



**Second Session - Thirty-Sixth Legislature**

**of the**

**Legislative Assembly of Manitoba**

**Standing Committee**

**on**

**Law Amendments**

*Chairperson*  
*Mr. David Newman*  
*Constituency of Riel*



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

**Members, Constituencies and Political Affiliation**

<b>Name</b>	<b>Constituency</b>	<b>Party</b>
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BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
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DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
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DOWNEY, James, Hon.	Arthur-Virden	P.C.
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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.
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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.
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REIMER, Jack, Hon.	Niakwa	P.C.
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**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON LAW AMENDMENTS**

**Monday, October 28, 1996**

**TIME – 6 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. Mr. Derkach, Hon. McIntosh, Hon. Messrs.  
Pallister, Reimer

Ms. Cerilli, Mr. Dyck, Ms. Friesen, Ms. McGifford,  
Ms. Mihychuk, Mr. Newman, Mrs. Render

**APPEARING:**

Mr. Gary Kowalski, MLA for The Maples

**WITNESSES:**

Ms. Betty Green, Manitoba Association of School  
Trustees  
Ms. Carolyn Duhamel, Manitoba Association of  
School Trustees  
Ms. Betty Ann Watts, