



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

Chairperson
Mr. David Newman
Constituency of Riel



Vol. XLVI No. 14 - 6:30 p.m., Wednesday, October 30, 1996

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	Ste. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James, Hon.	Arthur-Virden	P.C.
DRIEDGER, Albert, Hon.	Steinbach	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
ERNST, Jim, Hon.	Charleswood	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen, Hon.	Springfield	P.C.
FRIESEN, Jean	Wolseley	N.D.P.
GAUDRY, Neil	St. Boniface	Lib.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David	Riel	P.C.
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PENNER, Jack	Emerson	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupertsland	N.D.P.
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VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.

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

Wednesday, October 30, 1996

TIME – 6:30 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. David Newman (Riel)

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

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Messrs. Derkach, Gilleshammer, Reimer,
Hon. Mrs. McIntosh

Ms. Barrett, Mr. Dyck, Ms. Friesen, Mr.
Newman, Mrs. Render, Messrs. Santos, Struthers

Substitutions:

Mr. Laurendeau for Hon. Mr. Derkach

APPEARING:

Mr. Gary Doer, MLA for Concordia
Mr. Gary Kowalski, MLA for The Maples

WITNESSES:

Bill 72–The Public Schools Amendment Act (2)

Ms. Karen Minish, Private Citizen
Mr. Garth Minish, Private Citizen
Ms. Gail Cherpako, Private Citizen
Mrs. Theresa Ducharme, People in Equal
Participation Inc.
Mr. Jim Robertson, St. James-Assiniboia
Teachers' Association
Mr. Ben Zaidman, Seven Oaks School Division
Mr. John Wiens, Seven Oaks School Division
Ms. Maureen Gelinis, St. Vital Teachers'
Committee
Mr. Ken Pearce, The Manitoba Teachers' Society
Ms. Heather Hinchliffe, Private Citizen

Mr. Michael Thompson, Private Citizen
Mr. Bob Minaker, Private Citizen
Mr. Albert Cerilli, Manitoba Federation of Union
Retirees
Mr. Phil MacLellan, Seven Oaks Teachers'
Association
Ms. Pat Isaak, Private Citizen
Ms. Nancy Paterson, Private Citizen
Mr. Emanuel Tavares, University of Winnipeg -
Education Students Association
Ms. Jennifer Waroway, University of Winnipeg -
Education Students Association
Mr. Fred Pauls, Private Citizen
Mr. Alan Wiebe, Fort Garry Teachers'
Association
Ms. Ruth Smith, Private Citizen
Ms. Harriet Zaidman, Belmont School Parent
Association
Ms. Wendy Land, Private Citizen
Mr. Rick Wilgosh, Private Citizen

Bill 32–The Council on Post-Secondary Education
Act

Ms. Elizabeth Johannson, Private Citizen

Bill 48–The University of Manitoba Amendment
Act

Mr. Edward Lipsett, Private Citizen

WRITTEN SUBMISSIONS:

Mr. John Mallea, Private Citizen

MATTERS UNDER DISCUSSION:

Bill 32–The Council on Post-Secondary Education
Act

Bill 48–The University of Manitoba Amendment
Act

Bill 72–The Public Schools Amendment Act (2)

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Mr. Chairperson: Good evening. Will the Standing Committee on Law Amendments please come to order.

This evening the committee will be resuming consideration of Bill 32, The Council on Post-Secondary Education Act; Bill 72, The Public Schools Amendment Act (2); and will commence consideration for the first time of Bill 48, The University of Manitoba Amendment Act.

We do have a number of persons who have preregistered to speak to these three bills. The names of persons who have preregistered are posted on a board in the hallway outside of the committee room. If there are any other persons in attendance who wish to speak to one of the bills before the committee this evening and whose name does not appear on the list, please register with the Chamber Branch personnel at the table at the back of the room.

Just as a reminder to those persons wishing to hand out copies of their briefs to the committee, 15 copies are required. If assistance is needed to make the required number of copies, please contact the Chamber Branch personnel at the rear of the room or the Clerk Assistant and assistance will be provided.

Just as a reminder to committee members, it previously had been determined by this committee for Bills 32 and 72 that a 10-minute time limit for presentations would be used, to be followed by a five-minute time limit for questions and answers. Did the committee wish to use similar time limits for the hearing of presenters on Bill 48? [agreed]

It had also been previously agreed by this committee regarding Bill 32 that names would be dropped to the bottom of the list when called for the first and second time when the presenter is not in attendance, with the name to be dropped off of the list after a third call. Regarding Bill 72, the committee agreed that names would be dropped to the bottom of the list after one call, then dropped off the list after a second call. Did the committee wish to have similar provisions in effect for the presenters registered to Bill 48?

Ms. Jean Friesen (Wolseley): Mr. Chairman, I think we should probably recognize that it is unusual weather conditions tonight and that rural presenters, if there are

any on any of the bills—I am speaking on all of the bills now—may have some difficulties.

I do not know what the committee or you, Mr. Chairman, would like to do in consideration of that.

Mr. Chairperson: Any further discussion? What is the will of the committee with respect to Bill 48? We are probably not going to get to it tonight in any event.

Hon. Jack Reimer (Minister of Urban Affairs): Usually the procedure is that out-of-town presenters are called first anyway, so we could do that with that bill, too.

Mr. Chairperson: Do you want to deal then with how we deal with Bill 48 now, or do you want to deal with that later?

Mr. Marcel Laurendeau (St. Norbert): Ms. Friesen might have a point here. We do not want to drop anybody who might not be here this evening because of the weather, so I think we might want to leave them over for another call for another day, but I think if we do read their names once, it can be classified as one read, but they will still have the other opportunity. Is that agreed?

Mr. Chairperson: Agreed? [agreed]

What is the preference of the committee regarding the order of the bills for the hearing of presenters tonight?

Mr. Laurendeau: Mr. Chairman, I do believe that the House leaders had come to an agreement of Bill 72, 32, 48.

Mr. Chairperson: Okay, we will proceed, 72, 32 and 48 in that order. Did the committee wish to indicate how late it is willing to sit this evening?

Mr. Laurendeau: Mr. Chairman, we have come to an agreement on a number of occasions at a number of committees now that we would sit until midnight, and after midnight we would continue to read the list, but no one would be dropped off the list after midnight when their name is read.

Ms. Friesen: In general, I think that is the agreement we have reached, but we did run into a little problem on

another committee over the issue of whether it was reading the list or canvassing the audience, so maybe we should be clear. I think that what we had agreed to last time was that we call speakers until midnight. After midnight, we canvass the audience and we find a list of people who want to present after midnight.

Mr. Laurendeau: Mr. Chairperson, we had been calling it at the previous two or three meetings now. We had continued to call the list to make sure we kept them in numerical order, for one of the reasons, but I do believe on Bill 72, we have only got approximately 32 presenters left, and that is basically where we have been at anyway as far as presentations between the hours of 6:30 and one o'clock, two o'clock in the morning, which has been about the hours we have been sitting.

I do believe that we will have enough time to accommodate all of Bill 72 this evening, and I do not think we will have any concerns on the other two bills when that time does arise.

Mr. Chairperson: Just for clarification, Ms. Friesen is correct. The last time dealing with Bill 72, it was ultimately agreed that we would canvass the audience after twelve, and that was done with the Chamber personnel recording the names of people who wanted to present in numerical order, and that did work out satisfactorily. So if that is agreed by the committee, we will do that again.

* (1840)

Mr. Laurendeau: On Bill 72, Mr. Chairman, I do think that we could try to finish off Bill 72 this evening if it is possible. As I said, they are down to 32 presenters, so I would not want to not accommodate them in having them heard this evening. That is my only concern. I have no problem with what Ms. Friesen is saying.

Mr. Chairperson: Okay. Is that understood, Ms. Friesen?

Ms. Friesen: Mr. Chairman, I understood what you said, and I accept what you said. I am not sure whether Mr. Laurendeau is adding another wrinkle here or not, but I am quite happy to call people in till midnight and

then to canvass the room and for the Clerk to provide people in alphabetical order who are wishing to stay.

Mr. Chairperson: Just as a reminder, another meeting has been called for Thursday night at 6:30 to continue consideration of these bills, with a meeting scheduled for Friday morning at 9 a.m. if necessary.

Oh, there is an initial matter, Mr. Reimer?

Committee Substitution

Mr. Reimer: Yes, by leave, a committee change.

By leave, I move that the composition of the Standing Committee on Law Amendments be amended: Laurendeau for Derkach, with the understanding that this motion will be moved in the House tomorrow.

Mr. Chairperson: Is that agreed by the committee? Is leave granted? Leave is granted. Do I understand leave is granted? [agreed]

* * *

Mr. Chairperson: I would advise committee members a written submission to Bill 32 is received from Dr. John Mallea from Brandon University. Copies of the brief have been placed on the table for committee members. Is there agreement to have this submission included in Hansard as submitted? So agreed. [agreed] That was with respect to Bill 32.

Bill 72—The Public Schools Amendment Act (2)

Mr. Chairperson: We will now proceed then with Bill 72 and the first presenter, out-of-town presenter, Neil MacNeil, No. 20. Is Neil MacNeil here? Neil MacNeil, not being here, will go to the bottom of the list. Is Bob Dixon here? Bob Dixon here? Bob Dixon, not being here, will go to the bottom of the list. Dan Lemieux. Dan Lemieux. Dan Lemieux, not being here, will—Richard Maslanka. Richard Maslanka. Richard Maslanka, not being here, will go to the bottom of the list. Kathleen Burt. Kathleen Burt, not here, will go to the bottom of the list. Karen Minish.

Ms. Karen Minish (Private Citizen): Well, I am here.

Mr. Chairperson: Okay, Ms. Minish, you may begin your presentation.

Ms. Minish: Good evening. First of all, I would like to thank you for the opportunity of speaking here this evening. I have been a schoolteacher for almost 25 years, and Bill 72 causes me grave concerns. I would just like to make a few points, and I would appreciate you considering what I say.

Bill 72 was drafted expressly to drive teachers' salaries down. Several weeks ago, the Premier (Mr. Filmon) stated in a public meeting that teachers were paid 25 percent too much. When challenged, he hedged a little bit and he said, perhaps it was only 15 percent too high. My concern is that if we are overpaid, which I do not agree with, how are we ever going to, with reduced salaries, entice the best of the youth of today into the teaching profession?

Why now? Only seven months ago, Eric Stefanson said that general revenues were up 15 percent over the last two years and that the government could now spend more on services. I do not understand how Bill 72 is an increase in services to the youth of our society.

Why do we need these draconian measures? Teachers' salaries are consistently in the middle range. I know a number of single-parent teachers that have said to me, if my salary is reduced I will no longer be able to provide for my family. I will no longer be able to stay in teaching. That causes me grave concerns.

No other segment of society has been attacked in this particular way. Perhaps Bill 72 is the government's attempt to explain the massive cuts that have been made to public schools. Over \$43 million have been taken out of public schools in the last four years. How can this be when the government has reported a surplus of \$150 million last year alone?

Manitoba's per capita debt-service ratio is the second lowest in Canada. We are at the very bottom for total government expenditures for services, so I guess my question is, what is the problem? Besides the financial unfairness of this bill, there is an inherent betrayal of trust. In 1956 teachers gave up the right to strike. Teachers care about kids. They do not want to strike because the kids get hurt. In exchange for giving away

this powerful right, teachers were promised a compulsory binding arbitration device to settle grievances. It is essential that teachers have a mechanism for dealing with disputes. Where this mechanism is entrenched, whether it is in The Public Schools Act or whether it is in the collective agreement, could be decided upon by consensus.

This bill effectively strips teachers of their rights to binding arbitration as it was conceptualized 40 years ago. In the current process, when contract negotiations go to arbitration, the committee is made up of three people. One member is appointed by the school board and one is selected by the teachers and the third one is sort of mutually agreed upon—consensus. It works well in the classroom. Bill 72 changes this. We now have an arbitrator/mediator. To have the same person as the arbitrator as the mediator is just not fair. It colours the entire process. I cannot see how it can work.

* (1850)

Again, I ask why Bill 72 is being speeded through the Legislature. Last year the minister promised teachers that all partners in education—all partners in education, that is the community, the teachers, parents and the government—would have ample opportunity to take part in dialogue prior to the introduction of any education bills. Well, that sounds fair enough. Last year, teachers through the vehicle of MTS, actually were on such a committee. Two meetings later, where nothing of real substance had been discussed, teachers asked for clarification of the government's five basic principles. Assurances were given that this clarification would be forthcoming. Instead they received a letter from the Deputy Minister saying that the meetings were over, and I am wondering if that is what working together means. It was not my concept of working together.

Last, but not least, Bill 72 takes away our right to arbitrate such items as class size. I have 29 kids in my classroom this year. That does not work out to many minutes for each child. I am really, really tired at the end of the day trying to be all things to the students in my class. I have no vehicle to discuss this with the government and I have concerns. We cannot arbitrate scheduling of noon hour, recess breaks, transfers, a number of things that the minister probably would have been concerned with when she was a teacher. A year ago,

Mrs. McIntosh told us that Bill 72 would legislate grievance rights on these very issues.

In closing, I request that the government delay implementation of Bill 72 and other education bills until meaningful dialogue among all the partners in education can take place.

Mr. Chairperson: Thanks, Ms. Minish. That is eight minutes perfectly.

Mrs. Shirley Render (St. Vital): Thank you for your presentation. Obviously, you have driven in from somewhere, and hope you get back home safely tonight. I take it from your presentation that you do not think that a mediator is a good route to go. Am I reading you correctly?

Ms. Minish: Well, in the past—

Mr. Chairperson: Ms. Minish. I am just going to go in sequence, so pause before you respond after your name.

Ms. Minish: Yes, I forgot that. I am a little rattled. I did not get out of school until five o'clock. I have not had supper, and I did not get lunch. I am sorry. Could you repeat your question for me, please?

Mrs. Render: Did I gather from your presentation that you do not like the idea of mediation as one of the processes that you can have, that because if you choose the mediation process the mediator can don a different hat and become the arbitrator? You sounded negative, and I just wanted to make sure I understood you correctly.

Ms. Minish: I guess I have concerns.

Mrs. Render: Did you know that the MTS itself had suggested that as a possible method? They saw that mediation might be another route that could be very valuable to settle disputes on both sides. Did you realize that?

Ms. Minish: My understanding was that it was the discussion topic that was never quite completed.

Ms. Jean Friesen (Wolseley): Ms. Minish, you said that you had 29 children in your classroom. I wondered if you could tell us a little more about them and what

issues you face in the classroom—what age they are, for example, and what changes you have seen in the classroom over your years as a teacher.

Ms. Minish: With pleasure. Our student population went up by three this year. Our teaching population dropped by three. We lost our guidance counsellor and two classroom teachers. I have several students who really need a guidance counsellor, who had counselling last year, and when the parents brought them in this year, they requested that the counselling continue. I was embarrassed to say I am really sorry, but that is not a service that we can offer to you anymore. My children are Grade 5 students. Their needs range, in terms of academic abilities, from a Grade 2 level up. For me to program properly requires that I meet with the resource teacher. We set up IEPs for kids who are not working at grade level. Last year I had two periods in which to meet with my resource teacher. This year I have none. So I meet with my resource teacher—that is where I was tonight until six o'clock. It takes away from the programming that I can do.

Mr. Gary Doer (Leader of the Opposition): Thank you very much for your presentation. I just was—

Mr. Chairperson: Gary, bring your mike up.

Mr. Doer: Okay.

Thank you very much for the presentation. I wanted to ask some questions about the inherent betrayal that you observed, based on the fact that we have had a consensus since 1956 and now we no longer have the same 40-year consensus that we had. What do you feel will be the long-term impact on members of the teaching profession and our kids and their future in the classroom, based on this breakdown?

Ms. Minish: I guess a lot of negativity, a sense that a segment of society that we should have been able to trust, we cannot. We try to teach that to our kids all the time. If you make a deal with someone, you make a deal. It was a promise. I bet you teach your kids not to break their promises, Mr. Doer. I did, too, and I feel like that promise has been broken. I feel very sad.

Mr. Doer: You also mentioned the word “betrayal” and suggested to us that we not act in a hasty way, that the government and the Legislature not act in a hasty way so

that we, I guess to paraphrase it, can get it right and go back and try to work at the consensus.

In your opinion, would you be recommending to the minister and all members of the Legislature that we not pass this bill now but rather go back and try to arrive at the spirit—it may be a different consensus but the spirit of consensus moving into the 21st Century as we did moving from, as you indicated, 1956 into the '60s? Is that the recommendation to this Legislature?

Ms. Minish: Exactly. That is exactly my recommendation. I respectfully request that that could occur.

Mr. Doer: Ms. Minish, have you been given any good reason from any of us why we should not stop, look and listen and try to get that consensus? Is there any reason for the haste, as you describe it, based on your opinion of being in the front lines of education at the classroom level with 29 children in Grade 5?

Ms. Minish: Well, I have always sort of come to the conclusion that when you rush into things you sometimes regret them, and I think hasty decisions are not necessarily the wisest decisions, and that is what I sort of base my feelings on.

Mr. Chairperson: Thanks very much for your presentation, Ms. Minish.

The next out-of-town presenter in order is Garth Minish, No. 28. You may begin your presentation, Mr. Minish.

* (1900)

Mr. Garth Minish (Private Citizen): Thank you very much. I am here tonight as a taxpayer, first, and as a teacher, second. I feel that the present government is showing its inability to govern in its determination to punish Manitoba Teachers' Society and Manitoba teachers for their ad campaign in the last election that dealt with the impact of decreased funding on schools and students.

The present legislation that is being put forward deals with several items. One of those is teacher classification. By changing the teacher classification you are punishing

the teachers of Manitoba, specifically the difference in classification between vocational and academic teachers.

Another punishment is the class size. California law has just passed a statement that the maximum class size for them is 23. We have no such one. The evaluation of teachers is to be determined by someone else, how a teacher is to be evaluated, no consultation with the teacher. The assignment and transfer of teachers is another punishment. Teachers are being transferred. Mathematics teachers are being transferred from one high school in one division to another high school in the same division and told to teach language arts. It makes it very, very difficult for them.

It is also quite evident that this present government and the minister feel that teachers are underworked and overpaid. I challenge any one of you to do my job for a day. Better yet, I challenge any one of you just to try and follow me around for a day. I am a vocational teacher. I think I could do your job.

In the past, teachers have taken no pay increases when public and private sector employees have, and they have had significant increases. As the previous presenter stated, we are very much in the middle of the salary scale. We are not overpaid. With taxation and other deductions, I take home hardly more than half of my salary.

In closing, this government is taking a union busting stance against many groups in the province at this time, but the fact that teachers cannot strike prevents us from offering any more than anger and frustration at the government's lack of fair, co-operative legislation. However, we can vote you out in the next election and I would be wary because of what happened to the federal Conservatives. You may receive what you deserve.

Mr. Chairperson: Thank you, Mr. Minish.

Mrs. Render: Yes, I just wanted to correct a statement. This legislation does not deal with teacher classification. The recommendation of the committee was that it was a complex issue, and it was felt that it had to go back out for further consultation. That is exactly what is going to happen, just so that the facts are clearly stated for the record. Also, evaluation will also be worked out in

consultation with teachers and trustees. That, too, will go to the compensation committee that has just been struck.

Point of Order

Mr. Gary Kowalski (The Maples): I think we went over this the other night. The speaker is given a certain amount of time for a presentation and to be questioned, not for members of this committee to make statements and have debate. So I thought the period of time allowed to the speaker was to question the speaker about his presentation, not to make statements or debate with the presenter. So I raise it as a point of order.

Mr. Chairperson: Mr. Kowalski, I am still waiting with eager anticipation for that preamble to conclude and then the question to be put.

* * *

Mr. Chairperson: Maybe you can put your question now, please.

Mrs. Render: I am just wondering, were you aware of those two facts because, from your presentation, it did not appear that you were aware of that?

Mr. Chairperson: Are you aware of that, Mr. Minish?

Mr. Minish: No, I am not. I stand corrected.

Mr. Chairperson: Thank you.

Ms. Friesen: Thank you very much for the presentation. I want to take you up on your offer to follow you around for a day. If you would let me know which school you are at I would very much like to do that, but I wondered if perhaps for the benefit of the committee you could take us through those steps. What does happen in a day?

Mr. Minish: I teach at R.B. Russell Vocational School in the core area. I teach in the vocational carpentry program. My day starts with a prep time to organize my day for the students that will arrive. I team-teach with another teacher and our first period is in that preparation. Our second period is with the language arts growth for our students in the vocational program. We take them down to our technology lab and spend a period with them there. Our third period in the morning, we go back to our

shop and students are given their projects and assisted with the projects that they are working on that day, on the machines that they use in the woodworking program. After lunch, at this time I take half of the students in the program over to a home that I am presently renovating, through the Winnipeg School Division, and we spend the afternoon rebuilding a home for someone who may live in the core area eventually. It is a standard work program, working with the tools in an old home, come back to the school at the end of the day and work with our students doing a daily journal, again, some more writing. They lay out in their daily journal what they did for the day and what they do, and that is the end of our day.

Mr. Doer: Thank you very much, Mr. Minish. You work in a challenging profession and in a challenging location.

You mentioned the class sizes, and I have heard this on a number of occasions now from teachers. There are just more and more kids in your classroom. Could you elaborate on—has there been an increase in the number of kids in the class, number of students in the class recently, and what is the impact on their education and their future?

Mr. Minish: In our school this year, I know that some of the teachers have faced classes of 40 students. In my class, because it is a vocational area, we are given some leeway with the number of students that we have. However, when we have had people in from industrial settings—to give you an example, we had a vocational teacher come in from one of the correctional institutes—and they just absolutely were astounded at the numbers we dealt with, with the safety problems that we may have in our shops. We were dealing with two and three times the number of students that they are in the correctional institutions.

Mr. Doer: We all would agree, in theory, that we should invest in our young people in schools so that we can give them hope and opportunity to have a productive life in our community. Do you see the recent, both funding announcements or cuts and the legislative announcements, as teachers, as enhancing the opportunities for our young people, or being an impediment over the longer term in terms of the future of our young children, our kids in our school system?

Mr. Minish: I feel it is definitely an impediment, and I feel that it is a feeling of the government or the support of the government of the private school system providing more funding for them and taking funding away from the public school system and putting that onus on the public school system to survive as it can. I feel that it is a conspiracy by this present government to keep the populous uninformed and ignorant.

Mr. Chairperson: Thanks very much for your presentation, Mr. Minish.

I would now like to call on Arnold Minish. Arnold Minish. Arnold Minish not here. Arnold Minish, not being here, will be placed at the bottom of the list. Gail Cherpako. Gail Cherpako. You may begin.

Ms. Gail Cherpako (Private Citizen): Bill 72 is a breach of trust between this government and the 13,000 Manitoba teachers. Forty years ago teachers gave up the right to strike in exchange for a process of binding arbitration. Bill 72 will drive down our benefits and our salaries and give control and empower management. This offsets the balance that teachers have had under binding arbitration. The ability-to-pay clause that is in Bill 72 will severely restrict the arbitrator's ability to give an award that is fair and reasonable. Bill 72 defines the board's ability to pay as its revenues from the government funding and also from the local levy. In other words, its ability is based on the government's and board's decision before arbitration, a bargaining process that is absolutely unfair. The board has the power to decide what it wants to pay and the arbitrator will be forced to rubber-stamp the board's decision.

Under Bill 72, the arbitrator is forced to consider the effects that his or her award will be on layoffs and programs. It seems to suggest that teachers' benefits and working conditions can be sacrificed in order to preserve programs.

* (1910)

Under Bill 72, class sizes, transfers and appointments of teachers and administrators, scheduling of noon hour and recess breaks cannot be taken to arbitration. Other groups do not have such restrictions and if I am wrong, I would like to know of a labour group that does have such restrictions that they may not negotiate working

conditions. MAST presenters to this committee agreed that these items should not be arbitrated but agreed with a provision of Bill 72 that would give the rights of teachers to grieve unfair and unreasonable board practices. In other words, MAST's position was asked for that they would have absolute rights in all these areas and I would hope and encourage the government not even to consider MAST's request.

Why is Bill 72 being passed now? The minister assured teachers last year that all partners in education—parents, community, teachers, boards and government would be given every opportunity to participate in discussions prior to the introduction of education bills. Teachers through the MTS were in fact on such representative committees last year after two meetings, and I repeat, two. There was no substantive issues that had been discussed at all and the teacher reps asked for clarification of the government's five basic principles. They were told that this clarification would be forthcoming. Imagine their shock and disappointment to receive a letter from the Deputy Minister of Education that there would be no more meetings. Teachers have heard cabinet ministers and MLAs tell them that they are not co-operative, that they never offer solutions. In truth, teachers have not entered into any serious dialogue with the government or MAST to hear what their problems are.

What drives Bill 72? It seems clear that the government needs such a bill to make up for massive cuts to the public schools. Mr. Chairman, \$43.5 million has already been taken out of support for the public schools in the last four years. This despite the government's tabling of a surplus of \$150 million last year. In spite of the fact that Premier Filmon said in the Throne Speech Debate of December 1995, last year, in 1994, our growth rate was 3.8 percent. This year, 1995, it is expected to be 2.5 percent which is above the national average. The Manitoba economy is doing well and it is doing better than most areas.

Several weeks ago, the Premier stated in a meeting that teachers were being paid 25 percent too high. When challenged he conceded, well, perhaps it is 15 percent. No wonder teachers feel devalued when their hard work and efforts for additional professional development and university education is being so undervalued.

Finally, Bill 72 will guarantee inequities between divisions. Richer divisions will certainly retain their ability to pay and the poor ones will not. All Manitoba children regardless of where they live and regardless of their financial circumstances should have an access to good solid publicly funded education. What is proposed in Bill 72 can be described as legislated servitude for thousands of teachers who serve our children. I would urge the Manitoba government to withdraw Bill 72 and enter into meaningful discussions with the Manitoba Teachers' Society regarding improvements to the collective bargaining and the process for its 13,000 Manitoba teachers. Thank you.

Mr. Chairperson: Thanks, Ms. Cherpako.

Mrs. Render: Thank you for a very passionate presentation. I am just wondering, you talked about the surplus, do I take it then that if government has a surplus it should go into Education, that government does not have an obligation to look at Health, Child and Family Services, Justice, the rest of the departments?

Ms. Cherpako: If government has a surplus, it certainly should be looking at all these areas and using its surplus for medicare, for education and for all the services that the government should be providing to all its citizens.

Mr. Doer: Thank you very much for your presentation.

I have heard this said by other members of the education community that there seems to be a discrepancy between what the government says in terms of the economic performance of the province. It is always great at budget time and Speech from the Throne time and perhaps at election time, but when it comes to education the report that was part of the Render-Dyck consultation exercise stated that Manitoba's economy was way down in seventh or eighth place, I think it was. I have heard this concern that this is not very straightforward with people. On the one hand, we have the hallelujah chorus about the economy, and on the other hand, the cupboards are really bare and there is no money left for teachers and kids and investing in their future.

Is there a feeling that there is a discrepancy between what the government is saying on the one hand and on the other hand, and what impact does that have with the morale of teachers in terms of their education?

Ms. Cherpako: It definitely has decreased morale. It seems that the government when it appears that it is in their best interests to have money for X, they have it and they have lots of it for X, for the \$150 million; but if they do not want to pay Y, then that is what they do. It seems that they can immediately have money when they need it and yet when they want to pay for education or for health and all the other areas, all of a sudden it is depleted and there is no money for these funds.

Mr. Doer: You mentioned that you felt that this was a breach of trust, which are very, very strong words, and that you felt that there was a commitment from the Minister of Education (Mrs. McIntosh) that all partners would work on the future in terms of the consensus for collective bargaining legislation for teachers. Do you believe that that commitment of the Minister of Education has been met in terms of working with all partners?

Ms. Cherpako: I think that in my speech I indicated that there were two meetings. If there was serious intent to have the Manitoba Teachers' Society involved in coming up with a plan to revise what is presently in effect as binding arbitration, then there certainly would have been more dialogue and more consensus and then perhaps the teachers of Manitoba would not have need to be standing here after teaching all day, that we would be in support. But the Manitoba teachers do not feel that we have been heard, listened to, and in two meetings they definitely did not feel that our needs are being met. This bill has completely outbalanced anything in terms of fairness. It is definitely managerial heavy.

Mr. Doer: One last question. Do you feel you have been given any good reason from the government and the Minister of Education why we cannot stop, look and listen and get this bill correct by trying to work at the consensus, and not speed through this bill but hold it and go back and try to rework a consensus that was there 40 years ago and should be there moving into the 21st Century?

* (1920)

Ms. Cherpako: At this point in time, I think that the Minister of Education would hopefully withdraw the bill and look at and rewrite and rework it in co-operation with Manitoba teachers. [applause]

Mr. Chairperson: I would remind members of the audience that applause and other sounds of approval or disapproval are really not welcome. They are not in accordance with the rules, so I would warn you, please, do not do that. To the extent you do, it will encroach on the time of the presenter, as well my interventions.

Ms. Friesen: Thank you very much for your presentation. I know that the minister has, or will be tabling some amendments. I do not think we have actually seen them yet, but she has proposed some amendments. I wondered if you had been given a chance to look at these, to discuss them with others, and whether you thought it in any way ameliorated the bill.

Ms. Cherpako: Unfortunately, I have not seen the list that she has been willing to table. Hopefully, she will table all of Bill 72 and rework it.

Mr. Kowalski: One of the things that I remember at the Dyck-Render-Carlyle committee hearings, there were Grade 12 students who were considering education, that because of what was coming through have changed their minds about becoming teachers. The other night we heard from a new teacher who was indicating that she could make more money as a part-time waitress than she expected to make as a new teacher in the future. I know we have had teachers who have been long-time teachers who have said it has affected their morale.

If this bill was withdrawn and there was consensus that the teachers felt they had more input into the final product, how do you think it would affect the morale in teachers and, ergo, the relation between teachers and children, the mood in a classroom if the bill was withdrawn and there was a consensus developed?

Ms. Cherpako: It would increase morale if this bill were tabled and/or absolutely withdrawn. I find that young individuals who are looking to education are finding, yes, if it is not going to be financially rewarding for them. But most of the teachers that enter education also do fairly much for the morale, the helping, they care. They really care about the children, and they care about what they are doing. But they do have to live, they have to eat, they have to pay rent and they have to take care of their homes. Unfortunately, we cannot all volunteer. I mean, it is just an unreal—that is almost what you are asking them to do, please take care of our children well,

but just do it voluntarily because we are just going to pay you a pittance for doing it.

