 to eliminate secret ballot votes for all union certifications. The inclusion of this language came as a result of a committee amendment that was made due to vigorous opposition from stakeholders that were concerned about employee intimidation during certification drives.

Stakeholders were worried about the possibility of workers being coerced by fellow employees or union officials into signing union cards in order to reach the 65 per cent threshold for automatic union certification.

The previous act section was intended to clarify and emphasize the rights of workers to make decisions free of intimidation and coercion, given that they were no longer guaranteed the right to vote for or against union certification through a secret ballot.

So, as a result of Bill 7, this wording is no longer necessary, as secret ballots will be required for all union certification. This will reduce the opportunities for intimidation as workers will now have the right to make their choice to join a union or not in the privacy of a voting booth instead of by signing a union card.

Additionally, Mr. Chair, I don't know if the committee members realize this, but if Bill 7 is successful, only three provinces in Canada will still have the previous legislation vis-à-vis no secret ballot vote, which represents two thirds of the workers across the country.

Those are the facts, Mr. Chair.

**Mr. Chairperson:** Mr. Lindsey, again to—I guess I would like to stress to stick to questions on clause 3 that we are discussing right now. I would appreciate that, so, Mr. Lindsey, you have the floor.

\* (20:40)

**Mr. Lindsey:** Thank you, Mr. Chairman. This clause of this bill does, in fact, not do away with intimidation, as the minister has suggested. It, in fact, opens the door for intimidation in every single union certification drive. Every time that there has been a vote—I shouldn't say every time—I retract that statement—so many times during certification vote process, is when we really see the intimidation, threats, and coercion on behalf of the employer ramped up to ensure that—*[interjection]* You had your opportunity to speak, and I'm sure you'll get another one—to ensure that workers actually are free from intimidation, the existing legislation already restricts severely the unions' ability to achieve certification without intimidation.

By insisting that there has to be a vote in every single circumstance opens up those employees to intimidation, coercion and threats in every single case because, again, I have to stress, it's not the good employees—the good employers that are in the process of being organized, it's the ones that have treated their employees badly. And this, as the minister well knows, will allow them the opportunity to threaten employees yet again.

One of the questions that I have about the bill in whole or this part in particular: Is the minister willing to listen to any suggested changes, amendments that may be forthcoming in the future on that?

**Mr. Cullen:** Yes, we're always open to review amendments.

**Mr. Lindsey:** That's interesting because there's been several amendments suggested already which were soundly and out-of-hand rejected in the House. That's unfortunate.

**An Honourable Member:** How so?

**Mr. Lindsey:** Well, you voted against every single one of them.

**An Honourable Member:** Not on this bill.

**Mr. Lindsey:** Yes, there were amendments made on this bill.

**An Honourable Member:** This bill?

**Mr. Lindsey:** Yes.

So I would look forward to, in the days ahead, amendments coming, because there's been several suggestions by presenters on ways that, if this government is bound and determined that they have to introduce this legislation, that would in some way,

shape or form attempt to make really bad legislation somewhat less onerous for workers in this province.

The ultimate goal, certainly of our caucus, is to see the minister come to his senses and withdraw this legislation.

**Mr. Allum:** Mr. Chair, just following on my colleague's questions about clause 3, the minister contended that this is somehow designed to protect workers, and yet here we have sat at this committee table for three nights, 51 presentations, and you couldn't provide one single employee to back up that particular contention. So I would suggest quite strongly that that's an untrue contention, unless you can provide us with some other evidence.

Can the minister do that for us tonight?

**Mr. Cullen:** Well, I appreciate where the members are coming from here. You know, we made a commitment to Manitobans. And Manitobans wholeheartedly supported that, this commitment that we made. Seventy per cent of Manitobans believe it's the right thing to do. We believe it's the right thing to do. Manitoba workers have said to us they want a secret ballot vote.