Many teachers do it because they love the work, but it is work, and the teachers should be compensated for their work. They should also be able to negotiate for their working conditions. Management should not be able to say, you do not have a recess, if we do not want you to have one. You may not have a lunch hour, if we do not wish to give you one. They should not say, well, today you have 25 students, tomorrow there will be 43 students. Morale is, unfortunately, definitely going down. It is a really sad state.

Mr. Chairperson: Mr. Santos, we have less than a minute, so real quick.

Mr. Conrad Santos (Broadway): You said that the bargain has been breached between the promise of collective bargaining for 40 years, and then there is a breach of promise that every parent and every interested party will be given an opportunity to participate in arriving at a consensus. Given these two breaches of promise, do you think such a consensus is possible?

Ms. Cherpako: If it is possible to get a consensus between the Manitoba Teachers' Society, which represents its 13,000 teachers, you certainly will not get it in two meetings and being ignored. I think that if they sat down and they worked together, there is definitely a consensus that can be reached if the minister is willing to meet.

Mr. Chairperson: Thank you very much for your presentation. Your time is up. Thank you very much.

Mr. Marcel Laurendeau (St. Norbert): Mr. Chairman, I wonder if there might be leave for us to hear from Theresa Ducharme at this time?

Mr. Chairperson: Is there leave of the committee to hear from Theresa Ducharme? I am informed, through the Clerk, that she has arrived, picking her up after 8 p.m., and she is in need of assistance with her wheelchair. Is leave granted? [agreed] Mrs. Ducharme, you may begin your presentation.

Mrs. Theresa Ducharme (People in Equal Participation Inc.): Mr. Chairman, members of the

board, I, Theresa Ducharme, on behalf of People in Equal Participation Incorporated, PEP Inc., wish to present our disgust regarding Bill 72 in its amended form.

Floor Comment: Put the mike closer, Theresa.

Mrs. Ducharme: I can shout louder. Bill 72 will effectively stop pay increases or impose wage reductions. Is that not so? No? Well, one head goes up and down, the other one goes this way, so let us take it in between and go, uh, uh, like this, okay. There you go.

This legislation is unfair and contrary to any current accepted practice of free collective bargaining. I tried bargaining my way up here by not using the freight elevator because the regular elevator was broken and Ed Shapiro [phonetic], the supervisor of all safety and security here, told me off, gave me a slam in the face with several words, and he is still employed with the parliamentary procedure with no democratic polish. So we will have to change that as well with Bill 72, dear, okay?

Now, this legislation is not applied to any other labour group. Why punish the Manitoba Teachers' Society over any other labour group? Please answer that. Do not all rush to the same, Mr. Chair, please?

Mr. Chairperson: Is that your presentation?

Mrs. Ducharme: Oh, God, no.

Mr. Chairperson: Finish your presentation, and then we have question and answers.

Mrs. Ducharme: Question and answers. You might forget all the questions, dear. Notice I did not say sunshine, I said dear.

Now, this legislation is not applied to any—pardon me. I will repeat that again because I am very forgetful at times. This legislation is not applied to any other labour group. Why punish the Manitoba Teachers' Society over any other labour group?

Cutbacks in wages will be used to pay or even augment programs. I am sure of that. We have the same problem in all other health care areas which I am cut back on here. So I am a witness to that.

Inequality between regions and divisions will become the norm in Manitoba's schools, example, Fort Garry versus Transcona, and nobody can do that to Mrs. Ducharme in Transcona or her people.

Ability to pay or willingness to pay. The board has the power to decide what it wants to pay and the arbitrator will be forced to merely rubber-stamp the board's decision. That is why I ran for school board, honey. There you go, dear and honey. Is that not wonderful?

Now, free and open collective bargaining will cease to exist. There you go. Teaching assignments, transfers, evaluation, class size will no longer be bargainable. Is that not so? Major change from current and member arbitration panel to a one-person mediator or arbitrator. I am doing pretty good, no? Silence in the room. I hope the penny falls.

Now, ability-to-pay legislation will come into effect determined by its current revenues including the funding received from the government of Canada and its taxation revenue. With ability-to-pay legislation, the school board sets its budget based on current revenues from local levies and on government funding and then determines its own ability to pay, with no consensus of any ability to have democracy. Is that not wonderful?

In closing, Bill 72 is not promoting democracy, but it is promoting Russian roulette through all divisions. If you believe you are doing justice, think again. Why do you think I ran for school trustee for Transcona-Springfield, because I wanted to be one of the topnotch people with gun in hand and ready to shoot. How do you like that? Manitoba Teachers' Society is my lifeline, as I depend on the education of all those who provide me and millions of other disabled qualified to provide us care in order to exist and contribute to our valuable society. We cannot do the things that Bill 72 wishes to do, and it is just like a dream. See, all nursery rhymes do not begin with once upon a time, the other nursery rhymes begin if I am elected. Is that not wonderful? If I am elected. So then everybody promises, promises, and they are fairytales.

I am very sorry to be here today through the storm and the hell and high water that I had to be here today. I almost had to cancel, when my husband said, you have fought other obstacles, dear, you go out and show them

that you are still able-bodied, better than they will ever think that you will ever be there. So I am asking for this presentation to be put right next to your heart and promise to do the best you can with Bill 72. Okay? That is all I ask.

Mr. Chairperson: Thanks, Mrs. Ducharme.

* (1930)

Hon. Linda McIntosh (Minister of Education and Training): Thank you, Theresa. It is always good to hear from you, because you are sparky and usually have some good commentary.

I have been listening to the presentations tonight, and I feel sometimes it is not any point sometimes in trying to point other people to the vast number of errors that have occurred, but with you I think I will. There have been some tremendously big errors in interpretation of the bill or, in fact, pronouncements about the bill that are not even in the bill that have been made so far tonight. You have asked a number of things. While I will have opportunity to talk to the others, I may not have an opportunity to talk to you. So I wanted to ask you, Theresa, you are concerned that the arbitrator will have to rubber-stamp. The arbitrator is not obliged to do anything except consider an ability-to-pay argument. You are a taxpayer, I am a taxpayer, everybody in this room is a taxpayer. The arbitrator must now look at ability to pay—did not before, would not before. The precedent was set.

Floor Comments: No.

Mrs. McIntosh: Well, we will argue about—pardon me, the arbitrator would look at it, and that is technically correct, and the arbitrator would say, I have looked at the ability to pay, but because you are a public body you have unlimited ability to pay. You can always raise taxes to meet your obligation that in that sense then there is no limit to your ability to pay.

Mr. Chairperson: Are you going to pose a question?

Mrs. McIntosh: Yes, I am going to pose a question, Mr. Chairman. Theresa, are you aware that the four of the five factors of the ability-to-pay argument were proposed by teachers? They do cover off three of the four

concerns that you mentioned that were not addressed in the bill, and they are in the ability-to-pay clause. Are you aware of that?

Mrs. Ducharme: No. Is it underlined?

Mrs. McIntosh: Nothing in here is underlined, but it is spelled out here as clear as clear can be.

Mrs. Ducharme: Read it for me, please.

Mrs. McIntosh: All right.

Mr. Chairperson: Mrs. Ducharme asked the minister to read it.

Mrs. Ducharme: Read it for me, please.

Mrs. McIntosh: Getting the clause, 129(3) is the number, and the clause reads thusly. In fact, I have an amendment that if it is ready, I could read you the amendment on it. The ability to pay—and I am going to read you the five factors because they will be in one—will be based upon—the arbitrator must look at these things and must, in rendering his or her decision, indicate why he has accepted or rejected the ability-to-pay argument, must look at the school division's ability to pay based upon their revenues, based upon the nature and types of services the school division has and may have to reduce. For example, if they cannot afford a music teacher any more, will they have to lose their music program, that type of thing—the current economic situation in Manitoba and in the school division or school district. This is what the teachers had indicated. You cannot just look at the school division's revenues. If Manitoba's economy is booming, you have to look at that, too, so that has to be considered. A comparison between the terms and conditions of employment of the teachers in the school division or school district, other employees in public and private sectors, with primary consideration given to comparable employees in the school division or school district, the region of the province in which the school division or school district is located, and the biggy, the need of the school division or district to recruit and retain qualified teachers.

Those last four were put in at the request of teachers, and now that we no longer have them in separate clauses and there is no primacy, the revenues of the school

division will be given no more weight than any of those other factors.

I could go through every other point you have made the same way, but time will not allow me to. I am very concerned about the misstatements made in the earlier briefs, and we will correct them as the evening goes on. If they are mentioned again, I will correct them again, because I do not want certain very wrong statements to be left on the record.

Mrs. Ducharme: Well, Linda, I want to ask—

Mr. Chairperson: No, I am afraid, Mrs. Ducharme, Mr. Doer wanted to pose a question. Maybe he will pose a question which will allow you to answer what you are now going to answer.

Mr. Doer: Yes, I would like to ask what question you would like to pose.

Mr. Chairperson: I knew he would oblige.

Mrs. Ducharme: Well, Linda, what about—I am sorry for calling you Linda, but I feel at home here, being a politician myself. Okay, at the same time, where is the collective bargaining going to come when you do not have the democratic procedure in place? Now explain that one.

Mr. Chairperson: Mr. Doer, do you have another question?

Mr. Doer: You have been listening to a lot of teachers in Transcona, and you have mentioned the feedback you are hearing. I guess we could go into all the little specifics of the bill back and forth but, generally, I am concluding from your presentation that teachers in your community, in your area, feel this bill is very unfair and very unjust, and you agree with them. Is that correct?

Mrs. Ducharme: Absolutely. I would stand up and applaud, but I cannot do that with my 400-pound chair behind me.

Mr. Chairperson: Thank you very much. Did you, Madam Minister, wish to say something?

Mrs. McIntosh: Well, just, Theresa, we will not have time tonight, but I do not know if you have actually read

the bill and gone through and compared it with the other. If you—[interjection]

Mrs. Ducharme: Well, I have talked to several people on all sides, even Mr. Doer. He is always doing everything he should be doing.

Mrs. McIntosh: Why do you not come back and see me again. Well, you have not come to see me on this one before. We will go through this one.

Mrs. Ducharme: Linda, I have an appointment with you December 16, 10 a.m. Gary, are you available?

Mrs. McIntosh: That may be a little late for this.

Mr. Doer: The problem is the bill may be passed by then. You are trying to stop the bill, right?

Mrs. Ducharme: Yes, so hopefully—

Mr. Chairperson: Mrs. Ducharme, thank you very much for your presentation.

Mrs. Ducharme: Just a minute. I am not finished. I have one more arbitrarial question. I have ballpoint pens, \$3 each, and everybody must purchase five for each. There you go.

Mr. Chairperson: Thank you very much, Mrs. Ducharme. Your invitation is known. Thank you very much for your presentation.

Mrs. Ducharme: I am not pleased with Bill 72, honey, and nobody else will reach that age either, if I am alive.

Mr. Chairperson: I would now like to call on—

Mr. Laurendeau: Mr. Chairman, I wonder if there might be leave of the committee at this time to canvass the presenters who are here this evening and see if there are any other out-of-town presenters that we might have missed or we have gone over their names for the first time.

Mr. Chairperson: Is there leave of the committee to make that survey? There were a number of no-shows earlier. Weather conditions might have delayed them. Is Neil McNeil now here? [interjection] No, no, we are just enquiring if they are here now. Neil McNeil. It is with

impunity. Bob Dixon, Dan Lemieux, Richard Maslanka, Kathleen Burt, Arnold Minish. Are any of those people here? Call, going back to the beginning of the list, Tina Gordon. Tina Gordon, not being here, will go to the bottom of the list. Jim Robertson. You may begin your presentation, Mr. Robertson.

Mr. Jim Robertson (St. James-Assiniboia Teachers' Association): Thank you very much. I am here today as the president of the St. James-Assiniboia Teachers' Association. Our association is 650 member teachers who work for the St. James-Assiniboia School Division. We have great concerns about the impact of this legislation for not only ourselves as working teachers but also for the education of those children placed in our care.

We have also questions about the reasons and the perceived need for such draconian legislation. In our view, while the current system of collective bargaining is not perfect, it is at least fair to both parties. In contrast, Bill 72 and its provisions on ability to pay unbalance the process.

In the mid-1950s the Manitoba Teachers' Society and the trustees' association agreed that binding arbitration would replace strike/lockout as a mechanism to settle disputes between teachers and boards. Each side willingly entered into this agreement, the cornerstone of which was a fair and balanced arbitration process.

* (1940)

The essential feature of this bargaining process was the recognition that each side was responsible for making its own decisions and had to live with the consequences of those decisions. Each side picked its own representative. Those representatives chose a mutually acceptable chairperson. In the event of an impasse, both sides willingly agreed that a neutral and independent third party, the Chief Justice, would select a chair. Each side accepted the proposition that two of the three members of the board agreeing would ensure the fairness of the process.

One of the fundamental rights of organized employees is the right to strike in order to settle a bargaining impasse. This arbitration process was to be in lieu of the right to strike. It was designed to be a mechanism which would yield to the parties a result similar to what could

have been achieved through the right to strike. In fact, the vast majority of negotiations between teachers' associations and boards are settled at the bargaining table without recourse to arbitration. Through 1983 and 1995 both parties have achieved agreements without arbitration in 93.5 percent of the cases. In the other 6.5 percent the process reached an impasse and the dispute went to arbitration.

Bill 72 will undermine and imbalance this successful system of teacher bargaining. This proposed legislation will seek to do that by contravening the basic principles of our economic and democratic life and by creating a system of collective bargaining which will stack the deck in favour of one party, in a word, unfair.

The overriding principle of economic life in our society is enlightened self-interest. The prime expression of that principle is buying and selling; buyers want the lowest price possible, sellers the highest price possible. Both sides realize, however, that unless they can voluntarily come to a compromise, neither side will buy or sell anything.

In the case of teacher contract negotiations, the buyers of the service are the boards and the sellers of the service are the teachers. In these contract talks, both sides are attempting to get the best deal they can. The process is long and involved, but ultimately both sides, in the vast majority of negotiations, voluntarily come to an agreement with which both sides can live. If they cannot, then both sides proceed to conciliation and, if necessary, binding arbitration.

The government is proposing to unbalance the system by setting for arbitrators the ability-to-pay principle in legislation. Even though in reality these matters are fiscal choices made by all levels of government and therefore represent "willingness" not "ability" to pay, Bill 72 treats the board's current revenues from senior governments and its current taxation revenues as simply givens over which they have no control. This proposed definition of ability to pay will allow the buyers, the boards, to set whatever price they want for teachers' services, which will be accomplished by requiring arbitrators to impose these school board budgetary choices upon the outcomes of teacher bargaining.

In no other facet of economic life in this province would this principle be acceptable. It is not acceptable in

the private sector. School boards cannot go to bus manufacturers and require them, by law, to accept less simply because the board says it cannot afford more. I cannot set my personal budget, go to a car dealership and force the dealership to sell me a Mercedes for \$10,000, because that is all I can say I can afford—with an editorial comment here, if I could, the bill is fine.

In addition, all the elements listed in 129(4) will have to be in the context of the local school division. Another editorial comment, because the changes were made on Monday at four o'clock in the afternoon or 4:30 a.m. or five o'clock and because I have not had the opportunity to see the exact wording of the changes, I am assuming that condition that was set in the first draft of this legislation, which is all of the four elements were to be dealt with within the local context and within the context of the board's ability to pay that that will remain the same. There is also within the legislation no recognition of the provincial perspective and no expression of the constitutional responsibilities of the provincial government for public education.

Martin Teplitsky, a prominent mediator-arbitrator, in an address to the Canadian Bar Association on January 30, 1996, said of ability to pay: Quite simply, ability to pay is not a rational criterion in the public sector. It is incapable of application. It is devoid of content. It encourages the mistaken belief that difficult choices regarding the level of services can be avoided if only arbitrators would take ability to pay into account. The responsibility for making these choices, however, falls properly on the shoulders of the politicians. It is what they are elected to do.

As well, Bill 72 requires the arbitrator to include in the reasoning for the award an explanation of how the issue of the ability-to-pay principle has been applied. This is in fact the only legislated requirement for the arbitrator in terms of making of his explanation of his award in the bill. The effect of this is to make this one component of the decision-making process of paramount importance when the arbitrator is called upon to defend his or her decision.

As Teplitsky wrote in discussing Ontario's Bill 26 ability-to-pay provisions, it, quote, politicizes the arbitration process and undermines its fairness by requiring an arbitrator to apply criteria for wage

determination which are inappropriate. He went on to say: Underlying the legislation is an attempt to shift responsibility for social policy to arbitrators. The statute undermines the ethical and practical principle that employees should not subsidize the community.

Teachers will be singled out as an economic and employment group who will be subject to rules which are not present in either the private sector or other areas of the public sector. That is unfair and discriminatory.

Teachers and trustees in the 1950s were prepared to accept the process of binding arbitration, rather than strike/lockout, as the mechanism to settle a stalled negotiations process. Teachers were prepared to do this, because the system designed and freely entered into by both parties was fair to both parties and would ensure that our schools would continue to operate during bargaining impasses. Bill 72 undermines the fairness and balance of that system and sets a new and less civilized direction for bargaining in Manitoba.

On a personal note, I do not come from a long line of teachers. To my knowledge, I am the first one in my family. I did not start out to become one. When I left university, I did not become a teacher. At some point I decided I wanted to try teaching, and I quit a job which paid me more and took a high school position. In March of that first year, I put up a calendar on the wall of my apartment with numbers counting down from 42 to zero. That was the number of days I had left to complete my contract, and then I was never going to enter another classroom in my life. I was headed as far away from school as I could get. Well, that did not happen. Since then I have come to realize how important this job really is. I have come to realize how much kids need excellent teachers doing an excellent job. I have come to realize how much I enjoy this job. It is a job to which I will be returning next year.

One thing, however, that is worth remembering is that for me it remains only one of many options. If it becomes an option that is too unattractive, I will no longer continue to do it. In discussions I have had with many younger teachers in my association over the past few weeks, it is clear that it is a consideration for many of them. If this legislation passes, 10 years from now when some other bright young souls are looking at teaching as a possible career, what will they find? Will it be a job in

which the employer can, by law, through budgetary choices, cut their salary? Will it be a job in which, by law, they have no control over when or whether they have a coffee break or a lunch hour? Will it be a job in which, by law, any negotiable working condition which can be shown to cost the employer money can be deleted from the collective agreement or have to be paid for by cuts to their salaries? Will these bright and articulate young people, who will be in demand in the future, ever look to teach in Manitoba as a job they wish to do? If they do, when they count down the last 42 days until the end of the hell of year one, will they turn their backs on the classroom forever? If they do that, there will be a reaffirmation of yet another underlying principle of our economic life. The principle is, you get what you pay for.

The need to retain quality teachers, providing quality education, is a right owed to the children of this province, wherever they live, and is essential to the economic welfare of Manitoba.

Mr. Chairperson: The honourable minister, then Mr. Doer, then Mrs. Render.

Mrs. McIntosh: Thank you very much, Jim, and I hope a year from now we can talk and see how you do feel about education in Manitoba. I hope, and I am confident, that you will be signing on for another year.

* (1950)

You have got two things I want to ask a question about. Well, you have got several, but I am going to narrow it down to one or two because I know others want to ask questions, and we can talk again at another time. I want to reassure you, off the bat, that your last sentence, the last sentence which you have as the wind-up sentence, to be brief, is being legislated in this legislation. The need to retain quality teachers is being legislated, so if that is the prime right you think they need, it is being legislated in this act.

I want to ask you, you have asked here, will it be a job which, by law, they can have no control over when or whether they can have a coffee break or a lunch hour. Are you aware that right now it is required by law, and that will not change in The Public Schools Act. There has to be a break, two breaks in the morning and a break at lunch hour, and that cannot be changed. It is in the act, it cannot be changed, and that in this act, are you aware

that you will still be able to negotiate and arbitrate whether or not you supervise those lunch breaks? The only thing that cannot be arbitrated is when those breaks will occur, not if they occur, or not even if you need to supervise them, but when they are scheduled to occur. By The Public Schools Act, that cannot be changed, and that is in the bill that is being before you now. Are you aware of that? It seems to me you are reading something different into it.

Mr. Robertson: First of all, recess is for the children. Recess, by definition, is to give the children a break. There is nothing in this legislation that in any way, shape or form indicates that those recess periods are, in fact, to give teachers breaks. Lunch period is provided for children. There is nothing in the act, nothing in the proposed changes that indicate that if children are off for lunch that teachers cannot be assigned other kinds of duties. In the past, those kinds of things have been negotiated through collective agreements, et cetera. There is nothing to guarantee those kinds of things within this particular legislation.

Mr. Doer: Thank you very much, Mr. Robertson, for the excellent presentation. You have used words throughout the brief on balances: the consensus is a cornerstone; it stacks the situation; it is unfair, a new and less civilized direction. The flavour of your brief in terms of my perception of it is that you are giving us a real warning that the kind of breakdown of this consensus presents danger to us in the future, that we can no longer assume that if the balance is broken, the kind of consensus and civilized way of dealing with each other in our collective bargaining and in our education system may be at risk.

I would like to ask you whether you see in the medium term a real risk to this consensus that has existed in Manitoba for 40 years and has provided, I think, a real balance for our kids in our schoolrooms.

Mr. Robertson: In particular in meetings that I have had with parent councils, I have indicated to them quite clearly and I have also indicated in other places, I do not think that if this bill passes on November 7 that on November 8 the system collapses. That is not the case, but what is the case, particularly for parents of children in kindergarten, Grade 1 or Grade 2, is that 10 years down the line they could face a very different education system in Manitoba than the one we currently have.

It seems to me that in 1956 there was, in effect, a contract, a social contract perhaps, made between the teachers of Manitoba, the government and the trustees to indicate that education was somehow different and, because there was that common agreement that education was somehow different, there needed to be a different mechanism by which we resolved the problems in education in Manitoba. What that produces is, that produces a different kind of teacher than perhaps you have in other jurisdictions. It produces teachers who are willing to conciliate and compromise and to deal in the issues of the classroom as paramount importance.

Mr. Chairperson: I am afraid that time has now expired. Thank you, Mr. Robertson, for your presentation.

Mr. John Wiens or Mr. Ben Zaidman. It looks like both are here. Mr. Zaidman, will you be proceeding first?

Mr. Ben Zaidman (Seven Oaks School Division): Yes, please. Thank you very much for the opportunity to make a presentation to you on behalf of the Seven Oaks School Division.

You know, there would have been more joy in our end of mudville if you had abandoned this Bill 72 altogether but, in fact, we have Bill 72 yet to deal with, with all of its intentions to restrict free and reasonable collective bargaining. We want to go to the table with our employees not to a point where we have to bludgeon them with legislation but with the fact that there are points on either side of the table that the community will accept or reject through the representatives on the board and through the responsibility that both parties at the table show in regard to the results to be obtained from them.

The bill in my estimation and in the estimation of the board disenfranchises 13,000 people in Manitoba, and I certainly think that our board does not want to do this in order to be able to talk to the 550 teachers that we have in our employ. We do not think that it is fair to come to the table with tethers, with restrictions prior to the time that we are able to discuss what has been accumulating and what experience we have felt in relation to a new contract that has been going on for some years before that. We want people to come to the table and be open

and be responsible for what they argue for and realize the limitations that they themselves are in, and the board certainly realizes that they represent the community and realize what limitations we have in offering anything in the change of a contract.

The proposal in Bill 72 is contrary to all the labour organization rules, the International Labour Organization rules and the many rules that exist in Canada. Why take away the ability of people to be able to argue and bargain on their behalf in front of a committee that is finally answerable to public? They argue and they bargain with their hands tied behind their back while we are supposedly now placed in the position of an advantage, and I think that we are not at an advantage when we are faced with the fact that some contract will be settled and we will be faced all the way through the contract with the rancour of people who have accepted a decision that they were not able to argue freely.

The willingness to pay is a very troublesome item for us, because if government restricts its grants to the school division, that places us immediately in a position of unable to pay, in the minds of some people. We are able to tax our constituents, naturally, if we want to make up the difference on a special levy, but people who now are being falsely and wrongly assessed by the City of Winnipeg's distorted view of assessment think that they do not want to pay taxes, especially under the conditions that prevail in the city of Winnipeg today that owes \$200 million because it does not know how to assess. And, incidentally, the province does not control them. The province has not moved to do something about the distortion that the City of Winnipeg propogates back into our communities.

Now, in our community, as we have spoken to you before, in fact on three occasions already, maybe four, we pay 6 mills more than anybody else in the city of Winnipeg except Winnipeg proper, the school division of Winnipeg proper. In order to raise money to match St. James, for instance, who raises money on 13 mills, we must raise it on 19 mills. Our community now pays a distorted amount of money in relation to that kind of assessment. The province has the ability to do something of that and has not yet moved on it, so ability to pay, in our estimation, does not have anything to do with money, it has to do about the willingness of government, senior government, to do something about a badly distorted

assessment process within the city of Winnipeg that affects them at least on a quarter of their taxes or even more that has to do with education, and we carry that burden.

Now, we argue about everything at the table in our school division, and I use that as an example, because we are proud of the fact that we have all kinds of discussion. We do not give up our management's rights. We do not think administratively that we should undo everything that we control in relation to what we think the educational act calls for and what is required for our children to be educated in our community, but that does not stop people from talking about what they think has affected them and what it is that we might do in order to change it.

* (2000)

Our ability to compromise has been a successful method of bargaining, and we find that the restrictions that are being placed on bargaining today give the authority not only to the arbitrator to even effectively control our curriculum, for instance. If he finds that our curriculum is costing money that he thinks we should not be spending, what is to prevent him from changing something that he has no right to change, and if he will not change it, maybe the minister will decide that that is what they should do. Now, that may sound arbitrary but, nevertheless, it has a line feeding back to the minister, and the minister could call the shots depending on what it is that the question is at the time. Nevertheless, it could affect us locally along that line.

If you want an alternative to what we are talking about here today, why do you not go to province-wide collective bargaining? At least in that sense, if you want to get sort of an evenness, if you think that people have distorted the wage contracts, do it province-wide, take it away from the local community and do it so that the province is faced with the problem of dealing with each school division and the employees that are in it. In that sense you will not have done anything. You will have disturbed the local control that is precious to most of us, but you will not have done anything that will take away anybody's rights. You will not have sort of upset any labour laws that exist. You will not have done anything that will bring the rancour that this bill will bring you if it passes. I thank you very much.

We have a submission that we have entered. Mr. Wiens might want some words.

Mr. Chairperson: Thank you, Mr. Zaidman. Mr. Wiens does not have anything to express but is there for questions.

Mrs. Render: Thank you for your presentation. I am unsure what you mean by, on page 5, when you say that the conciliation-arbitration route has been replaced by restricted mediation-arbitration. What do you mean by "restricted"? Then you go on to say: since the items require mutual agreement. I do not understand your statement at all.

Mr. Zaidman: In our processes, we do all kinds of discussion; we do all kinds of talking; and we express all kinds of opinions that are not sort of acceptable on paper. We talk about it so that we will know the parameters that we can discuss, and all those things are available, but if you tell that to one of these people who are under this new law what it is that we discussed, he will take it as a factual commitment, whereas, in free and open discussion, we are entitled to talk about everything. If you give it to one of these people, they will not let go of it, they will hang on to it to the detriment of somebody.

Mrs. Render: Do I take it then that the difference is you are saying—am I correct now in asking?—that you know that if both parties agree, you can go the conciliation-arbitration route, but if there is no agreement, then you go the mediation-arbitration route, and that is what you are objecting to?

Mr. Zaidman: We understand that.

Mr. Stan Struthers (Dauphin): Mr. Zaidman, I want to congratulate you on a very well-done presentation, and I also want to commend you for your grasp of the concept referred to as ability to pay. In a previous lifetime, I was a school teacher and school principal in a very small, rural school division, with a low tax base and a very low ability to raise a lot of revenue in short order.

My feelings on the ability-to-pay concept is that it is directly tied to the fact that this government has cut \$43.5 million over the last three years, and that skews all the arguments I have heard from the other side of the House when it comes to the ability to pay. The other thing that

happens is that this provincial government sloughs off taxation at the local level—

Mr. Chairperson: I think, Mr. Struthers, it would be appropriate to pose a question. I want to be fair to both sides, and the same rules apply.

Mr. Struthers: Mr. Zaidman, is it your opinion that the cuts announced by the province have skewed the argument about ability to pay and actually ends up making it more difficult for smaller divisions, who do not have the tax base, to offer the same quality of education as the other divisions in the province, who do have a higher ability to raise taxes?

Mr. Zaidman: There are two ways to answer that: One is that, yes, certainly cuts do skew the ability to pay. Firstly, however, even more important is that the minister has the ability to do anything that will cause us to say that we cannot pay. That is a problem.

Ms. Friesen: Thank you for your presentation. I know that one of the impacts of the cuts in Seven Oaks has been, I think, the disproportionate loss of a number of teachers

Mr. Zaidman: 70.

Ms. Friesen: Seventy over how many years?

Mr. Zaidman: We now have 547. We used to have—

Mr. John Wiens (Seven Oaks School Division): 622. That is in three years.

Ms. Friesen: Thank you. I wonder if you could give us a sense of what the impact of the loss of those 70 teachers over the last three years has been on the kind of education that you are able to offer.

Mr. Wiens: I would say that the most—

Mr. Chairperson: Mr. Wiens.

Mr. Wiens: Sorry—that the greatest impact has come in terms of what happens for the children who are in the greatest difficulty in our school system. If you take, for example, the fact we have 25 schools, if they are of equal size we would have taken three teachers out of every one

of those schools. What results from the fact that those three teachers have been removed is that the kids at risk, particularly, are unable to receive the early intervention that they require. What happens is that, something that you see happening in our schools today is the escalation of violence and the escalation of the types and the extremity of the problems that exist. Combined with that, of course, is that class sizes have gone up accordingly.

Ms. Friesen: We heard from a number of presenters on other evenings about the impact of cuts as well on materials, upon teacher aides, upon the other supports and, in fact, necessary materials, basic materials, that should be in the classroom. Do you have any reports on that? Have you begun to look at that over the last three years?

Mr. Wiens: Well, we can only say that over the last five years, we have cut our operating grants to our schools. Initially, about five years ago, we cut them a considerable amount and they have not changed since that time. That means that we have difficulties providing textbooks in some instances. That means that certainly when it comes to areas of technology, we cannot possibly come anywhere near what other schools and other school divisions in the city are able to provide to their students. In some ways, the disadvantaged in our community are even further disadvantaged by the very fact that they live in Seven Oaks School Division, according to supplies, but they are not disadvantaged in any way by the teachers who we have.

Mr. Chairperson: Thank you, Mr. Wiens.

Mr. Kowalski: In the brief on page 6 it refers to the problems in regard to, it creates difficulty in attracting the best people in the teaching profession. I do not know, with the present situation with the majority of teachers in Seven Oaks, where they are in their careers, how many are close to retirement and how many young teachers you will be needing to recruit, but as has been mentioned tonight, you know, Seven Oaks has a low assessment base and with ability to pay being taken into consideration, will this legislation cause great difficulty in competing with other school divisions to attract the best new teachers?

Mr. Chairperson: Mr. Wiens.

Mr. Wiens: I am getting it right. I would agree with some of the other speakers that I have heard. Initially, I do not think you would see very much difference here at all. We have not gone out of our way to hire cheaper teachers. We have gone out of our way to make sure that the people who are teaching our students are the best possible teachers that we can get and certainly we have had, I think, very good success in recent times. I think we cannot possibly predict just how many teachers will retire in the next couple of years. I think that there are a lot of questions hanging over teachers' and everybody else's heads right now, and that has to do with pensions and other kinds of related questions which are still to be answered.

Mr. Chairperson: Your time is now expired, Mr. Wiens. Thanks very much. Thank you, Mr. Zaidman.

Mr. Zaidman: Thank you.

* (2010)

Mr. Chairperson: I would now like to call on Maureen Gelinias, please. Maureen Gelinias.

Ms. Maureen Gelinias (St. Vital Teachers' Association): I notice you did not say my name, probably because you cannot pronounce it.

Mr. Chairperson: You may now begin your presentation.

Ms. Gelinias: Pardon me.

An Honourable Member: Everybody was clapping when he called it.

Mr. Chairperson: I am sorry, I missed your comment.

Ms. Gelinias: I said, I notice you did not call my name.

Mr. Chairperson: Oh, I did call your name.

Ms. Gelinias: Oh, I am sorry, I did not hear it.

Mr. Chairperson: It was not loudly enough, obviously.

Ms. Gelinias: I was thinking maybe it was because you could not pronounce it.

Mr. Chairperson: You may begin.

Ms. Gelinias: First of all, I would like to apologize for the fact that you are not going to have all the remarks in the paper that you got. If I had been on, on Monday evening, that would have been it, but since Monday evening some things have happened. I have made some additions, but I was not able to add them to yours.

My name is Maureen Gelinias. I am president of St. Vital Teachers' Association, and I am speaking on behalf of those teachers. I would like to thank the committee for this opportunity to share concerns regarding Bill 72.

In 1956 the Manitoba Teachers' Society, the Manitoba School Trustees Association, and the provincial government reached an agreement where, in return for the teachers giving up the right to strike, the trustees agreed to recognize the rights of teachers to bargain collectively with compulsory binding arbitration as a fair and impartial method of resolving disputes.

I might like to add, I think, Manitoba was very fortunate in this. In 1956 I was in Alberta where I was born, and I started teaching in Alberta. Luckily in the years that I did teach there, I did not have to go through any strikes, but as you all know there have been some since 1956, not only in Alberta but in many other provinces.

This method has worked very well for all stakeholders, for students, parents, teachers and boards. There has been no loss of school time to students due to labour stoppages. Teachers with their boards have been able to work together to constructively resolve issues. In St. Vital in all these years, St. Vital has never had a settlement from arbitration. We are very proud of that. We have applied for arbitration very few times. I have not been able to find out for sure just how many, but from what I understand, maybe four or five times, but in all those cases the teachers and the board have gone back to the table and they have resolved their differences before arbitration.

Teacher salary increases have been well within the range of salary settlements in both the public and private sectors. Though much maligned by school trustees, compulsory binding arbitration has produced teachers' salaries that have remained in line with teachers' salaries

across Canada, without inflicting on pupils and their families the disruptive and educational damage of teachers' strikes, as in some provinces. One point I do not understand is how trustees can say that teachers have been granted too much money through arbitration. This is what we get from—and I am not saying all trustees, I am saying some trustees. If they were to check teachers' salaries across Canada in provinces where teachers do have the right to strike, I would say that our salaries here in Manitoba are very comparable to most other provinces.

The proposed mediation-arbitration model presented in Bill 72 effectively strips teachers of free collective bargaining and forces them to accept a restrictive model. The mediation-arbitration model is normally more suitable as an option for workers who are allowed to follow the strike/lockout route. Teachers do not have the right to strike. The short time lines in the bill make the process of solving problems between teachers and their boards almost meaningless. In fact, our superintendent remarked that the time lines make it almost the reverse of what the government wants. It is going to end up that just MAST and MTS staff officers will end up negotiating because teachers will not have time.

In the mediation-arbitration process, the mediator-arbitrator is the same person. The problem with mandated mediation-arbitration is that it has a chilling effect on negotiations when the person with the power to impose an agreement is privy to the give-and-take of negotiations.

Even the conciliation-arbitration route, as provided by the bill, requires mutual agreement. The board is not likely to give its agreement to conciliate and then arbitrate all items; thus, teachers will be forced to mediation-arbitration. I have firsthand experience with this. Just yesterday I happened to be at a meeting with a MAST staff officer, and he informed me because we had asked, our letter goes in tomorrow to open negotiations and we are looking at the 60 days. So I had put in a letter ahead of time asking that they go the conciliation-arbitration route. I thought I might as well try it.

I know that this government thinks that teachers run to MTS every time something comes up. Well, I would like you to know that, with the division, they go to MAST because our letter was faxed immediately to a MAST staff officer for his opinion. His opinion was that MAST

prefers the mediation-arbitration route, and he stated that unequivocally yesterday afternoon. So, if this is so, then no association in Manitoba is likely to convince their trustees to follow the conciliation-arbitration route when negotiating new collective agreements. It seems that this part of Bill 72 could have been left out, could have saved the paper.

The so-called ability-to-pay legislation further discriminates against teachers. Ability to pay, as described in Bill 72, has been applied to no other labour group. The word "ability," as used in the legislation, has nothing to do with real ability but in fact is a question of willingness to pay. In addition, the ability-to-pay legislation limits the arbitrator, even if this person wanted to act in a fair manner. I believe this still applies, even though Mrs. McIntosh announced on Monday that the word "primarily" would be dropped from Clause 129(3). We have to remember that budgets will still be set before negotiations begin. The government's funding will have been announced ahead of time. The division's budget will already have been worked out. If the division says that they have no money to give a salary increase, I presume the arbitrator is going to have to take that into account.

Teachers are also affronted by the matters this government has said shall not be referred for arbitration, such as the selection and appointment of principals and teachers, evaluation, class size, scheduling of recesses in the midday break, even though if we have no other recourse, we would rather that this be in The Public Schools Act, so that we can grieve it for the fact that every other worker in Manitoba can grieve through The Labour Relations Act. Teachers cannot at this time grieve anything.

As I tell teachers a lot of times when they ask what rights they have, I have to tell them basically they really have very, very few rights, even through The Public Schools Act, and especially through The Public Schools Act. Teachers come all the time or phone and ask, they say they have a spouse or they have a mother or a father or a brother or a sister who says, well, why is this happening? The Labour Relations Act does not allow that. I have to tell them, sorry, but we are not covered by The Labour Relations Act at all. The Public Schools Act is nothing like it at all.

* (2020)

Before concluding, I would like to quote from the editorial in today's Free Press. This is a very last paragraph: Virtually all Manitobans have the right to free collective bargaining. The teachers want nothing more. If the Filmon government wants to pursue a deal whereby teachers voluntarily give up their right to strike in exchange for a system of arbitration they should do so. Meantime, Mrs. McIntosh should stop playing games with teachers. She should shelve Bill 72 and begin serious discussions with MTS about the possibility of a new framework for bargaining collective agreements. This is the only fair thing to do.

In conclusion, we in St. Vital believe 72 must be shelved. Bill 72 should be shelved. It is the only fair thing to do. Thank you.

Mr. Chairperson: Thank you, Ms. Gelinas.

Ms. Becky Barrett (Wellington): Thank you very much for your presentation. One question, the minister and other members of the government have stated both on the record, off the record, in the committee hearings and in the Legislature that teachers have not read the legislation, they do not understand the implications of the legislation and, in some cases, they are listening only to following blindly their union.

I would just like to ask you if you believe that the teachers in the St. Vital School Division have not read the legislation, do not understand the implications and are blindly following their union.

Ms. Gelinas: Well, I am sure there are many teachers who have not and I make no apologies for them. I do not think anyone has to apologize for them. I am in a school practically every day, in and out for numbers of reasons, and teachers will stop me and ask me different things or talk to me. Teachers are stressed. This is just the end of October, and their plates are so full that they do not have time. They are in the schools. If they do get a chance they have a look at it. Lots of times, when you get something like this, we try to put out a synopsis of it sort of explaining what is in it in a couple of pages so that at least they do get some flavour of what it is. There are still quite a few teachers out there who have read it. I have read it too but I still have to have it. When somebody asks me something, I like to be able to look it up because you say some clause to me, I will have to look

it up because I have not—I do not have a photographic memory.

Mr. Marcel Laurendeau (St. Norbert): I would just like to touch on one area that you talked about. Within your association, you are saying that the teachers would have more rights under The Labour Relations Act. Do you think that the teachers within your association would rather be under The Labour Relations Act than this act?

Ms. Gelinas: I cannot speak for every teacher in St. Vital but I know a number would. Speaking for myself, right now rather than Bill 72, I would rather have The Labour Relations Act. That is my own personal opinion.

Ms. Friesen: Thank you very much for your presentation. You were here on Monday, and now it is another long night, a kind of particularly snowy night I think, still.

I wanted to ask you about one section that is still in the bill, the matters that the arbitrator must consider, and that is the nature and type of services that the school division or school district may have to reduce in the light of the decision or award if the current revenues of the school division or school district are not increased. I wondered if you could give us some comment on what the impact of a clause like that might be on your negotiations and prospectively upon your teachers.

Ms. Gelinas: You are meaning the ability to pay plus the other four factors.

Ms. Friesen: I am asking specifically about the direction to the arbitrator to consider the nature and type of services that the school division may have to reduce if the current revenues are not increased, and I wondered what the implications of that were for your teachers, for your classrooms, for your parents.

Ms. Gelinas: Well, if you cannot reduce programs, you cannot let teachers go because it is the teachers that teach the programs. Therefore, all that I can see in that instance is that salaries have to be reduced.

Mrs. McIntosh: That clause was put in at the request of teachers because it would force the arbitrator, they felt, to give a raise if it felt the music program was in jeopardy because the music should be let go. Anyhow, we can

discuss the various things about the sword cutting both ways at another time.

I wanted to ask you something because I have heard it said—

Mr. Chairperson: Very quickly.

Mrs. McIntosh: —by nearly every presenter, you said that under the current legislation schoolteachers have very, very, very few rights and that you do not like the new legislation. In order to solve the problem that trustees have, I want to ask the same question because I have been asking it of teachers, and I am surprised by the answer, having read both The Labour Relations Act and The Public Schools Act—

Mr. Chairperson: I am afraid you are out of time.

Mrs. McIntosh: Do you want to be under The Labour Relations Act instead of this?

Mr. Chairperson: You are out of time, Madam Minister. Time, sorry.

Mrs. McIntosh: I want to hear her say it again.

Mr. Chairperson: Well, I am sorry, Madam Minister.

Ms. Gelinis: I did answer this other gentleman personally, I told—

Mr. Chairperson: I would now like to call—sorry, we are out of time.

I would now like to call on Ken Pearce. Now, I just wanted to clarify, Mr. Pearce, you probably have been aware of this, but the understanding arrived at the last committee was that equal time would be given to the MAST and the Teachers' Society. The MAST presentation took something just over 21 minutes, so 22 minutes you will have.

Mr. Ken Pearce (Manitoba Teachers' Society): Mr. Chair, if I might clarify, I was here that time and I recalled that the agreement was, to my recollection, that the teachers and the trustees should have the opportunity to present their entire brief. Am I incorrect in that assumption?

Mr. Chairperson: I guess the implication was that it would be equal. If you have come in with a volume that is going to take an hour or a half an hour, I would not regard that as being fair.

Maybe we should begin and then we will see where we are at—

Mr. Pearce: I have nine pages and I can do it in under 30 minutes.

Mr. Chairperson: Why do you not begin, sir? We will start the time when you begin.

Mr. Pearce: Thank you very much.

The Society appreciates the opportunity to make this presentation to the Legislative committee reviewing Bill 72. Considering that the major partners in education are the government, school boards, teachers and parents, we wish we could show general agreement with the intent of the legislation and restrict our comments only to certain technical aspects. Unfortunately, considering the content and intent of the legislation, this is not possible.

The Society's main objection is the ability-to-pay provision as it is defined in the bill. This definition does not address real ability to pay; rather it defines ability in terms of what a school board and the province are willing to spend. The Society is aware that the minister has indicated verbally that the primacy provision in relation to the applicability of ability to pay has been removed and that apparently all the conditions are now applicable. We have not seen the amendment and therefore cannot take a definitive position in relation to it.

As currently provided in Section 18 of Bill 72, the proposed Section 129(3) of The Public Schools Act will require that the arbitrator base his or her decision primarily on the division's ability to pay as determined by the division's current revenue. Since the proposed Section 110 and other attendant sections determine that collective bargaining commence only after the division's budget and revenues are set for the year, then the proposed legislation effectively limits the salaries and benefits of teachers to the amounts predetermined by the division before any collective bargaining has taken place.

Additionally, Section 129(4) provides four more factors which can be used to limit teachers' salaries and

benefits. These factors, contrary to certain public statements made by government officials, are in addition to and not in place of the provisions of subsection 3. Even if teachers qualified for an increase under subsection 3, subsection 4 could then be used to reduce this increase. Whether or not the primacy requirement has been removed, we have a major problem with the definition of ability to pay in Bill 72.

* (2030)

If the government is serious about having real ability to pay in the bill, we submit that this definition be removed as it still focuses on the willingness rather than ability and does not acknowledge the constitutional responsibility of the province to fund education. We also note that, although the minister has verbally indicated an amendment to the bill, the minister did not propose to amend Section 129(2), which states that an arbitrator must explain his or her rationale for the award on the ability-to-pay provision. The arbitrator has no obligation to explain the rationale for other aspects of the award. Therefore, the law forces the arbitrator to disclose financial implications but not any other implications on the working conditions of teachers or students. We believe such a one-sided explanation is unfair. If the arbitrator is required to justify some aspects of the award, then the arbitrator should be required to justify all aspects of the award.

Consequently, the Society submits that, as long as the definition of ability to pay is not changed, these provisions effectively remove teachers' right to bargain collectively and replace this right with the employer's ability to impose salaries and working conditions under the guise of bargaining. We believe that this proposal is contrary to any known interpretation of the right to free collective bargaining, including the International Labour Code, to which Canada is a signatory. In view of this, respected arbitrators such as Mr. Martin Teplitsky, who was quoted in the government's own January paper, have stated that no self-respecting arbitrator would consent to act in such a one-sided procedure. This principle is not applied to any business. If it were, business could predetermine the cost of supplies and then legally force the seller to provide these supplies at that price. The marketplace does not work in this manner.

The Society submits that this principle is neither fair nor justified. In previous negotiations and arbitrations,

real ability to pay has always been considered as one of the many factors influencing a reasonable settlement. Arbitrators tend to follow, not lead, other settlements. Teachers, as a result, have received only a fair compensation in comparison with other labour groups and in relation to economic conditions. If I might add an editorial there, I believe that it is true that in Manitoba in 40 years only once in one round of negotiations had an arbitration award been made as the first settlement in a round of negotiations. In all other years, negotiated settlements have established a pattern in bargaining, and, if I recall correctly, St. Vital School Division—and I hope I am correct in this—has never been to arbitration, and yet outside of the North, St. Vital teachers have the highest salaries in the province.

Working conditions provisions obtained by a few associations in recent years generally only gave to teachers those rights which were already enjoyed by most other employees in Manitoba. Since teachers do not enjoy the provisions of The Labour Relations Act and The Employment Standards Act, they do not have the rights of other employees. While other employees have the right to a lunch break, teachers have to negotiate for and, in some cases, even pay for this right. While other employees are entitled to know the hours of work required, teachers are not. Teachers, therefore, had to negotiate provisions which, at best, limited the increase of their workload to 5 percent over the current workload with no increase in pay.

Effect of Section 129. The Society fears that the imposition of this provision—that is, the ability to pay—will seriously affect public education at a time when it is critical for our society to prepare for the next century and millennium. The disparity between poor and rich divisions will increase, and the continuing downward pressure on salaries and working conditions will make teaching an undesirable lifetime profession for the most able and intelligent of young people.

Due to our aging teaching population, close to half of the current teachers have to be replaced over the next 10 years. These new teachers will form the core of education for the next 30 years. Admittedly, there may be a small oversupply of teachers at this time. Supply-and-demand statistics, however, can be deceiving. A long time before these statistics indicate a shortage of teachers, the best, most innovative, most intelligent and most enthusiastic

might have already gone into other occupations or left for other regions. If this occurs, the government will not be able to correct that situation immediately through a mere change in government policy. One cannot attract or replace thousands of high-quality career professionals merely through a temporary increase in funds. Any change in policy today will have a significant effect in the future.

Some of these pressures are already evident in other regions. New Zealand, which over the past decade has followed policies similar to those proposed by this government, is now hiring large numbers of teachers from Canada. California, which, prior to significant reductions in educational financing, had among the best results in standardized tests, now is near the bottom of the nation. As a result, California has decided to hire about 20,000 new elementary teachers this year. In the United States, as a whole, according to the U.S. Department of Education, over one million new teachers will be required in the next 10 years.

Manitoba is not an island. Considering our own need to replace the current generation of teachers and the potential shortages in other jurisdictions, we submit that imposition of the ability-to-pay principle and its concomitant erosion of teacher salaries and working conditions is not only ill advised but also ill timed. If this legislation passes, we will lose the best of the new generation of teachers to other jurisdictions or professions.

The Society agrees that one should examine the bargaining process in order to determine methods by which it can be improved. Unfortunately, the government's amendments to the bargaining process have little relevance to any improvements in the process. Instead, their sole intent appears to be to impose the ability-to-pay principle and other limitations on teacher bargaining to ensure that the concerns of teachers about conditions of work cannot be adequately addressed.

The mandated opening of negotiations during the month of April appears designed to ensure that the school board's budget has been approved and the mill rate set before teachers ever start to negotiate. Due to the ability-to-pay principle and the arbitrator's duty to follow this principle, teachers will have minimal influence on bargaining outcomes since all relevant decisions

respecting their remuneration and working conditions have already been made by the school board.

We acknowledge that the minister has indicated that an amendment will be introduced that will permit the parties, by mutual agreement, to change the opening date to some other time. We have yet to see the actual amendment but do not believe that it will alleviate our main concern, namely, that negotiations start only after the budget has been set by the board. Admittedly, the board could agree to open negotiations before the budget is set; however, we cannot see any situation where a board would take such an action if it can avoid prejudicing its own bargaining position by merely delaying the opening of negotiations.

The time lines are very restrictive. If applied literally, teachers and boards have only 60 days to negotiate a collective agreement and, if impasse is reached, another 60 days to mediate before arbitration takes over. By these time lines, teachers would have only the months of May and June to negotiate—the busiest months of the year for both teachers and trustees. The 60 days for mediation would fall into the summer months, a time when neither teachers nor trustees are generally available. The time lines apply only if the parties cannot agree, and one or the other party decides to take the next step. But one should not design a collective bargaining statute on the assumption that the parties will always agree or be reasonable. If the time lines can be applied unreasonably, one can be certain that the situation will likely arise in which they will be.

The bill proposes two dispute resolution procedures, the conciliation-arbitration route, if there is mutual agreement, and the mediation-arbitration route as the default route, failing such agreement.

The conciliation-arbitration route is not likely to be used because of the requirement for mutual agreements and also because of the short time lines. Unless the minister decides otherwise, the conciliator has only 14 days from the time of appointment to make a report. If the minister does not intervene and increase the time allowed, it is not likely that much will happen in conciliation. In view of the uncertainty of the conciliation-arbitration route, it is unlikely that the parties will agree to use this route.

The mediation-arbitration route, therefore, will most likely be the only dispute resolution route used by the parties. Unfortunately, this route is not conducive to either effective mediation or effective arbitration. Since the mediator can impose a settlement and does not require the approval of either party, the process of mediation is more concerned with the priorities of the mediator than the wishes of the parties. Arbitration is little more than the formalization of the media to preconceived solutions. As such, the process is little more than a unilateral arbitration with an informal discussion at the beginning.

The Society is aware that the mediation-arbitration process is sometimes used in labour negotiations. In such cases, however, it is usually chosen after the parties have negotiated for months; the issues separating the parties are crystal clear; the parties agree with the process; and the work stoppage is imminent. In such a situation, the mediation-arbitration may be a better alternative than strike/lockout.

* (2040)

These conditions do not exist in education. There is no work stoppage since teachers cannot strike and school boards cannot lock out. Moreover, the mediation-arbitration process is not imposed in other negotiations until months of stalemated negotiations have ensued. The proposed legislation creates the potential that, if one party does not wish to negotiate, it can use this process to stop discussions and effectively impose closure. In this light, the Society submits that the purpose of these amendments is not to improve the process, but to reduce the right of teachers to effectively negotiate with their employers.

Section 115(2) states that where the parties cannot agree on an arbitrator, the minister shall select such an arbitrator from a list maintained by the Manitoba Labour Board or from a different list maintained by the Collective Agreement Board. The Society prefers the provisions of subsection (b) respecting the selection of the mediator or arbitrator from a list maintained by the Labour Board. We recognize that such a list would include some persons who may have a management bias as well as others with a bias towards labour. However, these biases are balanced by the fact that these persons would have a wide experience in labour arbitrations involving different companies and different unions and thus have a more distant relationship from education.

We are concerned, however, that the current list maintained by the Labour Board under Section 117(2) of The Labour Relations Act was not created for interest arbitrations but rather for rights arbitrations. Some of the persons on this list have absolutely no experience with interest arbitrations. We would prefer that a new list be created in view of the purpose for which such a list is to be used.

The Society strongly objects to subsection (a) which would provide a list of arbitrators which in the previous five years have been jointly selected by school boards and the bargaining agents. At first glance this provision seems to be reasonable since an arbitrator considered to be neutral in one case should be equally neutral in another. In actual practice, however, the parties chose an arbitrator not on the basis of his or her personal attributes, but on the basis of the issues in dispute. Thus, an arbitrator who is considered to be satisfactory for one set of issues may not be satisfactory in a different situation.

For this reason, placing such a jointly selected arbitrator on a list for five years is not to the advantage of either party. The most likely result of such process would be a reduction of jointly selected arbitrators since the parties would be stuck with this person on a list for five years. Each such selection would likely become a provincial issue between MAST and MTS rather than an effort to solve a local problem. The parties would also have a serious problem with selecting a person who has no previous education experience, notwithstanding his or her public perception of neutrality. Once selected, this person is automatically on the list for five years, even if he or she is found to be unsatisfactory by both parties. The Society therefore suggests amending the proposed subsection 115(2) by making provision for a list of appropriate arbitrators to be developed by the Labour Board for interest arbitrations within the education sector. We would also recommend that the Labour Board consult with the Society and MAST in developing that list.

Section 128(3) stipulates that any information submitted to an arbitration board may be made public unless the arbitrator considers that the interest of either party in keeping the information confidential outweighs the importance of the principle of public disclosure. The proposed amendment is a complete reversal of the current provision of The Public Schools Act, which states that

information shall not, except as the arbitration board deems expedient, be made public.

The Society submits that the principle of public disclosure usually applies to government operations and not to the details of collective bargaining. In collective bargaining the results may well be published since these results affect the public. The details of the submissions, however, are not required for such disclosure, nor do we believe such disclosure is in the public interest. The Society fears that this change will stifle the submissions of teachers to arbitrators. There are many issues in the field of working conditions where sensitive information is submitted in order to allow arbitrators a more complete understanding of a situation. If the teachers' privacy is at stake and the teachers fear that they may become an object of media attention, the chances of such teachers submitting evidence regarding their teaching conditions is diminished.

An even greater difficulty exists in that the working conditions of teachers are related to the learning conditions of students. While teachers observe their professional responsibility to keep information confidential in respect to specific students, a condition in the workplace can be described to an arbitrator in situational terms. The arbitrator who comes from outside the division cannot make a connection between the situation and specific students and merely determines whether such situation warrants a change in working conditions. If the information were to become public knowledge, there is a possibility that the persons who are familiar with the community could identify the specific students from the description of the situation. Not respecting the privacy of teachers could also inadvertently affect the privacy of students.

The Society submits that the decision on whether information affects the public's right to know properly belongs in court and not in the hands of a single arbitrator. When faced with such situations, courts often hold separate hearings. Surely we do not wish to put this much power into the hands of one person.

The legislation also proposes to have the costs of conciliation or mediation equally divided between the parties. We note that the proposed amendments to The Labour Relations Act provide for a three-way split of such costs between the parties and the government. The

rationale given by the Department of Labour for the participation of government in paying the costs is in recognition of the public interest involved. Government should continue to contribute to this cost. Is the government suggesting there is no public interest involved in resolving bargaining disputes as they relate to the public school system? We are not particularly concerned about paying a share of the cost of the dispute-resolving procedure, but we must question why collective bargaining disputes in the education sector are deemed to be of less public concern than such disputes in the private sector.

Prior to 1956 teacher bargaining was controlled by The Labour Relations Act. In 1956 all parties in education, the government, the school boards and the teachers, arrived at a grand compromise which removed teachers from The Labour Relations Act and placed all employment-related issues in The Public Schools Act. This compromise provided significant benefits to education in this province. While other provinces suffered many strikes, Manitoba was free of labour unrest for the past 40 years. Moreover, contrary to the government's allegations, the remuneration of teachers in Manitoba has stayed reasonably constant in relation to other provinces.

The compromise was not without liabilities for teachers. While The Labour Relations Act was continuously improved, The Public Schools Act was not. Although on numerous occasions, the Society requested governments to transfer some of these improvements to The Public Schools Act, governments have steadfastly declined to do so. As a result, in many respects the rights of teachers are 40 years behind the times.

In view of the above, the Society submits that, if the compromise no longer meets the needs of the parties, a new compromise should be negotiated between the government, the school boards and the teachers. In the interim, Bill 72 should be withdrawn and teachers should continue to bargain under the current legislation of The Public Schools Act or, in the alternative, be placed under The Labour Relations Act. Placing teachers in The Labour Relations Act should not pose any problems since this act applies to all other employees. The concern with the right to strike can easily be alleviated by making a provision for teachers similar to that of the police or firefighters.

In summary, the Society submits that the proposed amendments to the bargaining process cannot be interpreted as improvements. We are instead of the view that they will lead to a more problematic bargaining environment between teachers and school boards.

The Society appreciates the addition of Section 131.4, which applies the fair and reasonable doctrine to broad policies and practices as they relate to the matters identified in Section 126(2)—that is, the selection, appointment, assignments and transfer of teachers and principals, methods of evaluation, class size, scheduling of recesses and mid-day break. While we believe this right should be applied to all grievances arising out of the agreement, not only to those which are excluded from the arbitration process, we view positively this small move towards fairness for teachers.

* (2050)

Mr. Chairperson: I just wanted to point out, as I indicated I would, that we are at the 22-minute point. What is the will of the committee in terms of the presentation?

An Honourable Member: Leave to continue.

Mr. Chairperson: Leave to continue.

Mr. Pearce: Thank you. I will speed up. We believe that both parties should be interested in solving problems at the workplace in a manner conducive to the enterprise as a whole.

It is the Society's unequivocal view that the right to grieve, as currently proposed by Bill 72, is essential if this bill is not withdrawn. Any attempt to withdraw this right would leave a bill which is totally negative in all respects to teachers.

We also suggest that there is no reason why the matters of Section 126(2) could not be negotiated and arbitrated. Unresolved issues in the workplace do not go away; they merely remain unresolved and frustrate the working relationship between the parties. There is, therefore, an advantage to both parties to address such issues. Whether the government agrees or does not agree with the arbitrability of these issues, we wish to reiterate that the Society feels strongly that the current proposal in

Section 131.4 must remain in the legislation if this legislation passes the House. Anything less will leave no redeeming value in the bill.

The Society also wishes to show strong disagreement with the position taken by the Manitoba Association of School Trustees in their submission to this committee in respect to Section 131.4. On the one hand, the trustees agree with the provision that teachers not be allowed to arbitrate the items in Section 126(2). On the other hand, trustees do not want teachers to have the right to grieve those issues. Instead, they suggest that the fair and reasonable doctrine be applied only to the content of the collective agreement on these issues. What would there be to grieve if trustees had it their way? If teachers cannot put into the agreement the items of Section 126(2), there is nothing in the agreement that can be grieved by the fair and reasonable doctrine. In plain English what the trustees appear to want is to deny teachers the right to effectively bargain any issues in Section 126(2) and, in addition, to deny teachers the right to be assured of fair treatment in relation to any of those issues. The net result would be that teachers would have no rights whatsoever in regard to any issues identified in Section 126(2).

In summary, the Society objects to Bill 72 mainly on the ability-to-pay provisions as defined in this bill. We have no objection to a legitimate ability-to-pay provision as part of a larger set of criteria that would acknowledge the province's responsibility to appropriately fund education. Ability to pay, as defined in this bill, is nothing more than a predetermination by one party of their willingness to pay. This provision destroys any illusion of a fair collective bargaining process.

Section 131.4, respecting the teachers' right to grieve certain issues, is the only section which provides any benefit to teachers. In our opinion this section is essential, and it would be an immoral denial of rights to teachers if this section were removed.

The Society fears that the ability-to-pay provision will erode teacher salaries and working conditions to the point where attracting new teachers will become extremely difficult. The government seems to believe that the current surplus will carry us out of any difficulties created by Bill 72. We are of the view that this is not the case. Over the next few years we will require many new

teachers to replace our aging teacher population. Why would the best of our young people commit themselves to an entire lifetime in education when their prospects include a continuing erosion of salary and benefits, deteriorating working conditions, and increasing stress, all of this in an atmosphere of declining government support for public education?

Considering that Canada is in a free-trade relationship with the world's largest economy, the future of Canada's business lies in its abilities to generate intellectual enterprises. Intellectual enterprises require a highly skilled labour force and will locate where they find such a pool of skilled employees. In this light it is essential for our own survival that we have an education system which can produce such a desirable labour pool. The Society fears that the cutbacks already imposed by government, the continuing attack on education and the decreasing desirability of education as a career are counterproductive to our economic future.