**Mr. Allum:** Seventy per cent: did the government take a poll on this particular question?

**Mr. Cullen:** That's not our poll; that's an independent poll.

**Ms. Klassen:** That poll was highly skewed, as it was by CFIB, and it only polled people who have Internet access, and we know there's a lot of poor immigrant families that can't afford Internet services. And so I would suggest retracting that fact. It's not fact.

**Mr. Cullen:** Yes. There was an additional poll done by the Winnipeg Sun as well, relative to this.

**Mr. Lindsey:** I rest much easier now knowing that the Winnipeg Sun has done a poll.

I'm left with following up on what both of my colleagues have said. If there was so many workers in Manitoba that told you that this was what was required, where are they? Not one of them—not one of them—showed up at committee to say that. We did hear from three employer groups who in no way, shape or form would ever, I hope, attempt to paint themselves as representing workers. They represent the employers group. There's no question about that.

Certainly, some of the facts that they presented were proven to be less factual than they would like us to believe. I have no idea how the Winnipeg Sun

conducted their poll, but what we have heard, Mr. Chairman, is how many 40-some people that clearly do speak for workers, that clearly have been elected to speak for workers, and not, I might add, by consensus, but by secret ballot votes. Those people have shown up to represent the people that they are supposed to represent, the workers.

And the minister quite rightfully picked up on that those leaders were voted in by secret ballot votes, as was the minister, as was I. And as several presenters have pointed out and as we've learned throughout these committee hearings, there's different types of democratic action that have to be taken, depending on the circumstances. Workers secretly signing a union card is a form of democracy. Workers being intimidated in the workplace while attempting to vote is the worst possible attempt at defining democracy. It is not, because workers are so intimidated in many of those workplaces, as we've heard from the presenters, simply do not show up to vote, because they're so afraid that even if they vote no, that their employer will think they showed up to vote and will retaliate against them.

This government and this minister placing every worker that's already in fear of their jobs, their livelihoods, in that position every time they try and stand up for themselves is wrong. It's not democracy. It's some kind of tinpot democracy from a third-world country, and I hope that's not the kind of democracy that we want in this country and in this province.

**Mr. Chairperson:** Are there any further questions on clause 3?

Hearing no further questions on clause 3, shall clause 3 pass?

**Some Honourable Members:** Yes.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

#### Voice Vote

**Mr. Chairperson:** Will all those in favour please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it. Clause 3 is accordingly passed.

\* \* \*

**Mr. Chairperson:** Shall clause 4 pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Yes.

**Mr. Lindsey:** I guess I have to reiterate what I've said so many times already, and the government talks about how they're so open to consultation and want to listen to what Manitobans have to say. Manitobans have very clearly come out to these committee hearings and had their say, but the government refuses to listen to them, because they've listened to some ill-defined group of workers that they themselves have never said who they are, where they are, what workers they are. At best, they've presented a couple of employer groups that were consulted and think this bill is a good idea.

\*(20:50)

Any process that brings this bill in its present form into being, in the name of democracy, we have to oppose, because the very concept of this bill is anti-democratic. It exposes workers to threats and intimidation, as we've heard time and time again throughout the entire three days of hearings, as we've heard when we talk to people, and yet this government refuses to listen to anyone but two potential employer groups.

Any part of this legislation that attempts to introduce this legislation has to be opposed in the name of democracy, in the name of workers' rights, in the name of rights for working Manitobans, in fact, in the name of all Manitobans this has to be opposed, because it is not democracy. What's in place presently is a form of democracy that works in an undemocratic workplace, and we've heard so many speakers talk about workplaces not being democratic institutions. *[interjection]*

**Mr. Chairperson:** Mr. Yakimoski, on a point of order.

#### Point of Order

**Mr. Blair Yakimoski (Transcona):** I would just like to ask the member that we're voting on No. 4—clause 4, and I would ask that he keep his comments or questions relevant to actually clause 4.

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

**Mr. Lindsey:** Yes, absolutely. My comments were relevant to point four and how this particular bill doesn't need a transitional period because there's no need for the bill in the first place. So this bill—this section of this bill becomes even more irrelevant to transition to a piece of legislation that's not required.