The 21st Century will pose problems, which, up to this point, have not even been considered. This will require vibrant, energetic and innovative teachers who have the ability, opportunity and freedom to invent and promote unique solutions. The Society submits that, in the continuing climate of repression and reduction, this is unlikely to happen.

The Society, therefore, strongly recommends that the government withdraw Bill 72 and enter into meaningful discussions with teachers and trustees regarding improvements to the collective bargaining process for teachers and school boards in Manitoba.

Mrs. McIntosh: Thank you very much, Ken. This is a well-researched brief, and this is the first brief tonight that has not contained inaccuracies, so I appreciate— [interjection] This is true, and those of us who have perused the act will know that this is true. It is a well-researched brief, and I appreciate the comments you have made in it.

I would ask you to read what Bill Clinton has been saying in the last couple of days about education in California and the United States and see what he is planning to do about it. If you have not already picked up on it, I think you will find that the United States is following Manitoba, I guess; that is the short way to put

it. Read Bill Clinton's comments about schools of choice and standards and all of those things.

I want to ask you something, Ken, because I think we have a dilemma here. I, first of all, want to appreciate you saying that the grievance clause is of benefit. Monday night, as I am sure you are aware and it may be why you are emphasizing it to me, a lot of teachers indicated that it was sort of a useless, meaningless clause that was of no benefit to teachers, not worthwhile at all and fluff that had no substance. It would have been no benefit to teachers, and MAST, of course, asked us to take it out because they felt it was going to give teachers far more than anything they could get in the collective agreement. Hence, I was seriously thinking that, maybe if teachers really did not like it and thought it was useless and MAST felt it was going to give too much power to teachers, maybe it should come out. So I am glad that you, on behalf of teachers, have reaffirmed that it is a benefit to them. That is very important for me to know.

My question is this. I feel I am a marriage counsellor in a marriage where one partner keeps saying the marriage is really working well, folks, and the other partner is saying it is disaster. In light of the fact that MAST claims that binding arbitration is irrevocably broken and needs to be fixed and teachers claim it does not need to be fixed and MAST clearly cannot live with it, this bill is our attempt to address the problems that MAST identified and still provide benefits for teachers such as the grievance clause and the fairness clause and the definition of ability to pay which includes many factors given to us by teachers.

This now apparently is not acceptable to teachers. You are identifying The Labour Relations Act, and in our hearings we had been told that teachers did not want The Labour Relations Act, and they did not want strike, and they did not want to have to take to strike things like lunch hour supervision because an arbitrator would understand it better than the public, but in light of what you are saying here, you cannot live this and the trustees cannot live without it, what are you proposing when you say that you would rather go under The Labour Relations Act, as most of the presenters have said, and you talk about the strike arrangements like police and firefighters? What are you visualizing with strike arrangement similar to police and firefighters, because we would like to try if we possibly could—we may not be able to in light of what

is happening, but we would like to avoid strike? What do you feel is the provision that could be made with police and firefighters to protect the public and the teachers from the things they say they do not want from the public in a strike situation?

Mr. Pearce: In response, it is quite clear in the brief that our first preference is to leave things as they are and allow the two parties to continue to discuss, and our recommendation is to remove the bill and allow the parties to discuss. In fact, in response to your question, I would like to read something by Mr. Scott Bateman, the Deputy Minister of Education in 1956, reporting to a well-respected Minister of Education, the Honourable W.C. Miller, who, I believe was a member of the Conservative Party. At the same time the trustees and teachers each made certain concessions to the other on matters which had been subjects of dispute for a considerable time. It is most earnestly to be hoped that the application of this legislation will be marked by the same spirit of forbearance and concession as prevailed during its conception. The fact that these two groups could reconcile their differences, as they have done, is a credit to each and a portent for their successful conduct of their joint operation in the future.

If you let us do that, give us the time to do that and really let us do that, we can do it.

* (2100)

Mrs. McIntosh: Ken, you know that discussions have been tried, and you know what happened in them, and you know that trustees have said they cannot go one more year with the situation without laying off hundreds of teachers. I do not want hundreds of teachers laid off. Ultimately, this is going to have to be a new act. You have said that if we cannot change this to your liking, and we cannot—which we believe we have done, we have addressed innumerable points that you have mentioned and put them in this act. In my heart of hearts I believe this act, and I know I get laughed at, but I believe it is better for teachers now than what they have got. I do believe that, I really do.

Floor Comment: You are the only one.

Mrs. McIntosh: No, I am not the only one, I am sorry.

My question is, then, you have said that if we cannot do this you want to go under The Labour Relations Act and make provisions like police and firefighters. What are those provisions for strike to protect the public and teachers from the public's wrath in a strike situation that are applied to police and firefighters?

Mr. Pearce: In response, binding arbitration.

Mrs. McIntosh: So it is arbitration, not strike?

Mr. Pearce: Absolutely.

Mr. Doer: With all the provisions of the labour—

Mr. Pearce: With all the provisions of The Labour Relations Act, which we do not have.

Mr. Doer: Yes, it is a pretty elementary concept. Yes, I find the research in this document to be very, very helpful to all of us and particularly the prediction about the economic challenges and the educational challenges that this presents as we look ahead 10 years and all the demographics that you produce for us in terms of the education, the fact that we have got a lot more material that would be useful for public hearings than we saw in the Render-Dyck report.

But I would like to ask the question on the disparity, because I think these are important to look ahead, the disparity issue that you identify on page 2, how will you—I have heard parents identify this. I think Mr. Barker at a meeting identified this issue because he had come from the past and he felt there was a disparity. What is your opinion of how this clause will work in terms of disparity and how will it affect our children in terms of different school divisions as this act continues to be implemented if it is passed and the advice is not taken by the minister to remove the bill?

Mr. Pearce: In response, it seems clear to me that if the legislation is supposed to provide an equal field for parties to bargain collectively with the scales being in balance, and the way that this is weighted appears to us to be balanced too far now on the side of the employer, and I will tell you why, because the government in January gives the school divisions their apportionment of provincial funds to support education, an arbitrary

decision by government, then the local school board determines what it can collect locally to supplement that.

As you know, over recent years, the amount provided by government to cover actual expenses has been declining. So we now have getting on for 40 percent in some areas being extracted from local taxpayers, and those two factors combined plus the obvious inclusion of the April 1 opening date seem to give me a message as a teacher. I am not a bargainer; I am a teacher. I believe what my staff have told me, that it will set the pace forward for a further reduction in what is available to fund education. Therefore, one of two things will happen: Teachers' salaries will be reduced significantly, or programs will be cut. In my school division, they cut home ec last year. They did not cut it because they wanted to, because they could not afford it, and now we keep going on. It is the disparities between rural and—between the have and have-not divisions, some rural divisions are well off. The disparity between divisions is becoming apparent now. Just wait until this takes effect, and we will see even greater disparities take effect.

Mr. Chairperson: Mr. Doer, your last question?

Mr. Doer: Yes, a supplementary question. I also want to ask: You produced a lot of information here about how many teachers will be retiring and how many other teachers are necessary, both in terms of the local context and the North American context. Have you had any discussions with the Department of Education, or has the minister had any discussion with you, on this data that you provided to this committee? Do they have any views at all about this data, or do they have any of their own data that they have shared with you, or is available to us so that we can take a future look, as the former Minister of Education obviously took 40 years ago, about the kind of impact this will have on the future of our teachers and, therefore, the future of our children?

Mr. Pearce: In response, to my knowledge, there has been no definitive study of supply and demand in Manitoba in recent years.

Mr. Doer: Should there be?

Mr. Pearce: Most definitely.

Mr. Chairperson: Definitely, you said.

Mrs. Render: Yes, Ken, I know that you always try very hard to have a correct understanding of things, and we certainly all appreciate that. You mentioned in your presentation that you are concerned that the arbitrator has no obligation to explain the rationale for the other aspects of the award. I believe perhaps you are missing Section 129(2) Contents of award, which states that the arbitrator, and I will read it out: "The award shall set out the arbitrator's decision as to the way in which the matters in dispute between the parties are to be settled, which shall include the arbitrator's reasoning as to how the requirements of subsections (3) and (4) have been applied." So essentially the arbitrator has to explain. I believe that takes care of your concern.

Mr. Pearce: We are talking about ability to pay and the other factors that are listed. Correct?

Mrs. Render: Factors four, yes. I think, if I understand your concern, you are concerned that the other factors the arbitrator does not have to explain and, in fact, the arbitrator has to explain.

Mr. Pearce: I would submit that the arbitrator has to only explain those items determined by this legislation, which are the four factors listed, and the ability to pay, which is five factors in total, and if you look at the wording, you will see, I think, why we are concerned.

Mr. Chairperson: Thank you very much, Mr. Pearce, for your presentation and the questions. That was a longer one, by agreement of the committee, and it is not a precedent for anyone else. Thank you, Mr. Pearce. [applause]

It shows what authority I have, does it not? I had told people in the audience that applause and indication of approval or disapproval was not welcome in this committee room, that is not the purpose. So I, once again, remind you, and I would hope that this will not be repeated.

Mrs. McIntosh: Mr. Chairman, I had meant to do this at the beginning of the committee, and I apologize that I forgot to do it. Mr. Pearce has just mentioned that they had not received the amendments, and I know that the Education critic had asked for them as well. I will send around, and Mr. Pearce is welcome to look at them too, the amendments that I had indicated we planned to bring

forward at the end of the presentations here for consideration if we are still proceeding and not doing something else instead.

Mr. Chairperson: I would now like to call, while the amendments being proposed for consideration are being distributed, on Heather Hinchliffe. Welcome, Ms. Hinchliffe. She has a brief to be distributed. You may proceed. The Clerk will distribute your brief, and you may proceed in the meantime.

Ms. Heather Hinchliffe (Private Citizen): Thank you for allowing me to speak tonight. My name is Heather Hinchliffe, and I am here representing myself as a teacher in the public school system.

I would like to begin by telling you a little bit about myself as a person. My definition of myself involves three basic areas. I am a member of the Hinchliffe family. Politically I am a conservative. I am a public school teacher. Depending on the business of the day, this is not necessarily the order of importance in which these factors are listed. However, these are the central themes of my life.

As a member of the Hinchliffe family, I have been brought up on the following values: hard work, dedication, service to others, teamwork, individualism, forthrightness, competition and material reward. My forebears, Hinchliffe, Taylor, Jamison and Adamson, have built success on these values for over 100 years in rural and northern Manitoba. I feel that I successfully represent these values in everything I try to accomplish in my professional life. My family expects no less of me.

To be a descendant of these families means to be politically active. My great-great-uncle Fawcett Taylor was the leader of the Conservative Party of Manitoba between 1922 and 1928. He is not up here because he never won an election. My grandfather, James Adamson, was the president of the Liberal Party of Manitoba during the 1950s.

My own political activity started when I was very young. My first political memory is the campaign my parents organized for the Conservative candidate Anna Denby in Thompson in the early '70s. Since then I have worked in my own small way for Conservative candidates both on the provincial and federal level.

* (2110)

I decided to become a teacher in Grade 11, although I always knew I would teach. My grandmother Hinchliffe began telling me that this was my fate as soon as I could talk. Her father, R.G. Taylor, had been a teacher and has a school named after him in Swan River, Manitoba, Taylor Elementary.

My parents were very pleased that I had made this career choice. They saw teaching as an honourable profession at which one could make a comfortable living. I began teaching, soon after I graduated from the U of M, in Garden Valley School Division in Winkler.

I probably could not have asked for a better start to my teaching career. In my opinion, Garden Valley Collegiate is one of the best public high schools in Manitoba. Right from Day One I felt I had the complete support of my colleagues, parents, school administration and school board. Even though I had not grown up in this community, I had the respect of the community because I was a teacher. However, the values that I spoke about earlier strengthened the support I received from the community. I realized that I had to prove to my students, their parents and my employer that I was a professional teacher. I did this through constant analysis of my teaching methods, professional development, talking to senior teachers, talking to parents, student evaluation of my performance, formal evaluation by my principal, and extracurricular involvement.

I learned more about myself as a person and a professional in those three years in Winkler than I did in university. So I should have got a degree from the university of Winkler.

After three years of work in Winkler I decided to move home to Winnipeg to go back to university part time and substitute teach. After five weeks of substitute teaching I received a teaching position in Transcona-Springfield School Division in October 1988. I have been there ever since, and this brings me to why I am here tonight.

I have some concerns about Bill 72 that stem from my personal vision of teaching and my own welfare. I believe that teaching is the ultimate act of optimism. Every day I enter the classroom believing that, through my acts and the acts of other professionals in our

building, we can create the opportunity for learning and reward its positive outcome. This is no easy task. Ken Dryden, in his book, *In School*, compares the problems of education to be like, quote, a hundred different threads in a ball, each of them equal, together a snarl.

I am the kind of teacher, like many others, that is willing and able to work with whomever it takes to unsnarl the threads, but we cannot do that if we do not feel support right from the top of the educational structure. In my short 11 years of teaching, I have never felt as isolated and unsupported by my provincial education leaders as I do right now. I feel under siege. However, I have also never felt as well prepared and as in command of my teaching as I do right now.

I believe that I have developed strong relationships with my parents, students and colleagues. I work at maintaining a positive relationship with my school board. I am still learning about the kinds of teaching practice that will be the most effective for my students in the 21st Century, at least if I am not replaced by a computer. I am 33 years old. I am still one of the youngest teachers on staff at Transcona Collegiate. That is pretty amazing actually. I grew up in the go-go '80s. There were few jobs in 1985 and there are even fewer now. I know what job competition is all about. I know I have to work smart and hard to get the job done. I have been thinking to myself that, for the next six to seven years, I will just keep my head down or go back to school part time, beef up my resume with extracurricular work and have fun with my students, but I am worried.

Last week, I was talking to one of our young student teachers, and she told me that she was one of only two science students in her year training to be a teacher. According to her, science grads do not go into teaching; they go into private industry. How are we going to attract well-educated, effective, young teachers to this area of study? How do we compete with the private sector? In six to seven years, many teachers in this province will be eligible for retirement. Demographically, I feel behind the eight-ball. Bill 72 will introduce the ability-to-pay clause, which has the potential to negatively affect my earnings, benefits and my pension, so after years of paying for everybody else's pension, how will I pay for my own?

I believe in teamwork. Successful teams are competent, competitive, co-operative and responsive to

changing conditions. Team members must be well trained and educated to be effective. However, team members must also be fairly compensated for their hard work. There are many intangible rewards to teaching. Positive feedback from students, parents and employers plays a very important role in shaping success. It makes my day, week and even year if someone remembers to tell me I am doing a good job. I remember that for a long time.

Tangible rewards in the form of earnings and benefits are just as important. I feel pride that I know I am a contributing member of Manitoba's economic life, both through the training of young people and my pay cheque. To tell me I am not worth it financially to the province of Manitoba, that I am not a good investment in Manitoba's future, betrays everything I have been taught by my family and everything I have worked for.

To summarize briefly, I believe that Bill 72 will not help improve the educational system or the people in it. Instead, teachers will continue to feel unsupported and unrewarded. Innovative and energetic people will not be attracted to a profession with poor working conditions, benefits and low salary. Young teachers already in the profession will feel that greener pastures await in other provinces or careers. Finally, there will continue to be an adversarial relationship between the teacher and the employer.

As part of my personal reading program, I have begun to read the work of Stephen Covey. I have found myself arguing with him in my head about many ideas, but I generally agree with his theories of human relationships. In his book, *Principle-Centred Leadership*, 1992, Covey comments on Adam Smith's idea of moral foundation in a relationship to systems in our society. Covey states that foundational to the success of our systems is the moral foundation, how we treat each other, the spirit of benevolence, of service and of contribution. If we ignore the moral foundation and allow economic systems to operate without moral foundation, and without continued education, we will soon create an amoral, if not immoral, society and business.

I believe that what we all want to do is create innovative schools that also possess a sense of optimism for the future. Please help us create these feelings in teachers. Please withdraw Bill 72.

Mrs. McIntosh: Thank you. I have three short questions. First of all, I indicate that Covey quote is one of my favourites as well, and I am hoping that you might be able to answer questions here without basing them on assumptions. We have a lot of erroneous assumptions being made and then positions being built on the basis of those erroneous assumptions in this whole arena. I am not saying you; this whole topic has been filled with that since Day One, so I want you to put aside any assumptions you have and just go with what you know.

My three questions are these: You have indicated: to tell me I am not worth it financially, do not tell me I am not worth it financially in the province of Manitoba. Has anyone told you that you are not worth it?

Ms. Hinchliffe: I guess I am going to answer that question this way: You have created a huge public relations problem with teachers. It started with—I have to be honest here. This is difficult for me. It was difficult for me to come forward like this. I had to tell you about who I was so that you would understand how much this takes for me. It started with Clayton Manness and the constant attacks in the paper, and I kept a clipping file. Now, it was hard at that time to understand what was happening. I am not saying that there are not problems in the school system, because there are always problems in systems, but it just seemed that whatever we said was wrong at that time, and there were a lot of ad hominem arguments: you are a teacher; therefore, you do not know, you do not understand the real world.

Mrs. McIntosh: That was actually said?

Ms. Hinchliffe: Yes.

* (2120)

Mrs. McIntosh: Okay, I am serious and trying to get the answer.

Mr. Chairperson: Please let her continue her response.

Ms. Hinchliffe: I think that the bill is symbolic to teachers. I mean, I would agree with you that Mr. Pearce's presentation was well researched and very accurate, and it is what the bill symbolizes to teachers that has become the crux of the whole thing, that it is the culmination of a series of bad communications between our leaders and ourselves.

I know yesterday was one more thing, to listen to that futurist tell me that, because I was an expense to the system, it would be best if I was replaced with a computer. Now, it did not come from you, but that seems to be all around us, that the best thing to do right now is to attack without question, without relying on any sort of sense of who is in the system, the system itself, just—the institution is bad, let us throw it out. You know, I talked about my experience in Winkler, and in my mind there is not a more highly functioning group of people than at that school. I still have contacts there and still visit those people, and they love their school, but they too are feeling—see, it is not when you go in the classroom, because when I heard this futurist talking, I thought, oh, not again. You know, when am I going to do something right? But today I went into my classroom and forgot all about it because I was with my kids, and I had a fabulous day. I had challenges to overcome, but I did that, and we all do that.

We all have difficult jobs, and I am not about to run down a list of challenges, because we all have difficult jobs. But, you know, we really have to find a way to stop this at each other, because it is destroying our moral obligation to the citizens of this province and to the taxpayers. For me, to come here and say that the public school education is a bad deal for people would be an insult to my employers and my past employers, because it is not a bad deal for people. It is a very good one, and we have to start saying that a lot.

Mr. Chairperson: We have got one minute.

Mrs. McIntosh: I like what you said, and I have been trying to say it a lot, but I guess when the atmosphere—[interjection]—and see, this is what is happening. If you can understand my position, I have been trying to say it. Every time I say the education system is good and I value it, that is the reaction. So the sword does cut both ways. I am wanting to know—because I do value you and I want you to know that. I want you to know, whatever you have heard in the past, set it aside; you are valued.

You say this bill is a symbol of all the sort of pain and agony that has been experienced. What if this bill is actually good? What if you saw this bill without that symbolism, without that history, without those feelings? What if you saw this bill given to you by the Teachers' Society, would you then read it differently? I leave you

with that question because I know you cannot answer here. I would ask you to judge the bill on its own merit, not in the atmosphere with which you feel it was created.

Mr. Chairperson: I am afraid your time is up.

An Honourable Member: Perhaps there is leave for the presenter to answer the question.

Mr. Chairperson: Is there leave?

Mrs. McIntosh: If she wants to answer, I would appreciate the time.

Mr. Chairperson: Leave to answer.

Ms. Hinchliffe: Well, I do not think that anyone can divorce themselves from what has gone before. It is part of everything, and I guess I have to go back to what was said about Mr. Pearce's presentation, that it was well researched. Now, I am a person who is well educated both in the public and the private system. I have two university degrees. I have worked for two very good employers. I am valued by my colleagues and my parents and my students. I am not a fool. I know what is going on. I am a Conservative, and I know what is going on. I cannot say to you, well, gee, if this just came out of the blue, it would be different, because it would not.

Mr. Chairperson: Thanks very much, Ms. Hinchliffe.

I would now like to call on Michael Thompson, please. Your brief will be circulated. You may begin your presentation, Mr. Thompson.

Mr. Michael Thompson (Private Citizen): First of all, I would like to say thank you to the committee for allowing me to come to speak. It is nice to see many of you again, many of you whom I know firsthand. Since I am a former member of the Executive Council of the PC Party of Manitoba, it is very interesting to be here; nonetheless, I feel compelled to address Bill 72.

I would like to begin my presentation with issue No. 1, changes to the arbitration, Section 115(1) and 115(2). This section takes the previous three-party arbitration board and cuts it down to a one-member arbitrator. I request that the three-member board be maintained. This board consisted of an arbitrator chosen by each of all

three interested parties, teachers, school boards and the government. This arbitration process worked to make both parties feel equally represented at the negotiations table. I know this to be fact because I have been at that table.

With a level playing field, teachers were willing to accept the decisions of the board. The new single arbitrator will seriously undermine a sense of fairness because the primary goal of this government is to reduce spending. If, however, the arbitrator does not act in the best interests of the government, this new legislation allows the minister to overrule decisions. I ask you to refer to Section 129 inclusively.

I request that Section 115(1) and (2) be removed and Section 123 inclusive and 124 inclusive of the current legislation replace this section. It is apparent this government wants to make the dispute resolution process more efficient. I, therefore, suggest the conciliation stage and conciliators be eliminated from this new legislation. It may also be prudent to remove the mediation stage as well. I believe if research was conducted, this government would find few if any disputes have been resolved in conciliation. I may be incorrect, but my hunch is that it would be found to be so. Over the years, the number of disputes settled has drastically declined. The two parties waste a good deal of money, and so does this government to use a stage of contract negotiation, conciliation, that produces so few results. It cannot be justified and should be dismantled.

Issue 2. The oath of the arbitration board. Section 125 of the current legislation states: I do solemnly swear that I will execute and perform the office of member of the board of arbitration appointed to bring to a conclusion the dispute between the two parties and to make an award with respect thereto.

The proposed changes without any doubt take away this authority. The wording is very subtle, but the legislation will turn complete authority over to the minister. The new legislation states: I do solemnly swear that I will execute and perform the office of arbitrator appointed in respect of a dispute between.

Clearly, the comparison of these two clauses shows the change of authority from the arbitrator to the government. The arbitrator no longer has the absolute authority to

make a settlement or to grant its award. What could be the objective of these changes? The wording cannot be denied. It is my opinion this government wants the authority to decide the settlements as they see necessary. If this is not the case, then certainly there is every reason to leave the arbitration board and its authority as it is currently written in Sections 124 to 129 inclusive. This is my request.

* (2130)

Issue 3. Matters referred. Proposed Section 126(1) and 126(2), I will not recite these because I want to try to finish my presentation. These two clauses introduce legislation that will permit ministerial interference in any dispute at any time. First, it allows the minister to add a list of matters in any dispute before any award is made, such as estimated cutbacks in funding, thus affecting ability to pay.

Second, and more alarming, this legislation introduces four items that cannot be discussed or even included in an arbitrator's award. This is dangerous and uncharted territory. The thought of any single item being excluded from arbitration reduces choice and democratic freedom. I will be restricted as to what I can negotiate about my work environment with my employer.

The minister and her department have stated this exclusion will allow the employer to manage better. I agree, they do need to manage better; we all do. I have had a class this week that, let me tell you, I did not manage it very well, but I tried. However, they should be forced to do so in a democratic and a just fashion, to operate, as this government always says, on a level playing field with a democratic and a just legislation. If school boards are having trouble and losing ground at the arbitration table, then maybe they need better government funding or better management of their resources.

In light of these changes, I request the new legislation remove Sections 126(1) and 126(2). It will set a dangerous precedent and future governments will introduce their own biases. The result will be chaos. Legislation will become so entangled and the bureaucracy will grow to ridiculous heights, sacrificing the independence of school boards and teachers to shape the conditions of the workplace.

Issue 4. The responsibility for education spending and the ability to pay. I presented a paper to the Dyck-Render

review committee and once and again I intend to have my views heard and, hopefully, answered. The final report they submitted ignored my suggestions, so I feel it best to repeat them. Imagine, if you will, a small town in a rural setting, isolated and in need of a school. Who should become the first employee? A school board chairperson? A superintendent? A deputy superintendent? An assistant deputy superintendent? A staffing consultant? A guidance counsellor? A resource teacher? A curriculum advisor?

We all know the first and most important employee for a school is the classroom teacher.

This begs the question about the structure of school board offices. Over the last five to 10 years, most have doubled or tripled in size.

Should the cost associated with this expansion and bureaucracy be the responsibility of teachers? When schools are built and sit half empty for years, wasting taxpayers' money, is this the responsibility of teachers? When the Department of Education risks taxpayers' money on new ideas, costly programs and futile attempts at new technology initiatives from New Directions, is this the responsibility of teachers? When the Department of Education develops a technology program called HUB, for each of the nine regional schools, with a cost of \$900,000 and all of these labs collapse in dismal failure, should this be the responsibility of the teachers? When the Department of Education introduces a mini-HUB based on the same ideas as the HUB for all 80 high schools at a cost of \$3.2 million, equally doomed to fail, should this be the responsibility of the teachers?

It appears the ability to pay is not what this bill should address, but rather it should restrict the ability to waste. The Department of Education and Training and school boards should be made accountable for outrageous decisions that waste funds and serve only to satisfy special interest groups and/or departmental initiatives or new directions by the government. If this is the new direction that this government is taking, then the taxpayers of Manitoba will be made to bear the costs.

I wish to further stress the dangers of Section 129 by pointing out the undemocratic and prejudiced nature of the legislation. In Clause 129(4)(c), it states: consideration be given to comparable employees in the public and private sector regarding terms of employment.

Ask yourself what this means to the schools of Tuxedo and the schools of Elmwood. Where are these boundaries that you are going to refer to? How far do they go? This legislation will serve to divide our communities into a multilevel educational system based on economics. We will have completely different schools and opportunities. Equality, opportunity and fairness and attempts at fairness across the province will, once and for all, be unattainable.

I request the Section 129(1) through (6) and 129.1 be removed. Once again, it undermines the position of the arbitrator and allows either party to ask the minister to ask the arbitrator to reconsider and clarify or amplify any part of an award. I am sorry, I will read that again—reconsider and clarify or amplify the award or any part of it, and the award will not be considered to be received until a reconsidered award is received. This will make the entire process a waste of time, a waste of effort and a waste of money. We must then turn our attention to the information listed earlier, allow the Board of Arbitration to settle its disputes and make its award. Again, I ask you to refer back to what I said in issues two, three and four.

The recommendations of the review committee, Item 5. Parents, particularly those concerned about the quality of education, must pay careful attention to Appendix A and B. This schedule will allow school—

Mr. Chairperson: I just point out, you are now encroaching on your question-and-answer time. You are just over 10 minutes.

Mr. Thompson: May I continue to read?

Mr. Chairperson: With leave of the committee?

An Honourable Member: Yes.

Mr. Thompson: This schedule will allow school boards to save greater amounts of money by hiring nonprofessional personnel for the classroom. It will give school boards the opportunity to place all persons working as teachers, who are not eligible for Class B or C teaching certificates, in the classroom as teachers. If they are not eligible for Class B or C certificates, should they be educating Manitoba's children? The public deserves professional, talented and educated classroom

teachers. An appeal to the minister from the school board will grant permission to have unqualified employees teach any subject. I request that the recommendations Nos. 1 through 7 be removed from consideration from the bill.

My summary. Without exception, the committee was seeking solutions which would best address the needs of Manitoba students for today and for the future. The above quote comes from the Dyck-Render report and summarizes their mission statement. Without exception, this legislation as written will increase class sizes, transfer teachers often and anywhere, give the minister total authority over shaping the workplace and the classroom, punish poor neighbourhoods and create the opportunity for charter schools in wealthy neighbourhoods, allow the department and school boards to continue to waste, and, finally, to reduce public schools to bare-bones operations with unqualified classroom instructors. Without exception, if this is meeting the needs of Manitoba students, then we must all attempt to address the question, what do we want from our public schools? I am optimistic this government will learn the new three Rs: reconsider, review and rewrite Bill 72.

Without exception, I believe a legislative review is essential to allow the public to be heard. I do not believe we should legislate by committee, but it is good to be heard. Without exception, I believe listening to the public is a sign of the new era of the political theatre. Without exception, I believe it will build trust and confidence in government. If this minister believes this as well, that is, that our citizens should have a voice in improving legislation, then the minister will be compelled to consider, and hopefully, adopt the recommendations placed before her. If it is not altered, it will send a strong message that this government continues to choose to build walls, not bridges, between itself and its electorate.

Mr. Chairperson: Thanks, Mr. Thompson.

Mrs. Render: Thank you for your presentation. Are you aware that two of the concerns that you have, with respect to statement of matters referred and reconsideration of award, where you imply that perhaps the minister can interfere, you call it new legislation, are you aware that in fact this is already in the current legislation and in 40 years there has never been a problem?

Mr. Thompson: That is very true, Mrs. Render, but—

Mrs. Render: Also, are you aware—

Mr. Chairperson: He had wanted to finish what he said.

Mrs. Render: Oh, I am sorry.

Mr. Thompson: Yes, I am aware of that, but that was with the fact that the oath of office gave the final authority to the arbitrator with that in mind.

Mrs. Render: Okay, are you also aware that issue No. 5 in your report is on the second half of the report, none of that is in the bill?

Mr. Thompson: I know. That is why I suggested—

Mrs. Render: Well, I think—

Mr. Chairperson: Please, please, one at a time through the Chair. Mr. Thompson, in response.

Mrs. Render: Okay, I think you say that—

Mr. Chairperson: Mr. Thompson. Sorry, Mrs. Render. Mr. Thompson, you had a response which might not have got on the record.

Mr. Thompson: I do say, Mrs. Render, I request that the recommendations Nos. 1 to 7 be removed from consideration for the bill. I am not suggesting that they are part of it.

Mrs. Render: Okay, thank you.

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

Mr. Thompson: Thank you, and the best of luck to you.

* (2140)

Mr. Chairperson: Derwyn Davies, please. Derwyn Davies. Derwyn Davies's name will be dropped to the bottom of the list.

Bob Minaker. You may begin your presentation, Mr. Minaker.