**Mr. Chairperson:** The member does have 10 minutes for his speech, like, he's allowed so much time for comments but I wish he would, you know, get to his point, get to the relevancy of it so we could continue on with this bill we're discussing.

I don't find the point of order at the present.

\* \* \*

**Mr. Lindsey:** As I was saying, the transitional part of this particular legislation is not required because there's no requirement for the legislation, so this part becomes even more redundant than the rest of the legislation. There's no point having a clause that says we should transition to something that there's no point that something existed, and that's my whole point of talking about this particular clause, as I talked about the previous clauses, is it's pointless. It's a pointless waste of everyone in this room's time to talk about transitioning to a piece of legislation that's not required. As we've wasted so many hours already talking about legislation that's not required, talking about how to transition to a piece of non-required legislation that actually drives us backwards is a further waste of our time.

It's unfortunate that I'm forced to speak on this particular section as I've spoken on the previous sections because, if the government had truly listened, if the minister had truly listened to Manitobans, to the Manitobans that took the time to come and talk about the non-requirement of this legislation we wouldn't be still sitting here talking about how to transition from the current legislation to a completely meaningless piece of legislation.

This government talks a lot about value for money. There's been absolutely no value in these discussions as there's very little value in this particular discussion of clause 4 of a meaningless piece of legislation. I can't emphasize that often enough that the bill is wrong, this part of the bill is wrong because it's completely redundant. This whole piece of legislation takes us backwards, not forwards, does not lead to Manitoba becoming the most improved province but actually takes Manitoba so far back for average working Manitobans.

**Mr. Allum:** Mr. Chair, I do have a question in relation to this particular part of the bill. And I just want to put what the section says on the record because I think it's important for Hansard, that people who might be reading this later might know what we're talking about.

And it says: Transitional, section 4, despite the repeal of subsections 39(4) and (5) of The Labour Relations Act by this act, if a union that received interim certification before the coming into force of this act has not been issued a final certificate, subsections 39(4) and (5) continue to apply to the certification as if this act had not come into force.

So my question for the minister is maybe he could tell the committee just how many unions are in this particular circumstance right now. Would that be five? Would it be 15? Would it be 500? Just how relevant is this particular section, which, when, actually, we have not received any sufficient information to help us to judge this particular section, when we don't know who's actually in this situation and who isn't.

And so it would be very helpful for the committee in considering this particular section of the bill—and notwithstanding the fact that we, on this side of the table, are very clearly opposed to it and want to see it withdrawn, if the minister would take into consideration what Manitobans have told him over three nights and withdraw the bill, at a minimum, then, I believe he owes us an explanation here or at least some information that he might be able to share with us about the number of certificates that might be affected by this particular clause.

**Mr. Cullen:** I appreciate the member's question on that.

We're not sure of the exact number, but I would expect it would be a relatively small number that would be in this particular position. So I think this is a relatively positive issue. So, basically, despite the repeal of 39(4) and (5), a union that has already received an interim certification prior to this act coming into force will maintain its interim certification and that—and can be certified without a vote once the final determination on the bargaining unit has been made.

**Mr. Allum:** So it's, as I say, again, we—good decision-making flows from good information, and a relatively small number doesn't help me to understand, as one of the voting members of the Legislature, how many are in this. And so it might be

helpful at some point for there to be some further information on it.

But then that goes to the point, Mr. Minister, is if it's—if this is good enough, if it's good enough to keep 34–39(4) and (5) going until the act comes into force, what's wrong with it in the first place? It does—that to me doesn't make any sense. That, in fact, strikes me as a contradiction in terms. Why not just, if it's good enough to keep it going now, why not just keep it going for time immemorial or for as long as is necessary?

It makes no sense to me as presented or why this would be there if, in fact, it's—if it's good enough for organizations or—that have already received interim certification, then why not just keep those conditions in place and not proceed at all?

**Mr. Cullen:** This obviously is—just talks about interim certification, right. So, doing a little homework here with department staff, this particular—interim orders are only used 13 times in the last five years.

\* (21:00)

**Mr. Lindsey:** I guess I would have to question, at this late stage in the process of introducing this legislation, that neither the minister or his department can tell us exactly how many certifications are in the process at the moment that are in this particular stage, and then by their failure to be able to answer that question, then it throws into doubt, in my mind at least, the entire factual basis that they've tried to present for the necessity of this legislation. They don't seem to know the facts for how many are in the works.

Where did they come up with the facts to change the legislation in the first place?

**Mr. Cullen:** Well, you know, I don't know how many are in the works at this point in time. Obviously, nothing changes in terms of the process until the legislation is passed. So the process still continues as it was before until legislation is changed.

**Mr. Lindsey:** I guess I'm again left somewhat—I'd like to say speechless, but we all know better than that. At this late stage neither the government nor his department knows how many certifications are in the process of getting the interim certification.

Do they know how many certifications are in the process that have gone to the Labour Board already, or are they guessing about that? And if they are, if

they don't know the answer to this particular part, what problem, again, are they trying to fix? They're just picking something out of free air to try and solve that they don't even have the facts to answer a simple question.

**Mr. Cullen:** Well, obviously, there's an ongoing process for sure. I hope the member understands the board—the Labour Board—is an independent authority that's looking after that. You know, we can get those figures if the member really wants those figures.

**Mr. Lindsey:** I'm again shocked that you don't have those figures before you introduced a clause in legislation that, if it only affected one potential certification—eh. If it protects or talks about 50, 100, 70, 10—I don't know what the number is—and clearly nobody on that side knows what the number is, and, again, it speaks to the lack of due diligence that this government has put into developing this entire piece of legislation, that a simple fact of how many are in the process they can't answer.

Where do they get the facts that back up the whole premise of the legislation if they can't answer that simple question?

**Mr. Cullen:** Well, we don't necessarily think the numbers in the process really are relevant. They're still going through the process as with the old legislation, and the process does not change until the legislation changes. So there's really no relevance.

The interim, as we said, only came in 13–13 times in the last five years, so that particular situation is very rare, but the process towards certification does not change until legislation changes. The member should be well aware of that.

**Ms. Klassen:** Is there protections for then those that are in this stage? There's not going to be, like, eleventh-hour interference yet again?

**Mr. Cullen:** That's exactly what this clause is designed to do, is protect any situations where they're in the interim position.

**Mr. Lindsey:** I guess it's very telling that the minister doesn't believe that facts to back up this requirement are worthwhile having, which really speaks to the whole problem with this legislation. There's no facts to back up the entire premise of the legislation, and this really just points out the entire absence that the government has for facts for this clause or any clause in this legislation.

I guess I could ask you to provide that information to me tomorrow, next week, and again—I

think I would ask for that, but I'm just so disappointed that the minister's cavalier attitude towards facts to back up a clause in his own legislation. It's just mind-boggling.

**Mr. Cullen:** Well, let me give you the facts. The facts are we believe in the workers' rights to a secret ballot vote. Opposition members don't. That's the facts.

**Mr. Chairperson:** Before I recognize another one, I'd like everybody to put their comments through the Chair.

**Mr. Allum:** Mr. Chair, that's very important.

Section 4—sorry, had to put on my glasses there. Section 4 talks about the interim certificate, but does—is the minister aware how many union drives are currently ongoing and how many union drives will be caught up in the web of this new legislation?

**Mr. Cullen:** Well, we can ask the Labour Board how many drives are on the way or where the certification—the number going through certification. But I said, again, that the process is not impacted until legislation changes.

**Ms. Marcelino:** Later.

**Mr. Allum:** So, just following on the—Mr. Chair, on the answer from the minister, so, he doesn't know, in putting forward this bill, if this will ensnare thousands of—maybe tens of thousands of Manitobans looking to join a union. He doesn't really know how many union drives are currently under way or the number of people that could be radically affected by a change in the rules that is not supported by 48 of 51 presentations at this committee over three nights of hearings.