Mr. Bob Minaker (Private Citizen): Thank you, Mr. Chair.

I appreciate this opportunity to appear before the Standing Committee on Law Amendments regarding Bill 72, The Public Schools Act: Amendment (2). I come before you as a concerned citizen of Manitoba, a taxpayer, a parent and as an educator in the public school system. I grew up in rural Manitoba, but I have resided in Winnipeg for several years. I have taught in three rural divisions and have been an employee of the Seven Oaks School Division for several years now.

I have also been proud to be a member of the teaching profession, but I come before this committee with a growing anguish and frustration for the teaching environment being cast upon the dedicated teachers of Manitoba's public school system. Education is central to a strong society and must be accessible to all and must be of high quality. This is a primary responsibility of government. The government must also serve the role of ensuring that the public is well informed and well advised in all matters affecting education. The passage of law must serve to improve the living conditions of those for whom the law is applied.

Amendments to legislation must represent progressive change and support the principle of fairness. At these hearings, as these have taken place, I cannot help but wonder why time and monies would be spent on fruitless dialogue. Therefore, I have chosen to believe that these hearings are being held for noble purpose, to provide opportunity for input and for revision. To this point, it is my sincere recommendation that Bill 72 be tabled.

Bill 72 flows from the report of the Teacher Collective Bargaining Compensation Review Committee. The committee heard 190 presentations at public meetings, reviewed 484 written submissions and examined 39 petitions, form letters with 476 signatures. Over 2,000 people attended the public meetings. This information is contained in that report. I presented to that committee and I heard many of those presentations. It is worthy of note that the committee acknowledged that all presentations reviewed by the committee spoke highly of the teaching profession and the role that teachers play in our society. It was acknowledged that the work of teachers was appreciated, supported and valued.

Bill 72 directly affects all those professionals who work within the public school system. It is essential that

the working environment of these dedicated and caring professionals be positively maintained if they are to continue to facilitate a healthy learning environment for students and if they are to remain committed to public education. For that reason, I believe that issues of labour relations must be handled cautiously and fairly. The consequences of not doing so have the potential for seriously damaging the education environment which has allowed Manitoba to stand tall in the eyes of our fellow Canadians and others around the world.

(Mr. Vice-Chairperson in the Chair)

The present system of collective bargaining has served Manitoba well for 40 years. It has provided opportunity for agreement and for dissent between employers and employees without subjecting students to the negative effects of strikes. This was possible because teachers believed that their agreement to free and open bargaining through negotiation and arbitration was reasonable and fair. They have continued to work within this process of bargaining for 40 years, even though several amendments to The Labour Relations Act have provided rights to other workers which teachers do not enjoy under The Public Schools Act.

If education is indeed a critical factor in creating and maintaining a healthy and safe society, then it is necessary to ensure that a reasonable compromise exists to protect the needs of the society and the rights of the employee to seek reasonable compensation for service. Such was the compromise reached in 1956. Now, in 1996, some 40 years later, what has changed? Do we still believe in the importance of education and an educated society? Do we still believe in the right of every individual to have access to an education? Do we still believe in a society where work is worthy of reasonable remuneration? Has our society become so consumed with bottom line that we are prepared to sacrifice quality of life for material gain? The constant erosion of support for public education causes me to question whether the provincial decision makers are too shortsighted to recognize the peril of such decisions.

Bill 72 replaces a three-member arbitration board with a single person mediator-arbitrator for settlement of contract dispute. The fact that the mediator and arbitrator are one and the same leaves little reason to believe that the mediation step will be effective. Furthermore, the

change to a single arbitrator diminishes any perception that issues will be considered from differing perspectives.

Bill 72 also proposed in Section 129(3) to direct the arbitrator to base his or her decision primarily on the ability to pay in all matters which might reasonably be expected to have a financial effect on the school division or district. As one variable, it could be argued that this is reasonable but, as the primary consideration, it is clearly an intrusion into the collective bargaining process by government since they also control the major source of funding for education.

While the debate occurs at the local level, the decision is being made centrally. The minister has indicated that ability to pay will no longer be the primary consideration. The minister has introduced amendments to the bill which alter its form but not its intent. Yes, now the bill is silent on ability to pay being the primary factor for consideration by the arbitrator, but I believe the intent still prevails.

It is indeed difficult to distinguish ability to pay from willingness to pay. Does it follow that when a company has a very successful year that they are obliged to give their employees an increase in pay or benefits or is that a matter of management right? Clearly, experience has shown that if the company has a bad year the burden will fall upon the employee through either layoff or wage reduction.

However, conditions seldom remain constant. Supply and demand may play a significant role whereby a willingness to pay stems from a need to pay. When it is difficult to attract the required, qualified personnel, the employer will offer a more attractive compensation package.

Can or should public school education of children be left to the fluctuations of the marketplace? Financial planners advise people to pay themselves first, to put away savings before they spend monies on other valued items. This advice acknowledges that we should not lose sight of the long-term goal. I would argue that education costs must be reviewed with the long-term goal in mind. Education is too important not to dedicate monies today for the rewards of tomorrow.

Bill 72 also limits the scope of bargaining in that some issues cannot be referred to arbitration. In a democratic

society, individuals and groups have the right and freedom to balance their conflicting interests. Government has a responsibility to ensure that citizens maintain a belief that their voice will be heard and recognized.

Open and free collective bargaining is recognized in every democratic nation as the foundation of a fair and balanced relationship between employees and employers. Neither side can impose terms and conditions upon the other and there is no restriction on what can be bargained.

In August of 1990, Premier Filmon is quoted as saying, we believe that negotiated settlements should take into account all legitimate factors that are brought to the bargaining table by both sides. Bill 72 would appear to dictate that the rights of teachers to bargain are conditional, not open and free. Bill 72 would entrench a process for bargaining for teachers which affords them fewer freedoms than other employee groups. This cannot be acceptable.

* (2150)

On a lesser note, in addition to changing the playing field for collective bargaining, the province through Bill 72 also offloads the costs of conciliation to school boards and teachers. This is also an unwarranted precedent in that these expenses are covered for other employee groups under The Labour Relations Act.

I agree with the Association of School Trustees that a chief justice of the province should select arbitrators and mediators from lists held with the collective agreement board. In the spirit of local autonomy, I can understand why school boards would oppose the right of an arbitrator to compel a school board to change its educational program or support services; however, it is highly unlikely that any arbitrator would be interested in doing that. These are the decisions of politicians who are elected to make such choices.

It would appear to me that school boards are also not prepared to see the principle of ability to pay enacted into legislation prior to an in-depth look at equalization support across the province.

In closing, I read with interest a brochure about Winnipeg 2000 in the Winnipeg Free Press this past week. I hold this one up; no doubt you have seen it. It

would submit that things in Winnipeg and beyond are quite good. In fact, allow me to quote Mr. Filmon, the Premier of Manitoba: It is always a great pleasure to celebrate the success of Manitoba companies and our province's dynamic economy.

Mr. Vice-Chairperson: Excuse me, Mr. Minaker, you have now used 10 minutes. Is there leave from the committee for him to continue? [agreed]

Mr. Minaker: Thank you very much. This special publication tells the story not simply of our continued prosperity but also of the wide variety of industrial sectors where Manitobans are competing and winning against the best in the world.

I wonder how that was made possible?

What captured my attention the most, however, was the caption: Building the Future on the Strengths of our Past. I would submit that this is a very appropriate approach to take as we embark upon education reform. The collective bargaining process that has served us for the past 40 years has strengths. It would be irresponsible to endorse legislation which does not serve to preserve the best of the past and to anticipate the needs of the future. Bill 72 does not warrant the people's support. As elected representatives of the people of Manitoba, I urge you to honour your commitment to the people, and I thank you for having had this opportunity to express my views. Thank you.

Mr. Vice-Chairperson: Thank you, Mr. Minaker.

Ms. Friesen: I thank you for your presentation. I know you have been here a long time. I think perhaps you were at an earlier evening as well.

I too was struck by that Winnipeg 2000. It is a very interesting publication, and of course when anything is listed your attention is always drawn to the things which are left out, and I was struck by the absence of the reference to any of Winnipeg's universities. We have two English-speaking and one French-speaking university as well as the public education system, but perhaps there will be another opportunity for Winnipeg 2000 to address that.

I wanted to ask you whether you thought it would be possible within the next six months for teachers and

trustees, the two people who have to face each other across the bargaining table, to come to an agreement on a new framework for collective bargaining? I proposed in the Legislature that we delay this bill six months, that we come back, we look at it again after those kinds of negotiations and discussions have taken place. Was that pie in the sky? Was that too idealistic? Is it possible?

Mr. Minaker: It is extremely important to legitimize the process. The people believe that their participation, that their input is being considered and that we are looking at the outcome where it does meet the requirements of being fair and reasonable. I think, however, that we also have to take into consideration some of the environment. I would think it would be remiss to assume that all school divisions in this province are necessarily on the same wave length, that they look at this with a totally common approach.

Needless to say, I am from Seven Oaks School Division and I am proud of it. Presently, I am quite pleased that I am able to maintain that kind of working relationship with my employer. For that very reason, I find that this legislation also is an intrusion into what is local bargaining, a local relationship and a local community common approach to education.

Mr. Vice-Chairperson: Ms. Friesen, for one short question.

Ms. Friesen: You are presenting also as a parent, and I wondered if you could give me some sense of how your children's education has been in the public school system and how it has changed perhaps over the period that your children have been in school.

Mr. Minaker: Let me respond by saying that my children were fortunate in that they too were educated in Seven Oaks. At the same time, I suppose right now I kind of wipe my brow with a sigh of relief. I have two children who are in university. They are out of the public school system. I say that because of what I see coming. You can only place so much stress upon a system before something has to give. I think that that is what is happening. At the same time, I am very concerned because I do not see this as a responsibility or concern of just me, my family, my needs. I would not be in this profession if I thought that. I would not be here this evening if I thought that so, yes, I am very concerned

about what will happen, what will be in place down the road 10 years from now.

If I could just, further on that point—

Mr. Vice-Chairperson: Very quickly.

Mr. Minaker: Yes. I questioned the member of the provincial government as to if they could tell me what the government's vision for public education would be, of what it would look like five, 10 years down the road and, unfortunately, that minister could not provide me an answer to that question and I believe that therein lies a problem.

Mr. Vice-Chairperson: Thank you very much for your report. We will move next to Albert Cerilli, please. Albert Cerilli. Do you have handouts, Mr. Cerilli?

Mr. Albert Cerilli (Manitoba Federation of Union Retirees): No, I will be speaking from notes.

Mr. Vice-Chairperson: Okay, please proceed.

Mr. Cerilli: Mr. Chairperson and MLAs of the Legislature, for the record, I am speaking as Al Cerilli, the president of the Manitoba Federation of Union Retirees, an organization of one of 41 that represents union retirees, nonunion retirees, of some 40,000 Manitobans. That is for the record because they have me as private citizen and I did not register that way.

We oppose, on behalf of the MFUR and those Manitobans who also oppose Bill 72 on behalf of their grandchildren, their children and their children after that. The reason we oppose, the bill is one that destroys the public education system and the democratic process that outlines the collective bargaining process within that bill and the present system. I have reviewed the legislation outlined in this session by the government, each and every section, each and every bill and each and every one is linked to a degree of destruction of the democratic process that we have known in this country vis-à-vis the mixed economy of a public enterprise and a private enterprise. That is being destroyed simply for the marketplace and the schools on the block along with it. With that, our education system for all Manitobans that could access public education will be going down the tube. In other words, we are working towards not only a

two-tier system but the final destruction of the public system.

This government has deliberately misled Manitobans to the degree that during the election they did not outline their agenda to the public that this is what we are going to do. They have lost the trust of the people and, as a result of that, you have a moral obligation to go to the people and ask the questions you did not ask during the election.

Gary Filmon, the Premier presently, did not tell Manitobans during the election that if elected we, as Progressive Conservative Party government for this province, want and would dismantle anything that has to do with education, with the telephone system, anything else that is public and is before this House. Just think about it. Link the links between each piece of legislation that is introduced here and you will find the connection of a distorted, mind-boggling system of dismantling the very fabric of this province, and that is why we oppose this.

* (2200)

The reason that the means-to-pay provision of the bill, just as an example, places the onus on the bargaining system to destroy that system. I had to go back a long ways in preparing my verbal attack on this government on behalf of some 40,000 Manitobans and my nine grandchildren who are enrolled in the public school system. I had to go back a long ways to The Rise and Fall of the Third Reich. I suggest that you all pick it up and read it because some of the content there is the very destruction that led us into the Second World War, the destruction of trade unions, the burning of books, the burning of rights of people. All of that ties in by reading your legislation and tying it all in together. The public school system is on that block and no one in this room can tell me otherwise from the government side.

Since my retirement, for six years, I have spent the better time lecturing at the university, at Red River Community College and the high schools. Some of the ministers of this government know the programs we have brought on the logistic side of education to the very schools that we are trying to destroy, so that the students who are at risk will have an opportunity to exchange their ideas in electronic data interchange with computerization for the future. Believe me, we have an 87 percent success

rate in regards to the system that can be implemented in these schools.

So, when I suggest to you that you are on the road to privatize the school system I am not far out, and it is going to be tried in other provinces. I think that you people better have a thought because you did not go to the people and you have a moral obligation to do that to Manitobans.

In closing, I also wanted to go back, not to the modern outline of the United Nations but to the first edition that I paid 50 cents for. Let us look at education, the fundamental education system outlined in the UN Charter. It has the ILO, the charter for human rights and all of the stuff that we read about. We see the Premier on Team Canada dancing around in countries that enslave people and use child labour and do trade with that and come back here to tell us how good it is.

The United Nations has a fundamental provision on education for all the children, regardless of financial status. Do not lead us down into the destruction of a system that has worked well for teachers, the students. That is the main issue, the students that are going to have a disruption under your system. The teachers are very well happy with what they have, contrary to me coming from the organized labour side for the last 45 years where we welcomed the right to strike. They said, we will go to arbitration. The system has worked well for all these years. Why are you tampering with it? Because you want to put the onus on somebody else on the means to pay. Your fight is with the federal government under transfer payments, not with the teachers, not with the students, not with the children of tomorrow, and I urge you to change your mind. It is never too late to change one's mind, admit an error, and that is what I am asking you to do. Thank you very much.

Mr. Vice-Chairperson: We thank you for your presentation.

Mr. Doer: I am interested in the comments you made, Mr. Cerilli, on the students at risk and the exchange program you are working with students on. Can you elaborate on that, what program, how does this work, how successful is it and how do you see this at risk for the students at risk?

Mr. Cerilli: Well, there is a-

Mr. Vice-Chairperson: Mr. Cerilli.

Mr. Cerilli: Thank you, Mr. Chairman. What is happening right now is students are getting demoralized because of the lack of job opportunity, the lack of challenge. So, when I retired, I was invited to sit as the labour representative retired—I do a lot of that now, volunteer stuff—with the Logistics Institute of Canada. What we deal with is deal in lateral movements of education rather than sidles, as this government is doing. What we did is brought down a program with some help from the federal government to River East School Division on logistics and the studies of a part of the logistics—transportation, warehousing, electronic data interchange, you name it, the nine disciplines, just to introduce the children to that, because we felt that there is a number of students with this lack of challenge, no tomorrow for jobs and graduation. They would rather drop out and hang around and get into trouble.

Once we introduced this—and when I spoke at the school, there were some 187 parents, students and grandparents there. They challenged me to prove to them that this was going to keep their children in school. As a result of the program we have, the students who were going to drop out were encouraged to enroll in the program and we have an 87 percent success rate that stayed until Grade 12 and have graduated—amazing, amazing stuff. So new imaginations can take place without the cutbacks and the interference with collective bargaining process between teachers and the people that are administering the system.

So I think that those are the kinds of things we should be looking at, to be specific on new programs, new challenges, preparing our children for tomorrow and the 21st Century, not destroying their ability for freedom of thought and challenge. So that is the program that I introduced.

Mr. Doer: You obviously work with a lot of teachers, then, in the River East area and other teachers on this. What has been your view of their feeling on the legislation before them? Has it had any impact on their morale, and has it had any impact on their morale as it affects students' education?

Mr. Cerilli: That is obvious. Just go out and speak to the teachers. I am shuffling back and forth, the two

rooms here tonight, but I know that there are a lot of teachers here. Go out and talk to them about their morale and ability to teach and continue to teach well. I would say to you on this side of the House, where would you be without the public school system, or any education system if it was tampered with when you were learning? That is the challenge. You would not be here. That is why I asked you to read the early charter of the UN on the fundamental rights of education for children.

Ms. Friesen: Thank you, Mr. Cerilli, and thank you for your presentation. I am interested that you selected the UN declaration because, in an earlier bill last week, I tried to persuade the government to incorporate into one of its education acts, into The Public Schools Act, the principles of the UN rights on children and education, and I am sure it will not surprise some people around this table, and you included, that the government chose to vote against that and to argue that The Public Schools Act was not the place for that kind of a vision.

I wanted to pick up on what the previous speaker said. Looking at the future, what kind of a vision does the government have for Manitoba education? My sense is that that future is going to look at a two-tier system with about 25 percent of our students in private schools and with the government moving towards a definition of minimum core requirements and basics for an education, just as they are doing in health care, and I think, it seems to me, if you want industrial arts, if you want high-level technology, if you want music, second languages, if you want one computer per child, if you want history, then you had better choose your parents very carefully.

Mr. Vice-Chairperson: Is there a question?

Ms. Friesen: Yes, Mr. Chairman, and it is coming. I wondered, Mr. Cerilli, if that is how you see the next ten years or where you think the plans of the government are leading us.

* (2210)

Mr. Cerilli: The plans of this government are leading us nowhere. I have had it. You know, I am a grandparent. Some of you, I look around, you have got gray hair too, you are ready for retirement. The fact of the matter is that the children are at risk. Their future is at risk. Here we have a system that was handed down to us with

improvements over the years and everything else. This government cannot even maintain that system. You have heard of maintenance. Maintain what you have and build on it. That is what the students want, the challenges for tomorrow, the new technologies, electronic data interchange. We brought 40 computers into that system and the challenge there was for the students to do things, on a vision that promotes the principles of the UN, of peace and prosperity for all, not just the few. That is where it is at.

Mr. Vice-Chairperson: Thank you, Mr. Cerilli. We thank you for appearing before us.

I now call on Phil MacLellan, please. Thank you, Mr. MacLellan. Please proceed.

Mr. Phil MacLellan (Seven Oaks Teachers' Association): Thank you, Mr. Chair. My name is Phil MacLellan and I am here appearing before this committee as a real teacher of some 25 years working in Seven Oaks School Division. I appear before this committee on behalf of some 650 members of the Seven Oaks Teachers' Association with an appeal that the Manitoba government withdraw Bill 72 for reconsideration.

The teachers of Seven Oaks see this Bill 72 as an unwarranted attack on their collective bargaining rights. They also see this bill as a deliberate attempt to mislead the public as to what should be a fair and reasonable process for teachers and their school board to work with each other to arrive at a negotiated settlement. Along with Bill 2, which ensures reduced funding for public education, the intent and design of this proposed legislation is to offer boards the illusion of control at the local level.

(Mr. Chairperson in the Chair)

The only control that boards will have is to do the bidding of the provincial government, that is, pay teachers less and work them more. Our teachers can read the writing on the wall. Less and less money for public education translates into an increased workload and reduced working conditions and reduced salaries. These past three to four years, we have been living with the brunt of this reality, taking on more and more work responsibilities, and in spite of increased financial costs in our own lives, we have been taking home less money in terms of real purchasing power.

Impacted most directly by government funding cuts these past years, the teachers of Seven Oaks have experienced first-hand the effects on themselves and on their students. Like other teachers in Manitoba these past 14 years, our teachers have agreed to settlements over the past 14 years which have cost us about 18 percent loss against inflation. Between 1990 and 1995, while the province lost some 600 teachers, which is about 4 percent of the teaching force in the province, of its full-time equivalent teaching positions, Seven Oaks lost 12 percent of its full-time equivalence. No other division in the province has suffered such a cut. Seventy-five teaching positions have been cut with no reduction in the number of students in our system. Classroom teachers in Seven Oaks have been forced to compensate this loss by teaching more courses and by teaching larger classes.

In the same period, our teachers have experienced significant reductions in paraprofessional support for special needs children. Needless to say, our working conditions already have been affected. Our personal job stress levels are at the extreme. We struggle to cope for our students' sakes, and what will the consequences of further cuts be?

Teachers in Seven Oaks understand only too well that working conditions of teachers and the learning conditions of students are but one and the same. This government, with the passage of Bill 72, would take a giant leap backwards by eroding these conditions. The public school system in Manitoba provides a dynamic, meaningful, relevant and challenging system for the children of this province. It can boast about such because of the dedication, the commitment, the professionalism of teachers who give of their time and talent far and above what some would see as a nine to 3:30 workday. In fact, it is thanks in no small part to public teachers that I am standing here before you today to express the sentiments of the teachers of Seven Oaks with regard to the effects that Bill 72 will have on our ability to provide the level of quality in public education that we have all come to expect.

The word "ability" is key in this piece of legislation. Indeed, the ability to pay of a local school board is central to accomplishing what this legislation sets out to accomplish, and that is to eliminate the opportunity for teachers and local associations to freely negotiate with their elected trustees and thereby reduce the salaries and

erode the working conditions of teachers across the province. The Minister of Education (Mrs. McIntosh) would have us, as teachers, believe that there are plenty of safeguards built into this legislation and that we have nothing to fear.

In my position as president of the Seven Oaks Teachers' Association, it is my job to represent approximately 650 teachers. The overwhelming response of these teachers to this bill is one of fear, anger and betrayal, fear that anything we have gained through collective bargaining will be lost, anger at a government that appears to have nothing but contempt for public schoolteachers and betrayal of a right which teachers freely exchanged, the right to strike, for binding arbitration, that it is now being stripped from us without anything in exchange.

Last spring, a number of teachers and parents from Seven Oaks stood before the review committee on teacher collective bargaining and compensation and expressed our concerns about what at that time was a discussion document released by the government entitled *Enhancing Accountability: Ensuring Quality*. At that time, we asked the committee repeatedly to answer the question, what is the problem, but did not receive a response. We wanted to know why teachers were being singled out for specific heavy-handed treatment by the government while no statistics, no studies and no data were presented to show that the present system of teacher collective bargaining produced higher salaries and more expensive working conditions for teachers than other employee groups. In fact, there is an abundance of evidence to show that teachers in Manitoba have fallen behind the increase in the cost of living in Manitoba some 18 percent since 1981. There was ample evidence presented to the committee that teacher salaries in Manitoba fall about in the centre of the range for this country.

The most compelling evidence given repeatedly was that Manitoba schoolchildren, unlike many children in other provinces, have not lost one day of instructional time due to labour disputes in the past 40 years. So I again would put the question to this committee, what is the problem? Without studying or identifying the problem the government appears to be offering a solution, Bill 72.

Our teachers recognized this proposed legislation for what it is, an enforced removal of our ability to negotiate

in good faith with our board. Ability to pay has always been a factor in negotiations. One has to question the need to legislate it now at a time when the government has brought some boards to the point of having an inability to pay. Boards that once had to raise 20 percent of their local budget at the local level are now required to raise close to 40 percent at the local level. In fact, the next round of anticipated cuts will probably bring it to 40 percent.

* (2220)

The revenue imbalance created by some divisions like Seven Oaks being unable to collect enough taxes from homeowners to maintain the current levels of programs, salaries and support services will rapidly turn ours into a have-not division. Other divisions like St. James, where I am a taxpayer, have the advantage of twice as many homeowners. I have not researched that but it is something in the order of twice as many homeowners paying taxes to support a similar number of children as Seven Oaks, about 10,000 in a school system. Furthermore, St. James reaps the benefits of an industrial tax base, the airport and Portage Avenue strip. As it is now, Seven Oaks spends below the metro average per child whereas St. James spends above that average per child. Further cuts in funding will only widen the gap and tie our boards' hands with an inability to pay.

The compressed time lines combined with a single arbitrator, not really a mediator, stressed in Bill 72 are systematically designed to work against our ability to arrive at a negotiated settlement. The significant change from a balanced board of three arbitrators to a single arbitrator who is instructed to base a decision on ability to pay, the current economic situation, comparable employee salaries and the nature and type of services to be cut sends a clear message to our teachers. This system is designed to entice boards to get to arbitration or at least to use the threat of it to arrive at conclusions in their favour. We see this design as wholly unfair to teachers and divisive to our relationship with our board.

Teachers in Seven Oaks also see the combined intent of the compressed time lines, along with the government's systematic control of the board's ability to pay, as a no-win possibility for our negotiations. In a climate of no new taxes reinforced by this government's Bill 2 legislation, along with built-in, progressive cuts to

education funding to boards, requiring boards to establish their budgets before negotiating requiring--

Mr. Chairperson: You have now reached the 10-minute point, sir. Is there leave to allow him to encroach on the question-and-answer time? [agreed] You may proceed, if you wish.

Mr. MacLellan: Thank you. In a climate of no new taxes reinforced by this government's Bill 2 legislation, along with built-in, progressive cuts to education funding to boards, requiring boards to establish their budgets before negotiating, requiring boards to show teacher negotiators their books, including the budget line for salaries, is something like showing the answer at the back of the book before telling the student to go figure. The answer is already there for us. What is to negotiate?

One further problem that we have with this proposed legislation is that it pretends with misused words to offer something that it does not. The term "mediation" to most of us means a third party working to reduce the differences between two parties. In order for the mediation to work, the differing parties must divulge private information in confidence and trusting that the mediator is working for both to bring them to common ground. If mediation fails and that same mediator is transformed into an arbitrator who retains the confidential information, making an arbitrary decision based on the privileged information, then who would trust that the arbitrator cum mediator or mediator cum arbitrator would forget the shared secrets in that mediation? The point is clear that from the outset it is clear to both sides that the mediator is, in fact, one and the same, the arbitrator. There is no chance for real mediation to take place. It is pure and simple negotiating with an arbitrator.

To summarize our objections to this proposed legislation in Bill 72, we in Seven Oaks find that it is misleading and that it pretends fairness and balance, is demoralizing and devaluing to teachers, is designed to reduce teachers' working conditions and living standards and is imbalanced in design, tilting the scales against teacher negotiators. Respectfully, we request that this committee recommend that Bill 72 be withdrawn.

Mr. Doer: Thank you very much for the excellent presentation. On page 3 of the brief, you make the point that teachers in your division feel fear, anger and betrayal. The Minister of Education (Mrs. McIntosh), who has

been raising these issues for the last number of weeks and most recently in the House, has said that teachers have not read the bill, and if they only understood it, they would in essence like it.

It is my understanding that teachers have read this bill quite thoroughly, have discussed it quite openly, and these emotions that you are expressing in this presentation are based on knowledge of the bill and the implications of the funding decisions by the Department of Education. Is that correct?

Mr. MacLellan: Absolutely. In my visits to schools in our division, I get repeated exclamations of concern and despair as to where this is taking us. I sat here the other evening and heard Madam Minister say that we were not reading the bill, and I am incredulous at that. I have been teaching reading for 25 years, and I think I can read between the lines, as can many of my colleagues in Seven Oaks and other school divisions around the province.

Mr. Chairperson: Mr. Doer or Ms. Barrett, I leave it up to you.

Ms. Barrett: Carrying along that same line, yes, I think we all agree that teachers are well able to read between the lines. On page 3, you mentioned several times that you had queried the government in their committee and also the minister about what is the problem, where is the problem, that this bill is supposedly trying to address.

Reading between the lines, do you have any sense of what it is that this government is looking to do? Why is this government bringing in this legislation?

Mr. MacLellan: It is quite clear that this government has presented the picture of being financially strapped, that we are a province suffering great economic woes, when, in fact, this government is taking in more and more money all the time. I think the Honourable Minister Eric Stefanson's statement last spring, in his statement about the economy in Manitoba, was something to the effect, and he seemed to take great pride in this, that we--

Mr. Chairperson: I am afraid your time has expired, so maybe you could just close your response.

Mr. MacLellan: That we in Manitoba, our government in Manitoba, spends the least amount of any province on

each of its citizens. That is to us working with children a point of embarrassment, not a point of pride.

Mr. Chairperson: Thank you, Mr. MacLellan.

Mr. MacLellan: Thank you.

Mr. Chairperson: Pat Isaak and Nancy Paterson? If you are both going to speak, maybe before you do speak, indicate your name for the record and I will not intervene. You may begin, Ms. Isaak.

Ms. Pat Isaak (Private Citizen): Thank you. My name is Pat Isaak. I am a teacher in the Seven Oaks School Division. We have titled our brief, Ability to What?

As educators in Manitoba, it is expected that we should develop many abilities in the children we teach: the ability to learn, the ability to communicate, the ability to problem solve, the ability to think creatively, the ability to work as a team, the ability to read, the ability to lead, to ability to access information, the ability to process information, the ability to change, the ability to accept change, the ability to adapt to change and the ability to reason.

We accept this challenge. The reality of our classrooms, however, is that we must also deal with a variety of disabilities and, most often, these do not occur in isolation: cerebral palsy, Tourette's syndrome, Down's syndrome, attention deficit disorder, dyslexia, speech and hearing impairments, fetal alcohol syndrome, sexual, physical and emotional abuse, eating disorders, pervasive development disorder, autism, intubation, alcohol and drug addiction, EBDs.

While the inclusion of children with these challenges is one of the things that we champion, meeting their varied needs takes time, expertise and money. Teachers have been and continue to be willing to provide the time and the expertise. This provincial government, however, is once again proving to us that it is not willing to provide the money.

* (2230)

Even after hearing the honourable minister's three proposed amendments last evening, we continue to believe that the focus of Bill 72 is the ability to pay. A

government's ability to pay is limited only by its political will. In February and March of this year, we, along with many of our colleagues, parent councils and some school trustees stood before a three-member panel established by this government to facilitate public response to the Enhancing Accountability: Ensuring Quality document.

Throughout those hearings, the panel heard numerous personal accounts made by teachers and parents about the changing and increasing needs in today's classrooms. Clearly it is the will of this provincial government to deplete the funds available for public education and to divert attention away from what is needed in the classroom and onto the collective bargaining rights of teachers.

The overall intention of this bill is to impose school board and government willingness to pay upon the outcome of arbitration. The government wants to allow school boards to determine unilaterally the salaries, benefits and working conditions of teachers. This will be accomplished through the board's budget process. However, the amount they budget is determined by the level of funding provided by the province and their willingness to raise that money.

So the question becomes, who controls the school board's ability to pay? For us, the answer is simple. You do.

Furthermore, Bill 2, passed last year, limits the dwindling and ever-decreasing pot from which education is funded, due, in part, to the debt repayment schedule. This, combined with Bill 72, which demands that arbitrators make awards using the ability of a division to pay as a major consideration, based on the division's budget, not their willingness to tax or not to tax, will make it impossible for funding to increase to a school division. Given the provincial government's withdrawal of financial support, the only way to maintain programming and staffing levels is to increase taxes at the local level. This becomes an argument of willingness to tax, not ability to pay. School boards are left in the unenviable position of having to pit the need for a qualified teaching staff against their need to increase technology or to enhance the physical environment in which students learn. They are forced to increase taxes to try and maintain what they already offer.

Bill 72 also creates a special class of taxpayers, teachers, who not only pay their own school taxes but will also subsidize the funding shortfall in their employer's school division or district by having reduced salaries, reduced benefits and poorer working conditions. Bill 72 is a discriminatory tax on teachers and only on teachers.

Ms. Nancy Paterson (Private Citizen): The bill also places arbitrators in a difficult position. They will ultimately be deciding upon the program needs for local school divisions. Their decisions must take into account all aspects of the division's programming, staffing and budgeting when making an award. This makes an arbitrator responsible for making tough political decisions better left to elected trustees who should then be held accountable for those decisions.

Ability to pay in the public sector is not the same as ability to pay in the private sector. In the private sector, a company's ability to pay is dependent on its profits or lack of profits. Whether or not there are profits is also often outside the control of the company. On the other hand, the public sector is nonprofit and depends for its income on political decisions. School boards and government can unilaterally decide how much they spend on schools.

Bill 72 makes teachers' salaries dependent on that unilateral decision. When the employer can decide unilaterally what the employee's salary can be, there is no collective bargaining.

We are not saying that school boards have an infinite capacity to pay anything that teachers want. We are saying that teachers' salaries should not be just what school boards want to pay. A fair collective bargaining dispute mechanism would favour neither side. It would provide teachers with salary increases when the economic climate justifies increases and it would refuse teachers' salary increases when they are not warranted, just like the system that we have now.

As real teachers, we deal with abilities and disabilities every day. This legislation forces us to question whether or not we, as teachers, will have the ability to meet the variety of needs our students bring to our classrooms while at the same time attempting to meet the ever increasing demands and expectations of society, including

parents, trustees, business, government and the community at large.

This legislation is not about meeting the needs of students. This legislation is not about dealing with the abilities or disabilities of Manitoba's public school children. It is about offloading responsibility for the public education system. It is about creating an intolerable situation in public school classrooms. This legislation is not about ability to pay. It is about willingness to tax.

We have seen how this government has handled its no-new-taxes policy in many areas of our lives. We have seen user fees imposed. We have seen limits placed on our health care accessibility. We have seen rates for public services go up all around us. As public school teachers, we do not want to see more user fees in our schools. We do not want to see accessibility to programs limited even further. We do not want to see local taxes have to increase to compensate for the constant changes that occur within the school's finance program which have the net effect of lowering provincial funds to the public school system.

The future for us looks bleak. Even with all our professional abilities, we will not be able to overcome the inherent fact that Bill 72 is a disabling piece of legislation for teachers and ultimately for students in this province. Given the restrictions placed on teachers in school divisions, which children will we have the ability to educate? Thank you.

Mr. Chairperson: Thank you very much for that presentation.

Mr. Kowalski: What was mentioned in an earlier presentation, and I would like to get your opinion, from the representative for the Seven Oaks Teachers' Association was the answer to the question, what is the problem? In an earlier submission from a school trustee named Harry McKnight from Midland School Division—he came representing himself, not the school division—he was asked a question by Ms. Friesen. I do not remember the exact question, but it was, what is the solution to the problems in funding, provincial government funding or teachers' salaries, and he said teachers' salaries.

Do you think that is what the problem is, that the school trustees being represented by MAST and the

Minister of Education, that is what they are really trying to look at, lowering teachers' salaries?

Ms. Isaak: I was at that presentation where that particular trustee was very emphatic that teachers' salaries are the problem, and, certainly, I disagree with him. The teachers of Seven Oaks School Division—and having been their spokesperson in the past, I feel somewhat qualified to speak on this issue—clearly feel that the lack of funding and the erosion of funding is the problem.

Something else that you have heard this evening is that in Seven Oaks School Division we have lost upwards of 70 teachers in the past four years. We have had no decline in enrollment in that time, and if you do the math—and it is late at night and I am not so sure I can do the math off the top of my head here—even at a ratio of one to 20, removing 70 teachers from the school system removes teachers for 1,400 kids. Now, we do not have 1,400 fewer kids in our schools in Seven Oaks. Those kids are still there but the teachers are not, and the reason the teachers are not there is because the school board does not have the funds from the provincial government to employ those teachers.

* (2240)

Mr. Doer: I think a lot of the comments in the brief from both of you state a lot of the specific front-line issues that Mr. Zaidman talked about earlier in his presentation in terms of the division and the challenges you have.

I was curious, on page 3, you talked about the diversion, diverting attention away from what is needed in the classrooms to the so-called collective bargaining issues of teachers. I am reminded of the announcement, the coincidence of the announcement of the minus 2 percent funding this year on the same day a paper was dropped dealing with collective bargaining rights of teachers.

Do you feel that this has contributed to the feeling of teachers that you have expressed, that this was a deliberate strategy to divert attention from the accountability of the Minister of Education and the government of a 2 percent cut and move it onto some other political debate in terms of the collective bargaining rights of teachers?

Ms. Paterson: I think it is a clear attempt at diverting what this government really wants to do away from what it should be doing. The responsibility for educating our students and for funding public education rests with the provincial government. It is not coincidence, I do not think, that all these things get dropped, as you say, in a very timely fashion. I do not think it was a coincidence that when we walked in here on Monday night there were three amendments. This legislation has been out there for five months. Why did it have to wait until five minutes before we are all to present on the legislation to have three amendments dropped on us? Why did the minister then say, it would be perfectly acceptable to teachers? I think she has heard—

Mr. Chairperson: Your time has now expired. Leave to just finish the response? [agreed]

Ms. Paterson: I believe she has heard clearly from teachers in the last evening, this evening and Monday evening that we do not think those amendments are acceptable and we are not pleased at all with the way it has been dropped on us once again.

Mr. Chairperson: Thank you very much for your presentation. Emanuel Tavares and Jennifer Waroway. Emanuel Tavares and Jennifer Waroway not—I gather Jennifer Waroway is replacing Carly Rowe? Who is going to be presenting then?

Mr. Emanuel Tavares (University of Winnipeg - Education Students Association): I will be.

Mr. Chairperson: Okay. Emanuel Tavares, please begin your presentation.

Mr. Tavares: Okay. Thank you. Jennifer Waroway is here to help me answer any questions. I would like to express my gratitude at the opportunity of being able to speak here. I would like to begin by saying, on behalf of the Education Students Association of the University of Winnipeg, I, Emanuel Tavares, am here to voice our concern about Bill 72.

We understood that Bill 72 encompasses other factors but the main focus is on the ability of school divisions to pay. Section 129(3) states: The arbitrator shall, in respect of matters that might reasonably be expected to have a financial effect on the school division or school

district, base his or her decision—and we realize that “primarily” has been struck out—on the school division's or school district's ability to pay, as determined by its current revenues, including the funding received from the government and the Government of Canada and its taxation revenue.

This section raises many concerns for us as future teachers. In our view, ability to pay is a loaded gun that can be used by the arbitrator when it comes time to negotiating for more educational resources and salaries, especially if the decisions are made by a single arbitrator who may be appointed by the government. We ask, where would his or her allegiance lie and how would this circumvent the democratic process which traditionally has been a process reflecting the views of the majority of Manitobans and stakeholders within each division?

Because ability to pay will be the key variable in arbitration, the arbitrator has the excuse then to call for reductions in resources or withhold pay increases. He/she would not be without justification, considering provincial funding to public schools has been consistently decreasing from 82.42 percent in 1981 to the current 63 percent.

However, we ask, are these cuts fair or even logical? We think it is not. In fact, we believe it to be dangerous to the health and well-being of our public school system, especially in light of the fact that government officials seem to still find monies to give to private schools and pay increases to themselves when the province and country are supposedly in debt. This province alone has had a revenue surplus in the '95-96 fiscal year amounting to roughly \$150 million. Furthermore, governments seem to be able to find extraordinary amounts of dollars to waste on unproductive ventures such as salvaging the Jets or money towards the boundaries review fiasco. More recently, this government has found huge amounts of money to produce standards tests and people to mark those tests without concern for savings. We could go on, but we are also concerned about the geographical disparity that ability to pay would create.

In order to obtain more financial resources and increase a school division's or school district's ability to pay, each division would be pressured to increase local taxes. However, it is obvious that certain areas cannot afford to do this, the consequences being that wealthier districts

would have access to more and better resources while those that have low tax bases and many people on fixed incomes would have to suffer with less.

As well, these disparities would create a decrease in morale among teachers in different divisions. I know that if I were a teacher of a poor division with little or no resources, I would really have to start asking myself whether the demands placed on me by students, parents, the community, special interest groups, businesses and government are all worth it. What I mean by this is that the school of the '90s is not the same as the school of the '60s. The student demands alone have changed drastically. Back in the '60s, how many times did you hear about teachers having to give out of their own pocket to ensure that a child in their class had something to eat for the day—and I am speaking from personal experience—or how many children were termed latchkey? In fact, the recent federal study on poverty reveals that poverty, especially in single-parent families can worsen behavioural problems in young children, such as poor attitude at school or criminal activity.

Again, I would ask myself, is having to deal with all these societal problems worth my well-being? As human beings, how much are teachers expected to give of themselves? Not because he or she is avaricious, but because their ability or desire to make a difference in a child's development has been systemically destroyed by government cutbacks. The supports are no longer there. In the end it is the students and the society that loses, for studies show that the more educated a society is the better off it is economically and socially. My colleagues share the same views and opinions.

In closing, we the future teachers feel that the overall intent of Bill 72 and specifically ability to pay is the government's desire to run schools on business principles. Schools are not businesses. School profits are not based on dollars but on human development; therefore, all recommendations must include this quotient when being developed. Those putting this bill together have forgotten to look at what the consequences are to the human factor. Thank you.

Mr. Chairperson: Thank you, Mr. Tavares and Ms. Waroway.

* (2250)

Mr. Struthers: Yes, thank you, and I will congratulate you on a well-done statement here today. A long time ago when I received my B.Ed and went out looking for a job, there were a few available. What do you see as your prospects when you receive your B.Ed? What do you think, each of you, what are your chances of getting out there and getting the teaching job that you have worked so hard for and spent so much of your time, energy and money receiving?

Mr. Tavares: Well, from what I have been told the prospects always seem to be dim. The jobs are not there. But personally myself I try not to concern myself with that because that is not my concern. I am more concerned with—I will go anywhere to teach as long as I am able to reach students and to be in a classroom, because that is what I have decided that I have wanted to become and that is what I have put all my time and energy into doing, because it is a love that I have found and something that I want to do.

Ms. Jennifer Waroway (University of Winnipeg - Education Students Association): As my colleague has stated here, it is a love of the job that brought us into this field and I, myself, have discussed the issue with many of my other colleagues. I would not hesitate to go overseas, if need be, to find a job. I would be willing to take my resources, my knowledge and my creativity overseas where somebody will value my knowledge.

Mr. Doer: I do not want you to go overseas. In the faculty, in the association at the University of Winnipeg, is there any research being developed or any materials being made available to all of us dealing with the indiscriminate cuts versus research on where we should be investing? For example, I have read that lately there are studies that show that a classroom size, particularly for Grades 1 to 6, can be absolutely crucial. The ratio of teacher-pupils in a classroom can be absolutely crucial for their whole educational development, and we are being penny-wise and pound-foolish to be cutting back indiscriminately, particularly with children in the most formative educational grades.

Mr. Tavares: The only studies that I have come across with respect to something like that in schools and classroom size are studies that have come across from the United States, specifically Tennessee, where studies showed that the smaller the classroom size, there is a

direct correlation to how well those students were doing. Basically, they cut their classrooms from 30 down to 20, and the level that the students obtained was that much higher.

Mr. Reimer: I just wanted to ask you a question. As you mention, you are wanting to be a teacher and I commend you for that. I feel that it is a noble profession. I was wanting to know how you would reply to a phone call that I had in my constituency in which a constituent phoned and was complaining about the fact that at one of the schools that their children go to, they have had teachers who have retired, and these teachers are the ones who are being called back on a part-time basis to teach in their schools, and this particular constituent was telling me that they have a daughter and they know of relatives who are waiting to get into the teaching profession, but the school division and the schools are calling back retired teachers to fill in these positions. How should I have answered that constituent?

Mr. Tavares: They are calling them back?

Mr. Reimer: The retired ones. The ones who should be making way for the new ones.

Mr. Tavares: Yes, I realize that. That is something I was never aware of. I would have to honestly say it is a bit unfortunate. But there must be a reason for it; otherwise, it would not be happening. Until I see what the reasons are for that, I would not want to comment on it.

Mr. Reimer: I realize that. I am not trying to put you on the spot, but I just feel that there is a lot of young talent out there. There are a lot of young teachers who are trying to get into the profession, and I commend them for that, but I feel that in the phone calls that I had in particular to this, I could see the frustration of this parent, of her daughter wanting to go into the teaching profession, and she cannot get called back to be a substitute teacher, but a retired teacher goes on the list and is hired back faster than she is. She cannot even get the experience.

Ms. Waroway: I believe that the experienced teachers do hold a vast amount of knowledge and are an asset, and if they are coming back, I am sure that they have, what would you call it, a lot of resources to give to children.

Now, in terms of my own experience, I could not hold it against a retired teacher who came back simply because of the circumstances. I do not feel that is an issue really. I mean, it is unfortunate for people such as myself who cannot get jobs because of that, but I am not concerned about that.

Mr. Struthers: If this constituent phones back to Mr. Reimer's office again, would you be able to give Mr. Reimer the advice to pass on to this constituent that the older, part-time teacher coming back is coming back at a part-time wage, a lot cheaper, because his own government has cut \$43.5 million out of education, and the school division has to find cheaper ways to provide education. So would that be good advice to give Mr. Reimer the next time that constituent calls?

Mr. Tavares: I would say it makes sense, yes.

Ms. Barrett: I do not know if you were here earlier this evening, but there have been several presentations of people who are talking about how distressed the teachers and their school divisions are. I am wondering if you can share with us the concerns or the emotional or how students are feeling about the effects of Bill 72 and the general sense about the education system in the province.

Mr. Tavares: We feel that it is not going forward. We feel that it is going backwards. We feel that, as I stated, and this is from being just in classrooms, that things are getting worse and, as I stated, our desire and our ability to want to be able to teach these students and give them the knowledge that we have and pass that knowledge on is being taken away from us because systematically, like I said, it is cutting away at our resources.

Mr. Chairperson: Thank you very much for your presentations.

Ms. Waroway: Is our 10 up?

Mr. Chairperson: You have just over a minute if you wanted to make a response.

Ms. Waroway: I have recently spoken to a friend of mine who is in education and she has already received her degree. She is certified and she is trying to substitute and she is having trouble because she cannot get a substituting job, never mind a full-time job.

Now, the issue here is the fact that, I discussed the fact that I was going to come here to present, and she was very—what is the word you could say?—frustrated at the whole system. She stated that she has lost all faith in the government, and this is a paraphrase, but it is basically what she said, and that she has no desire to continue teaching. She is going to explore other areas of the workforce. She is a very dedicated professional and she has a lot of knowledge and a lot of resources that would be valuable to children.

I am afraid that from all these frustrations you have lost one great teacher and I am sorry that that happens, but it is going to continue to happen if things do not change. I can almost guarantee it. Thank you.

Mr. Chairperson: Thank you very much, Ms. Waroway and Mr. Tavares. Fred Pauls, please. Mr. Pauls, you may begin your presentation.

Mr. Fred Pauls (Private Citizen): Thank you for allowing me the opportunity of speaking to you about changes to The Public Schools Act. I am a teacher in an independent school here in Winnipeg. At our school's opening program in September, the Minister of Education was praised for her government's support of independent schools. Last evening, I did not hear much praise for the government's support of public schools in this province. I heard the opposite. Actually, it is not last evening but on Monday evening.

It is a government's responsibility to provide the best possible public education system for the children of Manitoba. I think that this legislation does not promote public education in the province. It demonstrates a lack of support for the very people who are at the heart of that education system, the teachers.

* (2300)

I have three children who have and are benefiting from the public school system in our province. I have been involved in a parent advisory council in the Winnipeg School Division for the last number of years. I have agonized with other parents as to what recommendations to give the trustees, given the continued cutbacks of this provincial government. I have seen first- and second-year teachers lose their positions in June as a result of funding reductions. The school division does not give first-year

teachers full-time contracts any longer. I have seen support services at the school division reduced. I have seen the number of teachers' aides reduced. Where is this going to end, Madam Minister?

I observed on the evening of Monday, October 28, that teachers are angry and are frustrated about the lack of support for their efforts and work from this government. It is the teacher in the classroom that has a potential to make the difference in the lives of the young people of this province. The morale of teachers is low. How can they work effectively in the classroom in this environment? The answer is that, in spite of all this teacher bashing, there are many teachers in the public school system who continue to do an exceptional job in the classroom and in extracurricular activities.

On Monday, I witnessed a presentation of the Prime Minister's awards for teaching excellence in science, technology and mathematics to sixth grade teachers in Manitoba. Bill 72, with its changes to the way in which teachers are paid or the way in which their contracts are negotiated, is not a way of encouraging these excellent teachers. In working with the parent advisory councils in Winnipeg School Division, I frequently fear the impact of the collective agreement with teachers. I was afraid that the settlement with teachers would result in higher taxes for the taxpayers and more cuts to programs within the division. This did not happen. It seems the settlements were reasonable with the current process that we have. The biggest factor in the reduction of services to the children and an increase in my property taxes was not the collective agreement with teachers. It was the reduction in funding from the provincial government.

My sense is that the way that the ability-to-pay clause fits in is in January the money comes down from the province, in March the school tells how much they need from the city, and then in April or whenever that date is going to be, the negotiations begin with teachers. That system is weighted completely towards the trustees and their goals to keep taxes down within their area and to limit the amount of money available to teachers.

Members of the committee, the ability-to-pay clause in Bill 72 might save the provincial government some money, but the damage it will cause amongst the teachers of this province is not worth it. The low morale amongst teachers that is being generated by this unfair legislation

will not result in a better public education system. It will undermine the efforts of the teachers and have a negative impact on our schools and our children. There must be a better way.

Finally, changes to public education are necessary. We need to reinvent the way we do some of our public education in this province. I have had the privilege and responsibility of working on the common curriculum framework for mathematics education for western Canada and the Territories, a group set up by the ministers of Education of the various provinces. I am working on one of the mathematics curriculum committees that have been established by Manitoba Education and Training to provide curriculum that prepares our children for the challenges of the workplace. I am committed to reinventing some parts of the educational process and some parts of our curriculum.

These changes must be implemented in a fair manner and must recognize the strength of the public school system, the teachers of our children. Bill 72, I think, is a step in the wrong direction. So my question to the minister today is, can the minister invite teachers, trustees and parents to get together to produce a fair system? Is it too late? Thank you for allowing me to speak to you this evening.

Mr. Chairperson: Thank you, Mr. Pauls.

Mr. Struthers: Thank you, Mr. Pauls. It is refreshing to hear from somebody involved in the education system who speaks so highly about our public education system in contrast to what we put up with on a daily basis in what you refer to as teacher-bashing.

I am going to ask a question, though, of you and ask you to put your parent-hat on and think of the students, your children, in our public schools in relation to what I see as a very damaging situation in which more and more students are being taught by fewer and fewer teachers. I am very concerned about how this legislation and all that it entails has on the pupil-teacher ratio in our schools. Can you kind of give us a hands-on kind of description of how an increased pupil-teacher ratio has on your children?

Mr. Pauls: The increase in the pupil-teacher ratio would result in those children in the classroom who do not have

the—I guess it would result in those children in the classroom who do not have the skills or who need some support and assistance. Not everybody in the classroom does, but the larger the classes are, the less the individual help that some children would receive that is necessary. That is what I have seen as part of the parent advisory councils in Winnipeg 1: the class sizes have continued to increase as a result of provincial cuts to funding.

Mr. Struthers: Given what we have heard tonight about ability to pay and the inequities that approach will cause across the province from one school to the next, what level of kid, what level of student is going to suffer the most when the pupil-teacher ratio goes up in one division and up in another?

Mr. Pauls: I think that students across the board will suffer. I also have the experience of people who at the top in—kids who need a challenge and kids who were bored with school. They need some extra supports. At the school, the Laura Secord School, where my children have attended, that school has chosen to include a teacher to work half-time to work with the kids who the school views as exceptional, as gifted kids. Not very many schools make that choice anymore because there is not very much money available.

I also see in the classrooms that I teach in kids who are exceptional, who are not challenged and who are just getting bored with school and going backwards the other way. I could go on and say that the average kid loses out, too. For sure, the child who needs that extra teachers' aide, which is not available anymore because there is not enough money, that child will suffer as well in the process.

Ms. Barrett: You said you had been working with parent advisory councils in Winnipeg 1. What is their impression of the current status of the public education system? Do they share some of your concerns as well?

Mr. Pauls: I guess last spring when things began to heat up in this particular area, there was an urge of parents to get together and say, we need to go down and ask the Conservative government to provide more funding for education. At the same time, we as parents have—it has been one year and then another year where the funding has been reduced. We have had to get together and say, okay—the trustees ask us, where should we take the money

from? Should we take it from transportation? Should we take it from teachers' aides? Should we reduce the number of teachers? Like, what gets reduced in the system? This is the second—two years of cuts have happened. It is going to happen again this year, is our guess as to what is going on. It is a very frustrating process as a parent in that whole scheme of things. Maybe it is to the point too where the parents do not care anymore because they know what is going to happen anyway, and that is a sad situation too when it gets to that point. There are people that are angry in that way; there are people who do not care anymore too.

Ms. Friesen: Thank you for your presentation. You are associated with a school, your children are at a school which has a very high level of esteem amongst its parents and the community in general. We have heard a lot tonight about, I guess, versions of teacher bashing, and I wondered if we might take another tack and ask you to tell us from your own experience, of your own children's experience, of the good teachers, the ones who have made a difference in your family's life, will always be there in your children's life. Could you give us some examples that we can use when we are talking to other people? I do not mean names, I do not mean positions, but give us a sense of what the good things are that are going on in Laura Secord School.

Mr. Pauls: The good things that are going on at Laura Secord School. I guess one of the good things is when I see my daughter who is in Grade 5 at Laura Secord—I guess I get emotional about this part of it, but she comes home from school excited. I just barely get in the door, and she wants to tell me what happened at school that day. My son, who has graduated from there, the school went out of its way in a number of different situations to provide opportunities for him with his unique abilities, providing opportunities for debating on Law Day over at the Law Courts building where they work with students and get that experience of what the legal system is and work with the judge in preparing things that way.

* (2310)

I guess I see the dedication of the teachers at that particular school going far beyond what is happening in the classroom. As I mentioned here earlier, the teachers are committed, and given the kind of things that have been happening, they are continuing to work hard at what

is going on. I guess my appeal to the government is, can there be a different way of introducing legislation to get trustees and teachers together to produce a system that both sides will see as fair? This one is what I am hearing—I do not teach in a public school system; I do not go in the staff rooms of the public school system from day to day, and I do not hear that—I heard it from what I saw here. I hear it when I attend my monthly meetings at the Manitoba Education and Training, in terms of this curriculum development that we are working on.

For example, there is a teacher on our committee, budget cutbacks in his region resulted in him—he was on our committee working diligently for two years. He worked this summer for a month working on math curriculum. Budget cutbacks in the area where he was at resulted in him—he did not have the seniority so he is no longer a math teacher. He is on our math committee working on curriculum development but in his school division he has lost the position as a math teacher. He is now teaching science, which was not part of his background at university at all. Those are the kinds of things that we are dealing with. He is still committed, and he will be at our meeting in November. He will continue to meet with us seeking to develop a better or a new curriculum in mathematics education in Senior 2, 3 and 4.

Mrs. McIntosh: Thank you very much for your presentation, and thank you for your work as well on the curriculum committee. It is just a question because people talk a lot about some of the problems that are occurring in the schools in terms of, the one you just mentioned for example, teachers being reassigned and so on. It is always done in the context of funding cuts. In your opinion might there be some other reason that would make some of these things be occurring aside from funding cuts? Are there other factors that would cause some of these things to happen?

Mr. Pauls: Sure. Some of the other factors are priorities, like when I look at Winnipeg School Division when they have to reduce their budget by \$5 million or whatever, they have to decide what is important and what is not. They get all kinds of special groups come to them asking for certain things. But priorities are a significant part of it, and Winnipeg School Division is wrestling now with nursery—what to do with it. In Winnipeg No. 1, what has happened is at least the trustees have

consulted their parent advisory groups. Whether they listen to us or not is another story I suppose, whether it is fixed or not, but I am optimistic enough at least that they are open to new ideas and different kinds of ideas. But there are priorities going on, and people are choosing some things and not choosing other things. The funding thing though makes a big difference in terms of what is happening in the end.

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

Kelly Logan. Kelly Logan not being here, will go to the bottom of the list. Alan Wiebe.

Mr. Alan Wiebe (Fort Garry Teachers' Association): It has been a long evening. Good evening, ladies and gentlemen. I am going to be speaking to you from my prepared notes.

My name is Alan Wiebe. I am the president of the Fort Garry Teachers' Association, 500 full-time and part-time members of the Fort Garry Teachers' Association and I am representing them here tonight. I would like to say that I concur with much that has been said by my colleagues and by the Manitoba Teachers' Society in their briefs, so for me to say something new to you or to suggest something new is probably going to be very difficult. However, I would like to probably put something into a different wrapping and share it with you from the standpoint of myself as a teacher.

Two issues come to mind when I think of Bill 72, two vitally important issues when it comes to success of children in the school system. Number one is the size of classes that our children are in; No. 2 is the morale of the teachers in those classrooms. When either of those two things is affected, education suffers.

When I reflect on Bill 72, I keep thinking back to the beginning of my teaching career which began in the year 1972. For the rest of my life I will remember Bill 72 and the year I started. I was a beginning teacher in a rural area, idealistic, with a strong sense of being valued by my students, their parents and the general public. I looked forward to growing both personally and professionally and maintaining teaching as a lifelong career. Many friends in other endeavours would say, Alan, why teaching? It is somewhat thankless. I looked at what I

saw in the public system at that time and I felt that everything about the career of teaching was honourable. It required a strong sense of dedication and was secure. I had faith in those in power, that the public system as we had come to know it was like a public trust, similar to health care and social services because of the importance of maintaining a quality system.

A teacher in 1972 felt that they were part of a vanguard that would continue to work for improvements in the system with the ultimate goal of making Manitoba's public school system the best that it could be, both nationally and internationally. I believe that we have all done an excellent job in making the Manitoba school system one of the best in Canada and indeed one of the best in the world.

Bill 72 and its contents would not allow this continued growth to go on. It does so the same way as the cutbacks to education have. There are two things at work here, cutbacks in funding and the contents of Bill 72.

Teaching, as everyone can attest to, is a challenging and at times difficult job, and the road to 1996 from 1972 has seen many societal changes and many new expectations on what the public school system can provide society. I feel very strongly that the teachers of Manitoba embraced those changes and took on all the new challenges and fulfilled those expectations.

It has always seemed fitting that as society and families with children underwent change that the public school system would rally around the family. The system has tried to provide every service possible to see to it that every child and every classroom has the best possible chance of being successful and of growing as a citizen/person of value in their society.

This has always been the mandate of the public school, and in the year 1996 the challenge has never been greater. The system of education in Manitoba will always need teachers who are dedicated and willing to take leadership roles in promoting improvements, teachers who are proud of what they do and how they are viewed in the eyes of the public.

This is part of the evolutionary development of any institution. How teachers are valued for the work they do with our future generation is of integral importance and directly proportional, and I repeat, directly proportional

to the success in developing healthy citizens in the future. This is also in great jeopardy with the advent of this bill.

By changing the level playing field of the current form of bargaining to one that favours the boards, as does Bill 72, I believe, and I have heard that time and time again, you are devaluing the public schools and those teachers in them. Bill 72 turns back the clock.

I recently served on a committee with the Chamber of Commerce. It is called the education committee. It is a very interesting committee for a teacher to be on because the people on the committee tend not to come from the education field.

On that committee, I heard many, many views of education, and all of the views when prompted by questions from myself, I heard some answers that were sometimes surprising. Do teachers, earning \$50,000 a year on average, are they paid too much? The answer I heard, no. Another question that was directed was, is a level playing field important in the area of bargaining between teachers and boards? Absolutely, yes. These came from some businessmen I had talked to who served on the education committee. They also reiterated these things in a document in their response to Enhancing Accountability: Ensuring Quality.

I would like to take just a few moments to share some excerpts from the address I heard recently at a school board meeting in Fort Garry. Tom Barker, some of you probably know, a Winnipeg senior citizen, had asked to speak to the board about cutbacks in education and changing what can be bargained for under the proposed new structure, i.e., Bill 72. I should preface this excerpt with the fact that Mr. Barker is not a teacher but a retired bricklayer from the construction industry. He has been in Canada for about some 30 years.

In his words: I am here tonight in the hope that I will be able to help our children of the future. I am like the man who plants an oak tree. I will not harvest it but I will have the pleasure of watching it grow. I cannot see any sense in cutting back on education when we all know that we will need more and more ability to make a living. I suggest that we must start with a good foundation. His analogy swung a lot of people on the board, I believe, the analogy to a bricklayer and a foundation. As someone who has worked in the construction industry, I know the importance of that foundation and that it must come

before anything else. We must set a maximum class size, says Mr. Barker, of 18 in Grades 1, 2 and 3, this is his own idea, and in this way a teacher has a chance to spend time with every student. Large classes, impossible.

* (2320)

In Tennessee, the most comprehensive study in education history was published in 1990. The study produced convincing evidence in favour of reducing class size, as has been done in California. Mr. Barker goes on to describe a four-year research project in Tennessee that yielded conclusive results in favour of reducing class sizes. A major change starting to impact in schools is larger and larger classes. I know my colleagues are tired at the end of the day largely due to the size of the class at 30, 32, 33 and growing. Bill 72, though, says that the collective bargaining process should not even include the all important area of class size when dealing with arbitrated settlements. That is sad.