And so, we ask for that kind of information, about who's going to be ensnared either at the interim certificate stage, and now actually at the union-drive stage, to find out just how many people are going to be affected by this bill. And, I think, as a member of this committee, that having that kind of information available is very helpful to all members here in making proper, evidence-based, informed decisions.

So, I'm asking again, can the minister tell us the number of union drives that are currently ongoing or how many people may be affected by this arbitrary change of the rules that is not being demanded by anyone who has come to this committee, except for three employer organizations? Forty-eight other presentations representing thousands of Manitobans made quite a different case for it. So, we need to

know how many union drives are being affected and how many thousands of potential union members are going to be affected by this arbitrary change in the rules.

**Mr. Cullen:** Well, hopefully we can set the record straight for the members opposite. We don't know how many drives are under way. No one has to tell the Labour Board that, or us, for that matter. So, we—*[interjection]* That's up to the unions to figure that out. They don't report to us, obviously. Maybe they report those numbers to you.

Up 'til—from January 1st to September 19th, the board had 10 applications for certification. So, like I said, the rules do not change in the process until legislation has changed.

**Ms. Marcelino:** Just clarification—I would like to ask the minister, the present labour bill does have secret balloting to it already, however, if a workplace has 65 per cent of employers sign the card, the secret balloting is not required. Is that the present? *[interjection]*

Okay. And you find something wrong with that, that a 65 per cent should still go and have a—still have to undergo secret balloting?

\* (21:10)

**Mr. Cullen:** I think the premise is what we are proposing is if a 40 per cent of the members sign cards, then we are saying there should be a secret ballot vote.

**Ms. Marcelino:** Is that not is what is presently being followed, it—that it's only when it's 65 per cent that you don't go through secret balloting?

**Mr. Cullen:** That's correct.

**Ms. Marcelino:** And the minister does not find it sufficient enough that 65 per cent of membership is high enough, whereas the federal government is reverting to 50 plus one, which means the federal government's decision is totally wrong?

**Mr. Cullen:** Well, currently, now, there's only four provinces that do not have secret ballot vote: Prince Edward Island, New Brunswick and Quebec and ourselves. That's the system. So two thirds of the workers now have the secret ballot vote option before them.

**Mr. Chairperson:** Are there any other questions on clause 4?

**Mr. Lindsey:** Did your government, you, your department consult with the Labour Management Review Committee on this clause or on this bill as a whole prior to implementing—prior to introducing.

**Mr. Cullen:** Yes, I got a report back from the Labour Management Review Committee, and since this is a public document, I can certainly share with the member.

**Mr. Lindsey:** Could you tell this committee what date the bill was introduced in the House?

**Mr. Cullen:** Quite frankly, I don't remember the date, sometime in the last six months.

**Mr. Lindsey:** Would June 13th strike a bell with the minister at all as to when the bill was introduced?

**Mr. Cullen:** No, I'll take the member's word for it

**Mr. Lindsey:** That's the first time it showed up on the Order Paper—that my record keeping is similar to my math skills. I don't have every Order Paper, but that's the first record I could find of the bill being introduced was June 13th.

Could the minister tell me what the date on that letter that he got from the Labour Management Review Committee is?

**Mr. Cullen:** I have this letter from the Labour Management Review Committee; it's dated June 15th. And, if memory serves me correct, I think the bill was introduced either possibly the day after this. I know it was on the Order Paper before it was introduced.

**Mr. Lindsey:** So I'm going to assume that it wasn't drafted some time after midnight on the 15th, that it was drafted the day it was introduced, if not sooner than that. Is that a fair statement?

**Mr. Cullen:** That's probably a safe assumption, but, you know, given the report, obviously, government, we can make amendments to our own bill if we so desire.

**Mr. Lindsey:** It just seems odd that you would supposedly consult—and clearly, at some point in time, you did consult with the Labour Management Review Committee, but then prior to getting their submission even from the management side, you went ahead and drafted up the legislation and had it all ready to go and, in fact, did introduce it before you got the report from the Labour Management Review Committee.