Some have said that the public school system in Manitoba is slow to change. Change is a perception, and with rapid societal change around us, as I alluded to earlier, public schools are adapting as rapidly as they can, but adaptation requires a commitment of stable funding and stable relationships with employees in the public schools. Those stable relationships are hardly stable at the moment, and that has been mentioned time and time again by my colleagues in this room and on Monday night.

Funding cutbacks and Bill 72 prevent adaptation and growth. Will teachers' salaries be cut in order to provide for a system that remains at the status quo or reverses? Can the government of Manitoba afford to maintain or increase funding to education at this time? We in the educational community believe the answer is yes, but the government has chosen not to. Recent research and statistics show that Manitoba is in good fiscal health in relation to the rest of the country and, in fact, leads the country in many areas of fiscal recovery. I am glad to hear that. I also have some of the research with me tonight included in some pages I have underneath my notes.

The ability to pay is another integral part of Bill 72. The government has the ability to pay, but by not funding school boards adequately, they are transferring the ability to pay or lack thereof onto school boards. The school

boards pass the dilemma on to their negotiators. Bill 72 is really only asking the teachers of the province of Manitoba to pay for the public school system. Thank you very much for this opportunity.

Mrs. McIntosh: Thank you very much. You are filling Richard's shoes. It must be an entertaining place to be because he was such a standard fixture in the area for a while.

Mr. Wiebe: I am not filling his shoes.

Mrs. McIntosh: Well, pardon me. Maybe that is not a good choice of words, but I hope you are enjoying the role.

I just wanted to ask you why you think the government drafted and introduced Bill 72.

Mr. Wiebe: I have heard that question directed in various ways for two nights, and I guess it has largely been done in order to cut back on costs of education and costs of education when they are going up in regard to a lot of things. The idea of teachers' salaries going down is able then to provide for the system to somehow carry on, but a lot of it is, I believe, a way of diverting money to the private system which we see happening each and every year with increases in funding to those institutions. That is interesting to me because that money would be better served in the public school system.

Mrs. McIntosh: I wondered if you felt that—well, no, I guess there is no point. Thank you.

Mr. Doer: Thank you very much for your presentation. Mr. Wiebe, you mention you are on the education committee of the Chamber of Commerce. Have you discussed Bill 72 with the education committee? Is it the Winnipeg Chamber of Commerce or the Manitoba Chamber of Commerce?

Mr. Wiebe: Winnipeg Chamber.

Mr. Doer: Have you discussed Bill 72 with the members of your education committee of the Winnipeg Chamber of Commerce?

Mr. Wiebe: I have not had the opportunity at this time, not Bill 72 specifically. Enhancing Accountability: Ensuring Quality, yes.

Mr. Doer: We had an interesting discussion with the education committee, and their sense was that they wanted to proceed into the 21st Century with consensus. When we asked the individual who was on that committee whether they would in fact—they were timid about it because of other things involved in the government legislation, but when we asked them whether they preferred to have the legislation held and a consensus developed, they certainly acknowledged that and they thought that was a good idea.

Would it be your sense working with the education committee of the Winnipeg Chamber of Commerce that they see the future of education through partnership and consensus rather than the conflict that we are now presently experiencing with the introduction of Bill 72 in this Legislature?

Mr. Wiebe: Yes, the idea of partnership is mentioned pretty much every meeting I have been at with the education committee. Partnerships and consensus is absolutely the way this committee is trying to go. You have to remember that business and education speak different languages and always have, and bringing those two languages into a common language is a process that is taking time, but I know that the business community is making every effort to bridge the gap of language between the two groups.

Hon. Harold Gilleshammer (Minister of Culture, Heritage, and Citizenship): I wonder if the Fort Garry Teachers' Association would be supportive of balanced budget legislation.

Mr. Wiebe: I cannot speak for them on that issue of balanced budget. I can speak for what I would think the association with me as president would say, and we would probably say we do not believe in balanced budgeting.

Ms. Friesen: Mr. Chairman, perhaps to follow up on that question, I think the question was directed specifically towards the balanced budget legislation of this particular government, and I understand that you do not have the authority to speak on that. I do not know if you intended to say balanced budgets, that you did not believe in them, or whether you were addressing the actual question of the legislation, but I will leave that up

to you to answer. It was unclear for me, so I wanted some clarification.

Mr. Chairperson: Did you want to clarify that Mr. Wiebe?

Mr. Wiebe: Not at this point. I am tired.

Ms. Friesen: There are two things I wanted to pick up on from your presentation. One is where you talked about teachers paying the cost of the public school system, that the cuts are essentially intended to be offloaded onto teachers, and I wondered if you could give me some sense from your membership of the amount that teachers now are contributing to the public education system over and above the classroom duties or even the extracurricular activities.

I speak to many teachers, but they tend to be more at the elementary school level, of the amount that they are paying in supplies, the amount that they are paying for field trips, the amount in some cases they are paying for lunches for the children in front of them who have none. I wondered what the experience in Fort Garry was of that kind of teacher contribution.

Mr. Wiebe: Fundraising has become a way of getting—

Mr. Chairperson: You are down to the last minute.

Mr. Wiebe: Fundraising seems to be the way that schools are managing to survive in these particular times, and fundraising always and will always involve the classroom teacher, because the classroom teacher and the children have to co-ordinate and be part of that drive to make dollars.

Generally, it is done by canvassing the communities for money, and I know teachers and students are doing much more of that than ever before, including Fort Garry which has often been considered to be a fairly "have" school division.

Mr. Chairperson: Thank you very much, Mr. Wiebe.

Ruth Smith. Welcome, Ms. Smith. You may begin your presentation now.

Ms. Ruth Smith (Private Citizen): Thank you. My name is Ruth Smith, and I am speaking on behalf of Madeline McKenzie, Linda Connelly, Jan MacPhail, Irene Henschel and Pamela Tetlock. We all got together to write this.

I would like to thank you for the opportunity to share concerns regarding Bill 72. Historically, the collective bargaining process has been based on the principle of fairness and equality. It is essential that a balance of power between the stakeholders is established and maintained throughout the process.

Bill 72 as proposed is contrary to the internationally accepted practice of free collective bargaining. Forty years ago, Manitoba's public school teachers agreed to accept interest arbitration in lieu of the right to strike. It is understood that interest arbitration must be independent and fair to employers and employees. The proposed legislation would significantly alter the process of collective bargaining in several ways.

The brief will highlight the changes in the roles of key players and in the arbitration process itself.

Bill 72 creates a new position in the mediator-arbitrator. The role of mediator consists of (1) conferring with both parties and endeavouring to assist them to conclude, review or revise a collective agreement, and (2), deciding to conclude a collective agreement by arbitration. At this point, the mediator becomes the arbitrator.

Currently, a panel of three arbitrators agreed upon by both parties is appointed to conduct the arbitration process; therefore, the arbitration process is separate and independent from any prior negotiation. In other words, the conciliators and the arbitrators are independent of each other.

* (2330)

Bill 72 forces the arbitrator to disclose all information other than the information specifically deemed to be confidential. This is the opposite under the current law. Present arbitration protocol observes confidentiality except for information deemed to be publishable.

If Bill 72 is passed, the bargaining process will exist in name only. Presently bargaining begins in October. Bill 72 changes the opening of negotiations to April of the year the agreement expires. By April 1, the school division have received their funding, set their budgets and established their taxation mill rate. Thus revenue which constitutes a division's ability to pay has been determined. This eliminates the right of teachers to effectively bargain. Bargaining in good faith between the parties is really no longer possible.

If negotiations fail, they proceed to the mediation-arbitration. The arbitrator is limited by division's ability to pay and must base his or her decision primarily on this criterion. Therefore, in arbitration, teachers would still get only what the school boards have determined prior to negotiations. I recognize that there has been an amendment to this, but please understand that I wrote this brief before this was made available to us.

In conclusion, any new system of collective bargaining must address current issues and be sustainable for the future. If the intent of Bill 72 is to improve collective bargaining, the inherent bias of the bill must be addressed. We, therefore, urge the Manitoba Legislature to reconsider the enactment of this bill in its present form. If this bill passes as it is written, collective bargaining for Manitoba's public school teachers will no longer exist. Thank you.

Mr. Chairperson: Thank you very much, Ms. Smith.

Mrs. Render: Thank you for your presentation. I am not too sure whether I understand, are you assuming that conciliation-arbitration would never be the chosen method?

Ms. Smith: My understanding is this—

Mr. Chairperson: Ms. Smith, go ahead.

Mrs. Render: It is just for Hansard; that is why he has to keep the names.

Mr. Chairperson: I am just trying to get your name on the record so your words are attributed to you, not Mrs. Render. Ms. Smith, go ahead.

Ms. Smith: Sorry. Okay. I would like to tell you this that we had a communication from the MAST officer that our school board deals with. When we sent them a letter to request that they consider conciliation-arbitration as the route we would like to go, the reply from the MAST officer was that MAST has chosen to go the mediation-arbitration route and they will not use the conciliation route.

Now my understanding is that they were speaking for MAST in general, that this was not a single MAST officer's decision. This was what the information came from MAST. So unfortunately, although that route would be preferable to us, it was our first choice, it is not an option. We have been informed of that already.

Mrs. Render: I asked the question simply because I had been told that both teachers and trustees in St. Vital have always worked together very well—

Ms. Smith: Very well, this is true.

Mrs. Render: Your answer surprises me, and I am wondering whether there is not a way to get that co-operation back again so that you can be talking about the different methods that will work best for this particular school division.

Ms. Smith: I would certainly like to see that happen. We have traditionally had very good relations with our board. We have been able to negotiate our contracts traditionally without using arbitration. Occasionally, we have got to the point of applying for arbitration, not this last time, but we have been able to come to a negotiated settlement.

One of my concerns that I would like to just draw to your attention that is happening now that I am afraid of is that the time span is too tight; while it was too long before, I did not care for two years of negotiating a contract. Sixty days is frightening to me. I did act as the chair of negotiations for the last round, and we were able after two years to come to an agreement, but I would be pulled out of class probably once a week if I were the chair this time to get, say, 10 meetings in 60 days. I find that appalling because in spite of my interest in doing this and my interest in bargaining, which I have thoroughly enjoyed, my prime concern is my classroom, and I find that appalling. My prime concern is my children. I have

always loved my teaching and I have always felt a strong commitment to my classes and my children, and I do not know how I would be able to do that.

Someone else pointed this out, too. Would the negotiations come down to simply that the trustees are unable to free themselves up from their jobs? You only have so many MAST officers. You only have so many staff officers from MTS, and you do have to consult because I am not a lawyer. I do not understand all the things, that when I see a clause, I have to have someone interpret this for me often so that I catch all the ramifications, because this is not my expertise. So I have to be very careful if I am bargaining for a large number of people.

The MAST officer and the staff officers would be sitting all day doing contracts back to back, hour after hour, because you cannot pull a teacher out of a classroom week after week, and you cannot pull a trustee out for sure. I do not know how many trustees do not hold other jobs, but in our division, all of our trustees work, and they would only be available in the evenings. Now, you tell me if we limit it to evenings, how many times you would have access to consult with the expertise of a MAST officer or a staff officer? It could not happen, not in the 60 days.

While tightening up the time lines looks good when you look at a two-year negotiation process, but 60 days, when you look at it logically, may not be reasonable, and that is frightening when we look at mediation-arbitration because those time lines are tight.

Mr. Santos: Would you say that the intent of Bill 72 is to improve the collective bargaining process or to destroy it?

Ms. Smith: Is that a yes or no question?

Mr. Santos: No, I am giving you the option.

Ms. Smith: Well, I would say I do not believe the intent is to destroy, but I think the result is not an improvement.

Mr. Laurendeau: Mr. Chairperson, just for the little bit of assistance for Hansard, if we could have the members bring their microphones closer. Hansard is having trouble picking it up, No. 1, and, No. 2, if we could have

them going through the Chair rather than debating with the presenters at this time. It might make it more appropriate again for Hansard, because Hansard cannot sometimes differentiate between the voices in the room.

Mr. Chairperson: Thank you, Mr. Laurendeau. Mr. Santos, through the Chair.

Mr. Santos: For the purpose of Hansard, I will repeat my question. Given the last sentence in your presentation, and I quote: If this bill passes as it is written, collective bargaining for Manitoba's public school teachers will no longer exist. Because of that sentence, I asked the question.

Ms. Smith: I understand.

Mr. Santos: After the study of the bill, is it your opinion that the intent of the bill is to improve collective bargaining or to destroy it as it stands now?

Ms. Smith: Again, I say, I do not think the intent is to destroy, but I think the results will be destruction. I do not think the process can exist under the terms of the bill. You cannot bargain when there is no flexibility. The school boards cannot change the mill rate. That is the only flexibility they have anyway. They cannot change their decision to tax people, so in effect the effect is destruction. I would not go so far as to say the government intends that to happen, but I think when it is pointed out to them they must realize that you cannot bargain when there is no flexibility.

* (2340)

Mr. Santos: Even the change from the board of arbitrator to a single arbitrator who is also a conciliator, do you think that this is really an exercise in futility in the bargaining process?

Ms. Smith: Yes, I find that one difficult. The combination of jobs presents two problems for me. First of all, if the mediator and arbitrator are the same person, that means that the arbitrator who usually brings a fresh set of eyes and ears to the arbitration hearings will now be privy to all the give-and-take that both sides have during mediation, and that could prejudice his or her decision during the arbitration. The second thing is—and this may be naive of me—but if you got to be the mediator

and you could extend your job into being arbitrator and therefore lengthen your period of employment, what would you pick?

Mr. Santos: Good question. Given the timing of the process of describing the legislation, where in April of the year after the agreement expires, the school division having already received their fundings, set their budget and established their taxation mill rate, is any kind of negotiation nothing but an exercise in shadow-boxing?

Ms. Smith: I agree. I agree because all of the funding is set. It almost precludes any possibility of any teacher being able to negotiate a raise, and because of the phrase, although the impact is slightly lessened, ability to pay not being now the primary, that directive is still there. The school board says, here are my books, this is what I have, I cannot pay you. So therefore the ability to negotiate for a raise is not there, and there is the destruction.

Mr. Chairperson: Thank you very much for your presentation, Ms. Smith.

Harriet Zaidman. You may begin your presentation, Ms. Zaidman.

Ms. Harriet Zaidman (Belmont School Parent Committee): I am representing the Belmont School Parent Committee. We are an elementary school in the Seven Oaks School Division in Winnipeg.

The Belmont School Parent Committee met and we are expressing our concerns about Bill 72 which, in our opinion, will undermine the public education system in Manitoba.

A highlight of this bill is the so-called ability to pay of each school division and for arbitrators engaged in dispute resolution. We would like to remind the committee and the government that public education is the responsibility of the provincial government, with the school boards managing delivery of that service and of local concerns. Overall it is the government which assumes responsibility that education be delivered to all who need it regardless of income and that everyone who needs it have access to education. The fundamental principle of equal access to education was fought for long ago and it is being undermined by this proposed act. If this act is passed, public education will depend on the

ability of local residents to support it. If local residents do not have a high income or industry to pay higher taxes, then programs will be eliminated or will simply deteriorate. Students needing transportation will not be able to get to schools where they can advance or will have to spend hours on the bus in rural or northern areas of the province.

We find this proposal to be unacceptable. The cuts to public education have created serious problems in the provision of services to our children. It is not possible to do better with less, as the Premier has stated, when class sizes are getting larger, when special needs children are being integrated into the classroom but support staff to assist the teacher are being cut back or eliminated, when social problems interfere with the child's ability to learn and the necessary supports are being cut. These problems will not be eliminated by catch phrases.

The public education system needs to be augmented, not cut further. Access to quality education should not be determined by a parent's ability to buy it in the private school system, which the provincial government is increasingly funding, or by the local area tax base. Eliminating cross-boundary fees does not mean that parents in poorer divisions are able to pay for their children to travel across the city, for example, to a division with a higher income tax base.

We have already witnessed the elimination of some music, art, library, guidance, technical and other important programs because of the cutbacks, and to that I would also like to add vice-principal positions, administrative time, which is very important, especially in junior high and high schools. Every other program is being squeezed. The province should do everything it can to ensure that these programs are maintained so that education is relevant and appealing to all the different types of learners in the system.

The proposal in Bill 72 that would bind arbitrators to each division's ability to pay will also lead to a demoralizing of current staff who will have no ability to negotiate their working conditions to provide better education for our children. The consequences of this legislation will be a brain drain and a higher turnover of teaching staff in our schools. Because of the differences in income levels in the different divisions, the salaries and working conditions offered to teachers will vary as much as the income levels in our society. How long will

teachers be able to afford to stay in a poorer division that cannot afford to pay decent salaries, purchase up-to-date textbooks or adequate supplies? They cannot be expected to, and there will be a continual exodus out of these divisions, indeed out of the provinces, to places like Texas and California and even New Zealand, who are actively recruiting Canadian teachers away from their homeland.

(Mr. Vice-Chairperson in the Chair)

After years of cutbacks and a serious decline in the standard of education in California, the legislature there has learned its lesson and has now mandated that surplus funds go to education and health. Teachers are desperately needed there where class sizes are being limited to 20 students because they have recognized the necessity of keeping classes to a reasonable size. What a difference that makes in a teacher's ability to teach, to mold, to assist, to bring out the best in each child. Why does not Manitoba learn from this negative example? What future does the government of Manitoba want for its youth? Manitoba will be a province that young people will leave, not build, and all the economic and social problems that exist now will only get worse.

We remind this committee that public education is a provincial responsibility. Equal access to education is our children's birthright and it is your responsibility to protect it. These difficult times in which we are living demand a stronger and better system of education, not one which is nominal and in decline. I submit that on behalf of the Belmont School Parent Association.

Mr. Vice-Chairperson: We thank you for your presentation. Are there any questions?

Mr. Struthers: First of all, let me express my appreciation to you for becoming involved in your school's deliverance of quality education as a parent on a parent association. I think if everybody had that kind of commitment to education in this province, there would probably be no need for you to come here tonight and make your presentation in defence of our quality of education.

You have expressed some concerns with Bill 72, and I would like to know exactly what do you think the minister should do with Bill 72.

Ms. Zaidman: In our discussions from the previous hearings that were held in the spring and our discussions now, we think that the legislation is pretty thoroughly flawed, and the feeling of people was that they should go back to the drawing board. If there is a need to address problems in education, it should be with the participation of the teachers and the parents, and the school boards and the government. It should be a partnership with the view to building a stronger and better education system.

People expressed the opinion that there is an agenda to slash here, slash there without vision of what are the consequences. Someone said, well, for every action there is reaction. So if there is the action of creating a system where people leave, where teachers leave, and we have huge class sizes, our children will be more poorly educated.

Down the line, in reading articles about what happened in California where they closed the school libraries, they slashed the teachers, they increased class sizes. When it came down for those students to graduate and go to university, there was an immediate crisis in the university education system. The people who were to become more highly educated in the universities did not even know how to use a library. They did not even know how to use an index. It was an interesting article. They did not even know how to use a book properly, because they had been shoved through the education system—30 and more in a class. I think that it cannot be helped, but that will happen.

* (2350)

A teacher, from one of my older children who is in high school, has 35 children in a math class. The teacher said that he never thought in his career that he would hope that kids did not come to class. He does not even have enough desks to fit the number of students that are enrolled in his class. He has to hope that kids will not show up for class. He hopes that the kids who are the potential dropouts will not come because they require extra attention, and he does not have time to pay attention to them. He never thought in his career of teaching that he would not be trying to inspire kids to like math, but that is the situation. The consequences for those students are known. They are a burden to every system. They are a burden to the education system, to the social welfare system, finally even to the prison system. There is a

reaction for every action. I think that the whole thing has not been done in consultation with the important groups that form a partnership, and I think that that is what is necessary, yes.

Mr. Struthers: The other thing that I was struck by in your presentation is that you did an excellent job of laying out the areas that have been cut in education, and they end up being always the first areas that get cut when a province underfunds its education system. You mention guidance counsellors and vice principals and music programs and the such. Have you also noticed a decrease in your area of the extracurricular type of activities like sports programs and drama, and those sorts of things?

Ms. Zaidman: Yes, that is actually true, especially—immediately, sports comes to mind, not in the elementary school but in the junior high level. There were cuts, and they were unable to field teams, and because of cuts some teams that were available were unable to participate without further fundraising from parents, which is basically shifting the taxes onto the parents.

The question of drama is also something that is reviewed every year, whether or not the school can afford, in the high school, to mount a production, even though it engages about a hundred to 150 students which is a high participation rate. Whether or not they can afford to do that has to be reviewed each year.

Ms. Barrett: Again, a very good presentation. You are here officially on behalf of the Belmont School parent committee. I am wondering if in the Seven Oaks School Division there is some communication between the parent committees, and if there is, if you have some sense whether you are operating in isolation with your concerns about the public education system in general and Bill 72 in particular, or is there an across the board concern about these issues.

Ms. Zaidman: I do not know if there is. There is no group of parent councils which have gotten together to discuss this. However, knowing people from different schools, there are concerns all around, and I would say that if you are asking are we organizing, that has not occurred yet, but, absolutely, every single school where I meet people shopping and things like this, people are concerned about what is going on.

Mr. Gilleshammer: I am not familiar with the Belmont School. What is the average class size within that school?

Ms. Zaidman: I cannot tell you specifically because I did not bring the statistic with me. However, I do know that in that school, in order to keep the class sizes smaller they had to reduce the number of hours that teaching assistants were working, so that has created problems because you have students who need special attention. So the teacher has assumed the responsibility, but it is not to the betterment of the children where you have special needs.

Those children consume a large amount of time, and it is to the detriment of the entire class. The kids who are medium, so-called the average learner, that is not to say that they do not need lots of attention, and the bright learners, too. They need extra time to challenge them. From volunteering in my daughter's classroom, for instance, I am quite amazed that the teacher is able to accomplish what she does, but you can see with the last cut where teachers' aides were cut that it has affected the ability of the teacher to run as diverse a program or as creative a program for all the different learning styles, all the different types of children within the classroom.

Every time you make a cut, things have to be more regimented and particular needs have to be addressed less or in a more shallow manner than they would had previous resources been available, not just the maximum quality of resources.

Ms. Barrett: A very short question, can you tell us approximately how much money your parent council raised and the students raised in this last year?

Ms. Zaidman: Well, let us see. We had a chocolate sale where we sold chocolates to each other. We raised about \$3,000. We are holding an auction. We are all donating things to sell to each other to have an auction where we hope to raise another thousand. Our school has been, until this year, conservative in its fundraising because the school did not want to tax us further, but we recognize that there are some very particular needs, the libraries wanting, they need some playground equipment, and all these things, so we are looking to raise many thousands of dollars, but you know it is a vicious circle.

Mr. Vice-Chairperson: Thank you very much for appearing before us.

I now call on Wendy Land. Wendy Land, please. Please proceed with your presentation.

Ms. Wendy Land (Private Citizen): Thank you. Honourable members of the Legislative Assembly and fellow Manitobans, I am here as a parent, a taxpayer and a teacher to express to you my concerns regarding Bill 72. I hope that this effort on my part and that of the other presenters, both here tonight and the previous nights, will inspire you to reconsider this destructive legislation.

I have a daughter in Grade 10 and another in Grade 5. As parents, my husband and I are seriously concerned about this bill. We are concerned that it will downgrade the quality of new people being drawn into the teaching profession. We have, through the years, had many opportunities to observe and participate in our children's school experiences. It is clear to us that when their school experiences are positive ones, it is because their teachers are both highly skilled and highly committed to them. It is inconceivable to us that our government would do anything to endanger our children's future in any way. We are concerned that this bill will limit the interest of bright and committed people in the profession of teaching, because it will degrade teachers' salaries and the professional status of teachers generally.

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As a teacher, I am very concerned about the impending degradation of my profession that is implicit in this bill. Teachers have worked very hard over the last century or more to raise the status of our profession to the level it presently has. It is as a result of these efforts that we now have a profession that is able to compete with any other in attracting the interest of bright, caring and ambitious young people.

The results of this effort to improve our professional status is also seen in the quality of teaching that now goes on in our classrooms. When I went to grade school, most of my teachers had only a year in teachers' college. This prepared them to do little more than teach to the mainstream of their classrooms from textbooks that were followed like bibles, and with the certainty that children who were not able to cope with that environment would

be failed. Today my colleagues are highly skilled teachers. We plan and deliver programs to meet the academic, social and emotional needs of all the students in our classrooms, even when the students' skills range over several grade levels and include complex special needs. Surely, Madam Minister and members of this committee, surely your children and mine are better off as a result of these improvements in our training and our professional status.

If so, what benefit for our children or our province can possibly be gained from eroding that status? It will surely diminish the interest of young people in pursuing a career in teaching, and the continuing downward pressure will surely push others to leave. Does this government's efforts to erode this hard-won status imply that you do not feel our children require or deserve this level of skill and commitment in their teachers? This certainly is at odds with your public pronouncements on the importance of schools in developing the highly skilled workforce that is essential to the economic future of our province, and this reference to the provincial economy allows me to segue easily into the second concern I have with Bill 72.

This concern has to do with the issue of fairness. Just how unfair this proposed legislation is was driven home to me with a double whammy when I attended the coffee and chat session with the Premier (Mr. Filmon) a couple of weeks ago at the Crescentwood Community Centre. I attended it, because I, like many others in attendance, hoped to be able to ask some questions of the Premier. Instead, we were treated to an hour-long pep talk by the Premier on the success of this government's economic policies and the glowing state of the provincial economy.

Though I went with several other questions, I was left at the end with just one. The question I wanted to ask was simple but very directly related to this bill. Why, if our province is doing so well, Madam Minister, within the present labour relations environment, do you feel that it is necessary to bring in this barrage of legislation that is designed specifically to upset what you have shown by the province's economic success to have been a very workable balance of power? Fitting in with the attack on working people that is the focus of so much of the rest of your legislative agenda, Bill 72 introduces some patently unfair features into the collective bargaining process for teachers.

I have taught in this province for 23 years. During all this time, my professional association has been able to negotiate with my employer to improve both my professional and my economic status within a framework that I have considered to be fair and reasonable. That it was fair is attested to by the fact that at the end of those 23 years, I have a salary that compares adequately with other professions in my community with similar levels of training and responsibility.

That it was reasonable is attested to by the fact that my salary is about in the middle of those other teachers in other jurisdictions with different bargaining frameworks, and this has been accomplished with a minimum of employer-employee strife. In fact, my local association and my employer have been able to settle 12 of our last 13 contracts at the bargaining table and without even the intervention of an arbitrator.

The process of conciliation and binding arbitration that we have had has worked well for several reasons. First, my association has been able to bargain in good faith on a level playing field where no one has an advantage as a result of restrictions placed on the other or the process. Second, conciliation allows both parties to maintain good working relations outside of the bargaining environment, because it provides an out that is available to both sides when negotiations become unproductive. Third, an arbitrator, if needed, can bring a fresh perspective to the negotiations because he or she has not sat through all that has gone before; and, lastly but very importantly, all matters that concern us regarding our work environment are open for negotiation.

Because this bill makes substantial changes to this essentially fair and reasonable process of conciliation and binding arbitration, it is not difficult to project that the proposed bill will be less fair and reasonable, and sure enough, even a cursory examination of it substantiates that hypothesis. To begin with, the playing field is no longer flat when the start of negotiations can be put off until after a division has set its budget for that year. When that budget is the basis on which the employer's ability to pay is assessed, then the employer clearly has an advantage in those negotiations—what possible pressure to bargain in good faith is exerted on either party by such a situation. That this piece of the bill alone substantially alters the balance of power is attested to by many professional arbitrators.

Further, when the process as proposed no longer includes the conciliation step, it also removes the protection provided to the ongoing working relationship between the two parties that is inherent in the conciliation process. And to make the process even less productive and fair, the bill proposes that the mediator, intended, I understand, apparently to replace the conciliation officer, become the arbitrator. This will surely ensure that all hope of bringing a fresh perspective to the process will be lost, and all the bad feelings that may have developed between the parties during the negotiations will continue to colour the settlement.

Then there are the matters proposed by the bill to be outside the scope of the arbitrated settlement and which include the size of the classes I am to teach, the scheduling of my recess and midday breaks and the process by which I am to be evaluated. Surely, you cannot argue in good faith that these are not issues affecting my working conditions and general welfare. As such, they fall well within the range of what has long been recognized in the literature on collective bargaining as substantial and legitimate bargaining issues. Yet this bill proposes to make the bargaining process more fair by removing them from that arbitration process. I want to just interject that the fairness clause in the proposed legislation I also consider to be absolutely essential and would not want any suggestion made that if the bill is to stand that clause should be removed.

Yes, this bill, with its inherent unfairness, its impact on the quality of the teaching profession and hence on the public school system, is clearly at odds with this government's stated commitments to the public school system and the economic future of our province, but perhaps it is not in fact at odds with your real goals. Perhaps, instead, it is part of a hidden agenda.

Yes, that agenda is becoming clearer to me and to many, many other Manitobans. When your funding formulas enhance the private school system while deliberately impoverishing our public school system, when you introduce legislation that can only diminish the quality of the public school system, what else can we conclude but that this government's real goal is to create a two-tiered education system that will benefit most the children of the wealthy and will fatten the pocketbooks of their friends who are waiting to exploit the business of providing education.

If this is indeed the case, know that you are taking great risks. If not, and your real intention is to create a fairer and more reasonable bargaining arena for teachers and school boards and hence improve the quality of education, then you must reconsider Bill 72. I urge that you withdraw it.

Mr. Vice-Chairperson: We thank you for your presentation.

* (0010)

Mr. Doer: Thank you for the excellent presentation to the committee tonight. I was curious, on page 3 you mention that you were in attendance at a so-called coffee-and-chat session with the Premier at the Crescentwood Community Centre. Now, it sounds like the coffee maybe was shared by everybody and the chat maybe just one way. Did the Premier not take any questions at all from anybody in the audience at that coffee-and-chat session?

Ms. Land: No. What happened was that the Premier talked for the better part of an hour and then immediately adjourned and invited the audience to mingle with the ministers who were present, the members who were present, and ask their questions of them. I got held up actually waiting to talk to the Minister of Education (Mrs. McIntosh). There were a number of people waiting to talk to her, and just as I got my chance she was called away to somebody else. I am not sure whether you remember that, Madam Minister.

Mrs. McIntosh: I gave you my name and phone number and told you to come and see me.

Ms. Land: No, I gave you my name and phone number, and you said you would call me.

Mrs. McIntosh: My secretary called you.

Ms. Land: No, not yet.

Mrs. McIntosh: She has.

Ms. Land: No, she has not.

Mr. Vice-Chairperson: Please, let us have order. Order, please.

Mr. Doer: Did the Premier talk at all in his chat to the people there at all about the connection between the future economy and the future of public education? Were there any linkages at all that would be encouraging for any of us?

Ms. Land: No, he did not, and I was quite amazed that in the context of this very detailed description of the provincial economy and all of the strengths that it presently is showing, there was neither a reference to education or social services or health services and what that new economic picture might mean to the present situation of public services in this province.

Ms. Barrett: On Monday, I do not know if you were here on Monday, I was not, but I understand that the minister referred on numerous occasions, and she has in the House as well, to the fact that this bill is a response to repeated requests over a fair number of years by the Manitoba Association of School Trustees to change the collective bargaining process. I am wondering if you as a teacher in the school system for quite an extensive period of time are aware that the Manitoba Teachers' Society has been requesting of the various Ministers of Education for even a longer period of time for changes to The Teachers' Pension Act to enable teachers to participate in maternity and parental leave elements, and to date not only has not that been acted on, but amendments that were raised in legislation just yesterday, or the day before in committee, were not agreed to by the government.

(Mr. Chairperson in the Chair)

Ms. Land: Yes, I am aware of that. My understanding is that the MTS has in fact been requesting—

Mr. Chairperson: Ms. Land, I am afraid your time has expired. Is there leave to finish her answer?

Some Honourable Members: Leave.

Ms. Land: My understanding is that the Society has in fact been requesting those meetings for the past 15 years.

Mr. Chairperson: Thank you very much for your presentation, Ms. Land.

We had agreed as a committee that we would do a canvass at 12 midnight as to the number of presenters

remaining at the back of the room who would like to present now—this morning. Please raise your hands if you wish to present. Now this is on any one of the bills. Mr. Lipsett; somebody else; three. Maybe you could get their names and make sure we get the proper order?

While we are waiting for that, can I just make an enquiry with impunity? Is Neil MacNeil here, Bob Dixon—if you are, please raise your hand—Don Lemieux, Richard Maslanka, Kathleen Burt, Arnold Minish, Tina Gordon, Derwyn Davies, Kelly Logan?

We will call Rick Wilgosh on Bill 72 then.

An Honourable Member: Is he an add-on?

Mr. Chairperson: He is an add-on. You may begin, Mr. Wilgosh.

Mr. Rick Wilgosh (Private Citizen): Thanks very much. My name is Rick Wilgosh. I am a 53-year-old English teacher at Silver Heights Collegiate in St. James-Assiniboia. I am also the father of a son and daughter who graduated from the University of Manitoba, and the father of an 11-year-old presently in Rockwood School right now. My wife is a principal of Mulvey School, and I would like to sort of give you a bit of a history lesson of sorts.

As a young man of about 20 years of age, with my future wide open before me, I asked myself why not go into teaching, and that is what I did. I went to teachers' college, where I was in Class K, along with the honourable Minister of Education, Linda Laughlin at that time, and we had a good time studying the subjects that we were about to teach in a short year's time, and in the spring, or just before spring break of that year, during practice teaching, I was hired to teach English and phys ed at Earl Grey School. I did that for \$3,000. I got up at seven o'clock in the morning and I got home about seven o'clock in the evening after coaching and the rest of my duties. Three thousand dollars a year did not seem like a whole lot of money, so I figured I would go back to school, and that is what I did to improve myself and my chances of a better income in the future. I went to Ottawa and came back with a master's degree in Arts and a B. Ed., and I started teaching in St. James-Assiniboia. I enjoyed coaching basketball, teaching English, teaching history. I thought I received a good salary; it was enough to raise my young family.

Some time during the '70s and early '80s, teachers, I thought, at least in my opinion, received better than average settlements and working conditions, and sometimes a little bit less. Now, during the mid-'80s things began to change in my opinion. Teachers began to slip behind the cost of living. They had to deal with larger class sizes, more sections to teach, and other things became more difficult for them. Students with learning difficulties of all different kinds were mainstreamed in their classrooms, and the increasing demands on teachers began to take a toll. Drug use, gang membership, violent student behaviour, single parent families all increased significantly during this time period.

In mid-career, I looked around and asked myself the question, should I stay in teaching? I could go back to school. I had an opportunity to go to the London School of Economics. I figured I might take that chance, but I enjoyed working with students, and I thought things seemed to be going not too badly.

Now, about a couple years ago, my older daughter graduated from high school summa cum laude and asked me if she should go into teaching. I began to look around and see some things that I thought indicated that perhaps that was not such a good idea.

Now in 1996, as I look back on what I can see, I see a government that has reduced funding to school boards significantly, a government that has increased funding to private schools significantly, a government that has presented legislation to significantly reduce the ability of teachers to bargain in a system that is becoming increasingly harsher. As I look back upon the last 10 years and into the future, I ask myself, who would want to go into teaching?

In my judgment, Bill 72 will send quality teachers into other lines of work faster than doctors, geese and hockey teams flying south. Thank you.

* (0020)

Mrs. McIntosh: Thank you, Rick, and we did have some good times together, and I would like to think we will again. We also had some shared experiences in St. James Assiniboia when I was on the school board and you were teaching there, and I hope, because I tried very hard to do well by the people who were employed in the

division, that the relationships that I built during that time and the things that we did for teachers at that time are still appreciated by the people who work there.

I guess the only thing I can say is that I, too, have children, and I have a child who is a teacher. I have a great love for the profession. I have a great love for what goes on in the classroom, and I wish with all my heart that we had more money. I wish that there were not the problems that are faced in the schools in terms of the kind of change to the child you have to deal with in terms of behaviour, in terms of respect, in terms of attitude, in terms of their disabilities and needs.

Do you believe that this bill was brought in in a conscious and deliberate effort to hurt teachers, to seek vengeance on teachers? That is question one. Question two, and then I will sit back and let you answer them, if this bill were presented to you as something that the Manitoba Teachers' Society had drafted and proposed and you read it, and you read it with the same words with the knowledge that it was given to you from a different source, would you read it differently and see it differently—and I do not appreciate the laughter from the audience because I am trying to get to the truth here.

The way people treat each other works both ways. I have never said anything bad about teachers. I have never said they are overpaid. I have never said anything about the field that has been uncomplimentary. The only time I have ever come close to it was when I responded to the treatment that I got here, and I would just like to hear your response to those two questions, Rick.

Point of Order

Mr. Santos: Point of order, Mr. Chairperson. I thought she was taking too much time.

Mr. Chairperson: Well, can we let the questions now be answered? I have a great sense that what has been said was with the utmost sincerity, and maybe you could respond to the question.

* * *

Mr. Wilgosh: I tried to present a bit of my background because I think the context is important. So the first question about the intent of the bill, if I look at what has

happened to nurses, if I look at what has happened to other workers in the public sector or affected by the public sector, I have to say that, yes, I think this bill was introduced to harm the position of teachers, to put them in a less favourable position.

In fact, when I think about this, I think of what used to be the case in the Chicago Stadium where the Blackhawks used to play, a very loud arena, and the visitors had to walk up the stairs to the ice level. After being hammered by the Blackhawks for one period and perhaps being behind in the score, they would walk up the stairs and then get onto the ice for the second and third periods.

I look at this legislation as an attempt to take a level playing field and make a huge stairway that teachers have to climb up in order to start their negotiations or start actually getting to the meat of a collective agreement. As to whether or not this would look the same if the MTS had presented it, again context is important. I do not think they would have presented anything like this.

Mr. Doer: I have perhaps a shorter preamble and a similar question. You are an English teacher and you have read the bill and you understand the impact of funding cuts. I am quite frustrated because day in and day out the minister has said, if people only understand this bill, they will like it, they will love it, it is great. I actually believe that teachers do understand it and they do not like it and it is considered disrespectful, and you compared the analogy to the old Chicago Stadium.

Have you read the bill and do you understand it and do you still not like it based on your reading of it as well?

Mr. Wilgosh: I still do not like it, and I do not think I did at the start either. It has not changed. I do not think most teachers do. I think if we look at the situation, why do the teachers not like it, it is because they recognize what it is. It is an attempt to take a somewhat level playing field and tilt it.

Mr. Doer: As somebody that spent your formative educational years with the present minister, how would you advise us in the opposition or in the community? What advice would you give us to be able to convey to the minister that this feeling is sincerely held by most teachers across the province and that people have read it, do understand it, do not like it and want it withdrawn?

Mr. Wilgosh: I think she understands that. I think it is a matter of simply not—I do not think she wants to hear them. I think she wants to serve other interests. I think that is the reason, and I do not mean that with any maliciousness in my mind, but I do not think that she listens to what they say and it matters. I do not think it matters.

Ms. Friesen: Thank you for your presentation, and it is a late hour for everybody and I appreciate your being here. I wanted to draw your attention to the minister's statement that she was sorry there was no more money and to ask you if you thought that perhaps the \$15 million a year that the government has been spending on an Education budget in grants to IBM, to Canada Safeway, to Holt Renfrew, to garages to do workplace-based training, and some of these companies do a very good job of workplace-based training, but \$15 million of an Education budget every year has been going to those kinds of programs, and I wonder if you would perhaps like to comment on if there are other uses for that money.

Mr. Wilgosh: Well, as I have heard other presenters suggest, there are all kinds of special needs in our school system that are not being addressed, that are being cut back, and you can start with a lot of the problems that can be found in places like where my wife is a principal, at Mulvey School, the inner city area around R.B. Russell and a number of the other schools where there is a glaring gap of needs that are not being filled or met. I would start there.

Mr. Santos: Just one question, Mr. Chairperson, given that the government is assaulting organized workers and organized professionals, do you think that in their attack against collective bargaining the teachers are merely unintended victims?

Mr. Wilgosh: Did you say "unintended"?

Mr. Santos: Yes.

Mr. Wilgosh: No, I do not think there is anything unintentional this government does. Like most governments, I think they think through what they are doing, and I think this has been thought through too. We are one of the public service groups that are funded publicly that they can affect, and I think that is why we have been chosen.

Mr. Gilleshammer: In your comments you made some reference to funding of independent schools across the country. Of course, independent schools are a reality. What do you think is the proper balance in funding for operation and capital for independent schools that the government should see as its responsibility?

Mr. Wilgosh: I do not know enough about that to say what I think is the proper balance. However, I would say less, because the more you give to private schools, the less public schools have. That is a simple equation anyone can figure out, and the public schools take, by and large, most of the time, if you look at them, the more difficult, the more challenging, the more needy students. It seems to me that if Winnipeg and Manitoba have so many poor young people, we should not be taking money from the public system and giving it to the private system. It seems to me that the drain is going the wrong way.

Mr. Chairperson: Mr. Gilleshammer, real quick.

* (0030)

Mr. Gilleshammer: Are you suggesting there should be no government support for independent schools?

Mr. Wilgosh: I did not say that, and I do not think that would be proper, but I think less than what is happening now.

Mr. Chairperson: Time is up. Thank you very much, Mr. Wilgosh. I am going to ask for clarification on this, and that is, we had originally agreed that people asked twice and not being here would be off the list and then when we got to the weather conditions and rural Manitobans, that became a little ambiguous. I would invite clarification without offering any opinion myself.

Mr. Laurendeau: Mr. Chairman, let us make it clear that we had agreed that those people who were from the rural areas would not be dropped from the list when their name was called.

Mr. Chairperson: Okay. So is that the understanding? I note approval from Ms. Friesen and Mr. Doer and others in the committee. With respect to those who are not from rural Manitoba who were not called before

twelve o'clock, those people then also would be kept on the list. Is that correct?

Mr. Laurendeau: That is correct.

Mr. Chairperson: Okay. With that clarification done, then that ends the presenters for tonight on Bill 72 as I understand it.

Bill 32—The Council on Post-Secondary Education Act

Mr. Chairperson: The next bill we have a presenter on is Bill 32, Elizabeth Johannson. She is presenter No. 1 on that list.

You may begin, Ms. Johannson. It is a bit of a change of pace for us, so it will be refreshing to have a change in subject for a moment. Please begin.

Ms. Elizabeth Johannson (Private Citizen): I hope that I can be a little bit refreshing since it is getting very late, and I appreciate you all being here to hear what I have to say. I would like to speak a little bit about what the situation is for university students in this province and for me personally.

What the reality is for university students is this, these holes in my shoes. These are the shoes that I wear everyday when I walk 25 minutes to school so that I do not have to pay \$1.40 for the bus so that I can spend that money on a muffin for lunch. That is the reality for a lot of students that I know and that I go to school with and that I sit in the classroom with, and I am trying to make these shoes last until I have the money to buy a pair of boots, because I cannot wear the boots that I had last year because they are worn out.

Our age group has the highest unemployment rates in the country, and it is really, really hard. I have friends who are graduating with debt loads from student loans that are the equivalent of the mortgage on a small house. When you take out a mortgage on a house and you are making those mortgage payments every month, then you are not having to make rent payments, so it kind of balances out, but when you are making student loan payments and you do not have a job, you know, you are in a really tough spot, and nowadays there is no guarantee of a job when you get out of school.

When my grandparents, when they came out of school, you had a high school diploma, you could get a job. When my parents went to school, you had a university diploma, you could basically have your pick of jobs. It was not really that hard. You had a degree; you could get a job. Nowadays, that is no longer the case, but education is really, really important, and educating our public is really, really important, educating our citizens.

I was watching an American news magazine program, and they were talking to university students. They were doing a poll kind of a survey, and they were asking different questions from different disciplines, and they asked, who wrote the Canterbury Tales, and they asked, who were Germany's allies in the Second World War. They were really surprised and really concerned with the low scores that people were getting on this general knowledge test that they were giving to university students. I think that the reason for that is that what we expect from our universities is not just for them to train employees but for them to educate our citizens. The really important thing is for our citizens to have that knowledge, that broad base of knowledge. It is really important.

When you start putting things into bills about getting rid of programs that are duplicates or redundant, et cetera, that one university has, that someone could go to a different university for, you are really damaging the ability of the universities to provide that liberal arts education, to provide that broad-based education for people at a university not to only have knowledge given to them in their field but to have—like there is a diversity requirement for my degree. I have to have credits from five different departments. That has caused me to go out and seek courses that I was interested in as well but that I might not have taken if that was not a requirement of my degree program, and that has made me a better educated person and a better citizen. I am taking an Honours degree, a B.A. Honours, and I have to take a science credit as part of my degree. I chose to take history of science. I was fortunate enough to get a really fantastic professor and I loved that course so much. It was so educational and that is really important.

If you shut down programs at a university because another university offers them, you are damaging that. You really, really are. Because going to the University of Winnipeg, I cannot get on a bus, I cannot take a class in

the morning at the U of W and take a bus out to the U of M and take another course in another department and then take the bus back to the U of W, not to mention people in Brandon cannot take the bus into Winnipeg every day or every second day or whatever to take courses. It is just not viable. I really, really hope that you take that seriously and you take seriously the responsibility of government, the responsibility of all our citizens to educate our citizens, to educate our young people and to make that education affordable and accessible. I think that is the point that I really want to get across.

The other thing that I would like to speak to is I have heard a lot of comments about the divisions that there are in the student bodies, and there is a lot of turmoil going on in the university community. I would like to point out to the committee that there is one thing that has united the students, at least to my knowledge, who have come here to speak and that is all of the students have said to you, put students—if you are going to make this body that is controlling the universities and going to have a say in the development of universities—on there. It is really important and that is not something that has divided students, that is like, if anything, the one thing that we can come here as students united and say, you have to hear from students when you are making decisions about the university.

I think that the same thing goes for the faculty. You have to hear from them. You have to have them on the committee. You have to have their voices there because they are the people who live the things in our universities. I know what it is like at the university because I am there every day and I know it here in my head, I know it here in my heart and I know it here in my gut, and I think the students have really valuable things to say to the future of universities. I think that the faculty has to be there to make their contributions, too. You cannot just have a group of people whose lives are not touched in the same way by what goes on at the universities making decisions from the top down. You have to have the people whose lives are affected on that committee.

I think those are the two major points that I really want to make.

Mr. Chairperson: Thank you for your advocacy. You are planning to go into law.

Ms. Johannson: No.

* (0040)

Hon. Linda McIntosh (Minister of Education and Training): It just seems to me—I just appreciate your point—I think you may have the legislation a little confused, however, in that you seem to feel that we are now going to be somehow giving the universities the authority to reduce programs, and really what we are doing is right now the universities can reduce programs. What we are saying is, from now on they have to get written approval from the council before they can reduce a program, so I think it probably meets your needs better.

If you read today's paper, there was a big article by a professor at the university who said he supports this bill because he feels the geological engineering course program might have been saved if the council had been in place because it was in the best interests of students in his opinion to retain it, and he felt the council might have seen that, whereas the university chose to close it because it was small and did not have a lot of students. Can I just reassure you about that?

The point about the students sort of being all over the place, I just wonder if you could inform me—we are listening of course to the presidents of the student associations as our main source of feedback because of the large number of students they represent but we are quite willing to hear other minority positions also—are you with a particular group or are you here as an individual student?

Ms. Johannson: Yes, I am here as an individual student, private citizen.

Mrs. McIntosh: I say that is important too; we value the individual opinions also. I will let some of the others ask some questions. Thank you.

Mr. Stan Struthers (Dauphin): Your point on student involvement and decision making with our universities I think is well taken. It had always been a level of comfort to me when I was a student at Brandon University that we had eight student senators elected to represent my interests on the Brandon University Senate, a democratic body.

What concerns me, and I would like to get your opinion on this, is that now we are moving to an appointed council, appointed by the minister, which will supplant to a large degree what the senates in these universities are doing—senates which, I may add, are opposed to the creation of this council—what it looks like to me is that we are moving away from student representation in the running of our senates. Is that what it looks like to you, too?

Ms. Johannson: Yes, that is certainly the way that it appears to me. I have been here on and off as much as I could be and I have heard a lot of different presentations and a lot from the faculty, and it seems that they are really resistant to the creation of this committee, and it seems that, as I said, a big part of that is the lack of involvement in the committee from the university community. It appears to be basically an appointed committee making top-down decisions without a voice for the people whose lives are being affected by those decisions.

Mr. Chairperson: I would just remind committee members that we are dealing with Bill 32 at the moment.

Ms. Jean Friesen (Wolseley): Thank you for your presentation. I particularly took note of the student loan issue that you brought to our attention because it is obviously going to be of enormous significance in the future, not just to students but to the economy of the province as a whole. The predictions, as you know, are for people to come out of university with a minimum \$40,000 worth of loans over the next 10 years because fees are going to have to rise, and the ability of people to fund their own education out of their summer work simply is not going to be there in the way it was for my generation.

In that case, I am wondering if you have any concerns that this council has been asked only to look at tuition policies. It has not been asked to look at the issue of accessibility in the context of tuition policies, nor is it looking at loans or bursaries or an overall provincial program that would determine accessibility. It seems to me a rather narrow part of the bill. I wondered if students or you in particular had reflected on that.

Ms. Johannson: I think that is a very important point. I believe that the government of Manitoba used to give a lot of money in bursaries that now is given instead in

loans, and I think that is something that should be reviewed. You already have to get the maximum student loan—first, the Canada Student Loan and then the Manitoba Student Loan, and then I believe there is some bursary money available beyond that, but you have to get the maximum loan that you possibly can before you are eligible for any of that, as opposed to there used to be a lot more bursary money available in Manitoba. I think the issue of affordability as an accessibility issue is really important.

A lot of people talk about how expensive university is in the States, but if you look at their tuition in terms of if you go to a state university, it costs less for a resident of California to attend Berkeley than it does for a resident of Manitoba to attend university in this province. Beyond that they have a much more extensive grants program for university students, and I think that really we should be moving more in that direction. We should be making our universities more accessible, more affordable for our citizens.

Mr. Chairperson: Thank you very much for your presentation this evening. You can take exhibit A with you, too.

Bill 48—The University of Manitoba Amendment Act

Mr. Chairperson: Edward Lipsett on Bill 48. You can begin, Mr. Lipsett.

Mr. Edward Lipsett (Private Citizen): Good evening, Mr. Chairman, honourable members. I am Edward Lipsett, and tonight I will be speaking in my individual capacity as a private citizen. I wish to address Bill 48, The University of Manitoba Amendment Act, and to oppose in principle Section 5 which would add new Section 61.1, the mandatory retirement provision.

I oppose this bill for two main reasons. One, I respectfully suggest that mandatory retirement or any form of distinction on the basis of age is inherently unjust and unfair, absent, clear and overwhelming necessity which in my respectful opinion does not exist here and, two, and perhaps this is even a more important reason, this bill would allow the University of Manitoba, one of the most important, influential and significant bodies in Manitoba, to by-pass the human rights code and its

mechanisms completely in a major policy decision. This, I respectfully suggest, is inappropriate.

* (0050)

I am not going to argue tonight that the right to equality or indeed any human right or civil liberty is absolute. That, as is clear, is not the case. The human rights code itself provides for exceptions, but this particular bill will allow the university to by-pass that completely. I am not even going to argue that there should be no exemptions from the human rights process.

Perhaps purely denominational bodies, perhaps private residences, maybe even just one or two-person businesses, should not be burdened with having to justify their personnel policy to an organ of the state, but the University of Manitoba with all of its human, financial, administrative, intellectual resources available to it, should not be so exempted. Furthermore, I would like to make it clear that I am not basing my arguments on constitutional grounds. The Supreme Court of Canada has already ruled in, I believe, McKinney versus Guelph University that a provision in the Ontario Human Rights Code limiting the age discrimination protection to those between 18 and 65 is constitutional. It prima facie presumptively violates Section 15, the equality provision, but it was held to be justified as a reasonable limitation. However, one of the reasons they held it was justifiable was because the Legislatures should be entitled to legislate gradually, incrementally banning age discrimination but allowing it past 65 is still an improvement over not banning age discrimination at all.

In the Manitoba situation you already have an overall ban on age discrimination. This is a retrograde step. It might not even be constitutional even under the Guelph case, but it probably is constitutional. You can do it; I respectfully suggest that you do not. The arguments for or against mandatory retirement have been canvassed so frequently, so often, there is nothing original I can say even if I wanted to, so I am not going to really try to rehash all the old arguments.

I will just bring, almost try to briefly rebut, several arguments that are used in favour of mandatory retirement on the university scene. It is argued that it is necessary to protect academic freedom and tenure. I respectfully suggest it is not necessary. There could be other methods

short of saying at 65 you are out or even have to take a reduced appointment or post-retirement appointment. There might be other methods available, and a body like the university with its faculty should be in a position to work it out. It would be easier for the University of Manitoba to make reasonable accommodation or to be flexible than it would be for 95 percent of the employers in the province.

Another argument is the need for faculty rejuvenation, renewal. That gets dangerously close to the stereotype that when a person happens to be a bit elderly, he or she is unable and/or unwilling to adjust his or her ideas to keep up in his or her discipline. That is not necessarily the case. If a person shows oneself unable or unwilling to keep up with one's discipline, well, regrettably there are provisions for removal. But to say because you have reached the age of 65 or 67 or whatever they will bargain for, I find that personally unacceptable. Furthermore, it flies in the face of an otherwise very highly valued interest, that of diversity. Ethnic diversity is recognized, racial, religious, gender, as it should be, but here you are saying if you are past 65, there is no need for the students to have access to you; there is no need for you to be in the active sphere anymore. That could deprive these students access to the best minds of an earlier generation.

It is argued that this is necessary to promote employment equity, make room for otherwise underrepresented groups. Well, if we have to have employment equity, it should be done in an equitable—and by equitable I mean fair—manner. There is nothing fair about penalizing people who have dedicated their lives to a particular field and have attained an achievement in them, to push them aside to atone for the sins of past societies and, you know, they have been unduly discriminatory in the past. It is argued that it is necessary to make room for the up-and-coming candidates for professorship. I respectfully suggest that there is a serious ethical and moral problem in booting the incumbents who have earned their positions, who have earned them, to make way for the candidates or for the aspirants or the wannabes or whatever. There have to be other ways to accommodate the young upcoming academics. I would respectfully suggest to you that this is an undesirable and retrograde step. It is not becoming the University of Manitoba, it is not becoming this honourable House, it is not becoming the citizens of Manitoba, and I would respectfully urge you not to pass this amendment. Thank you.

Mr. Gary Doer (Leader of the Opposition): Well, this is an area that I have had some arguments with Mel Myers over the years starting back with the McIntyre case. This is an interesting issue. As I understand it, the proposed legislation provides for the ability of the university and the faculty to negotiate a collective agreement dealing with mandatory retirement that would then, if they negotiated the agreement, be exempt from the Manitoba human rights act. Is that correct?

Mr. Lipsett: Correct, and I am glad you brought up the McIntyre case. I was going to mention, notwithstanding the McIntyre case in which a bonafide occupation requirement was not argued. It could be that this whole exercise is unnecessary because the Supreme Court of Canada has ruled in a Dickenson [phonetic] versus University of Alberta case, under the Alberta Individual's Rights Protection Act, that it was a reasonable limitation. There are differences in our Human Rights Code. It might be distinguishable, it might not, but I am glad you brought that point up. Yes, you are right. That is what this would do. If the faculty—or I think certain other professions are mentioned; they are managerial professions—and the union agree, they will be able to bargain out of that. Even when they do not agree, for those that are within a particular occupation but that are not covered by the collective agreement, in those cases the university will be able to make a by-law mandating—[interjection] Oh, okay.

Mr. Doer: I think we all agree that most rights in the human rights act or the Charter of Rights, an individual right should not be bargained or allowed to be bargained away in a collective agreement. The issue then becomes, is there an occupational relationship and correlation between occupations and age? I think you documented that there are all kinds of case law on that, and there are all kinds of examples of that with police officers and firefighters and others.

I guess my question is, if you have an occupation being professors that are allowed to be exempt from The Human Rights Code, how can you just have this issue located, or that its locus is only located to one location, the University of Manitoba, as opposed to all members of the same occupational group that would be given a right under the human rights act? That really concerns me, that it is not an occupation because it is specific to one location and that it is an exemption if the two parties

agree to The Human Rights Code. I would like your opinion on that matter.

Mr. Lipsett: Well, if you are suggesting that to overcome the inequality to academics that you enact a general upper limit at 65, I would respectfully suggest that is not the answer. The answer to an unfair legislation is not to broaden the unfairness. So if that is what you are suggesting, I would not—

* (0100)

Mr. Doer: No, maybe I should go back. We have this act that allows this university and this faculty to be exempt from our total provincial human rights act. That concerns me because it is not obviously the total occupation across the province that becomes exempt through a collective bargaining process, it is only this university and this faculty if they come to a collective agreement. I guess my question is, how can you argue that it is an occupational reality if it is only specific to one university? That is my question.

Mr. Lipsett: Well, the university would not even have to argue that. The university will be specifically exempt from the otherwise obligation of establishing a bona fide occupational qualification, whatever wording is used in Manitoba, and the inability to reasonably accommodate. You are right. This particular body would be exempt from the duty of justifying a prima facie discriminatory act, which no other employer in the province would have that exemption. You would make it easier for this one body, and perhaps this one body should be especially bound by all aspects of human rights law because of its tremendous influence and importance.

Mr. Doer: Well, I just think that an individual is going to have a very good court case, notwithstanding the collective agreement, notwithstanding this law, because it is so specific to one location and one university, one faculty, that I think—I mean, I am not a Philadelphia lawyer, but I do think that there is something wrong with this because it is—I think there is something that really concerns me about it.

I have other concerns about the whole issue of people over 65 still teaching and getting pensions and salaries. I want to put that on the record. I am concerned about what is going on out there at the University of Manitoba.

An Honourable Member: Some of them could be elected officials and getting pensions.

Mr. Doer: And some people go on to the Senate and get pensions from here and some people go on to the courts and get pensions from here as well, and all kinds of other people—[interjection] They surround us.

Notwithstanding, which is a word lawyers use, that point, do you think there is a good legal argument for an individual to take the faculty and the university to court on this specific clause?

Mr. Chairperson: Mr. Lipsett, we are down to the last minute.

Mr. Lipsett: I am arguing on policy, not on constitutional law. It seems to me that occupations have never been held to be a protected category within Section 15 of the Charter. The Supreme Court seems to have ruled that such sort of thing is constitutional, so they may not have that power to strike this down, but I am respectfully suggesting that broader policy issues are in your honourable House. It is a discretion you have. I respectfully argue that you should not use it to pass this law, not that you cannot, that you should not. Thank you.

Mr. Chairperson: Thank you very much for your submission, Mr. Lipsett, at this late morning hour.

Mr. Marcel Laurendeau (St. Norbert): As previously agreed, I recommend we rise.

Mr. Chairperson: Committee shall rise with a reminder that we sit again tomorrow night—or tonight, this evening, October 31 (Thursday), at 6:30 p.m.

COMMITTEE ROSE AT: 1:03 a.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Bill 32: Badly Flawed

To declare that Bill 32 is badly flawed is not to engage in recriminatory politics. All institutions, of course, change over time. The central issue here is whether the

changes proposed in Bill 32 are for the better. I think not.

I strongly oppose, for example, the provision calling for the eleven members of the proposed Council on Post-Secondary Education—the establishment of which I support—to be appointed by the provincial cabinet. Such a provision is misguided and further politicizes the governance of higher education institutions in the province.

For years, the Committee of Presidents of the Universities of Manitoba have requested successive governments, Premiers and ministers of Education to change the current procedure whereby the government of the day appoints the majority membership on the governing boards of our universities. It is a poor practice and one that introduces instability in the governance of institutions that—if they are to perform their designated role in the civil society—need to maintain distance from the politics of the day.

For much the same reasons, the province's community colleges need greater levels of autonomy than they presently enjoy.

I object strongly to the powers to be given to COPE to micromanage the province's institutions of higher education. This is, I believe, a highly unwise provision. Few if any jurisdictions in the economically advanced nations have adopted such a bureaucratic practice—nor have the nations in transition. (I have served recently, for example, as OECD examiner of national policies on higher education in Hungary and Mexico and hence had occasion to review this subject.)

Nor is it either sensible or persuasive for advocates to argue that the language of Bill 32, which as it stands would permit such micromanagement, would never in fact be invoked. If not, then leave it out.

In conclusion, let me emphasize my belief that publicly funded higher education institutions, like governments, must be accountable, and the procedures to ensure this must be made highly transparent. The proposed legislation does not advance either of these legitimate objectives. It is badly flawed and needs to be withdrawn and redrafted.

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