**Mr. Cullen:** Just for the members opposite's purview, there was a previous—the previous government actually introduced some legislation, labour legislation, prior to even consulting with the labour management review at all. I'll just put that on the record for the member.

**Mr. Lindsey:** Guess I can't dispute what I don't know, so what I do know is that, in fact, you had legislation ready to roll, had it on the Order Paper, before you heard back from the joint Labour Management Review Committee.

**Mr. Chairperson:** I've asked before, so the comments would be addressed through the Chair. We seem to be forgetting about that. Would you please address all your comments through the Chair.

**Mr. Lindsey:** I apologize for that, Mr. Chair. It would appear that the government had the legislation drafted, in the chute, ready to go. It was on the Order Paper as early as June 13th, may have been there sooner; I can't verify that for sure, when in fact, they didn't hear back from the Labour Management Review Committee until June 16th. That's the date that the letter was—or, 15th, I guess—the date that the letter was sent. And that strikes me as not really giving due consideration to the consultation process, more of probably the image of consultation as opposed to the reality of consultation.

Did the government, Mr. Chair, realistically take into account anything that particularly the labour side of the Labour Management Review Committee had to say about any proposed changes prior to introducing the legislation?

**Mr. Chairperson:** I'd just like to remind all members that we seem to be—there are other clauses where we can add our comments, though we seem to be drifting away from clause 4. I know all the members would like to say something, so I would appreciate it if you would keep your comments relevant to the clauses that we are discussing.

**Mr. Cullen:** Relevant or not, I'll attempt to answer the member's question. There was some consensus in terms of the recommendations back. There was talk about staff resources at the Labour Board, and I know that's an ongoing discussion we're having with the Labour Board. The Labour Board's subcommittee also was tasked with reviewing some policies and procedures relative to the certification process, so those were a couple of the consensus recommendations that were made.

**Mr. Lindsey:** I just have a follow-up question on something the minister alluded to, that there had been a previous change in labour legislation that hadn't gone to the Labour Management Review Committee. If the minister could supply us with that for future reference, I'd appreciate that.

**Mr. Cullen:** Yes. That was the domestic violence legislation.

**Mr. Chairperson:** Seeing as no more questions on clause 4, shall clause 4 pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Yes.

**Mr. Chairperson:** All those—I hear a no.

#### Voice Vote

**Mr. Chairperson:** All those in favour of clause 4 passing, please say aye.

**Some Honourable Members:** Aye.

**Mr. Chairperson:** All those opposed to clause 4 passing, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

Clause 4 is accordingly passed.

\* \* \*

\* (21:20)

**Mr. Chairperson:** Shall clause 5 pass?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

**Mr. Lindsey:** Again, I would like to talk about clause 5 in particular as it relates to the entire piece of legislation.

This act does not need to come into force. There's no requirement for this act to come into force because there's no requirement or need for this act to even exist. To, again, spend time talking about being forced, I guess, by the rules of the Legislature to talk about clause 5 specifically and why it's irrelevant is to really talk about the irrelevancy of the entire piece of legislation.

What's the point of having a coming-into-force date for something that has no reason for being, period?

I can't say that often enough that the entire bill is flawed; the entire reasoning behind the bill is

flawed. The reason for clause 5, then, becomes really redundant because there's no reason for the 'forst'—first four clauses. There's no reason for changing the legislation; 'thergo—fore,' there's no reason for clause 5. The date is irrelevant, as the entire bill is irrelevant.

**Mr. Allum:** Of course, it is a standard clause in acts that—this act comes into force on a day it receives royal assent. That would be standard operating procedure, I think, with virtually every bill that would come for consideration to the Legislature.

But, in the face of 48 presentations to this committee over three days—[interjection] No, I think it's 48 of 51, in all honesty, but I stand to be corrected there, and those three that are outstanding were merely employer groups anyways. It wasn't like workers were here.

Wouldn't the minister agree that he has, and his department has, some significant consultation to be undertaken in order for this bill to have any legitimacy with the people of Manitoba?

And so, while we can say that clause 5 is standard operating procedure, it's also evidently clear from the testimony given by presenter after presenter over the course of three days, that this bill doesn't have legitimacy in the eyes of the people of Manitoba, in particular those who have come to give testimony before this committee.

And so it would suggest to us, I think quite clearly, that the minister has significant consultations to do, because by every presenter's admission, Mr. Chair, only one, maybe two groups, both employers—representing employers, were consulted. The vast majority of people who gave submissions to this committee, trying to do its due diligence and understand this bill, indicated that they were not consulted.

And that, Mr. Chair, I think, speaks volumes about the legitimacy of this chair, so wouldn't—wouldn't it be fair for the minister to simply to say, even if he doesn't want to withdraw the bill, and I'm not certain why he doesn't want to in the face of the critique that came forward over three long nights of testimony, wouldn't he at least agree that he needs to put this bill on the backburner and properly—properly—engage with Manitobans across this province, but in particular with the labour movement and those who represent workers in this province so that there is a full and complete understanding of the intention of the bill, what problem that there doesn't



seem to exist, the minister is trying to solve by doing it, and then also to try to understand what it is that will be the implications of this bill going forward, because the vast majority of the testimony before us over three days and 48 presentations is that this will put a chill over union participation in this province. And I dare say, Mr. Chair, that this is now becoming a theme for the new government of Manitoba: putting a chill on almost all democratic debate and democratic engagement in this province. This is merely one example of a very, very, very chilly new government of Manitoba that's intending to freeze the people of Manitoba out of decision making.

So I'm asking the minister, even though clause 5 is standard operating procedure, isn't it clear from the testimony that we've received from those who have come to committee in these public hearings that he should at least pause, reflect, go back and do a proper consultation across the province?

**Ms. Klassen:** I also wanted to implore members opposite to go back to their constituents and please understand what's coming into effect. You know, I've witnessed organizations trying to unionize, and it was in Richer, specifically Manitoba, as well as in Brandon, and it was indeed a bloody, brutal event. And so I implore all members to talk to their constituents and to ensure that the direction is the right direction.

**Mr. Chairperson:** Are there any other questions on clause 5?

**An Honourable Member:** My friend had a question that he didn't get an answer to—

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

**Mr. Lindsey:** My friend Mr. Allum had a question that he never got an answer to. I think he'd appreciate, as would the rest of us, an answer to a question when it's asked.

**Mr. Chairperson:** Okay, shall clause 5 pass?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

#### Voice Vote

**Mr. Chairperson:** All those in favour of clause 5 pass, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

Clause 5 is accordingly passed.

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**Mr. Chairperson:** Shall the enacting clause pass?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

**An Honourable Member:** I have good reason.

**Mr. Chairperson:** Is that with reason or with question.

**An Honourable Member:** With question.

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

**Mr. Lindsey:** I guess I would be left to ask the question of the relevancy of a clause that passes a piece of legislation that again is not required. There's no need for that, and no one has presented any facts to convince me that this legislation is required. Therefore, there's no need for that particular clause.

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

Shall the enacting clause pass?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the enacting clause pass, please say aye.

**Some Honourable Members:** Aye.

**Mr. Chairperson:** All those opposed to the enacting clause pass, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

The enacting clause is accordingly passed.

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**Mr. Chairperson:** Shall the title pass?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the title passing, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.  
The title is accordingly passed.

\* \* \*

**Mr. Chairperson:** Shall the bill be reported?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the bill being reported, please say aye.

**Some Honourable Members:** Aye.

**Mr. Chairperson:** All those opposed to the bill being reported, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

The bill shall be passed as—the bill shall be reported. Agreed? *[interjection]*

\* \* \*

**Mr. Chairperson:** The hour being 9:31, what is the will of the committee?

**Some Honourable Members:** Rise

**Mr. Chairperson:** Committee rise.

**COMMITTEE ROSE AT: 9:31 p.m.**

**CORRIGENDUM**

On November 1, 2016, page 57, in the committee preamble, *Members of the Committee present* should have read:

*Hon. Mr. Cullen*

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

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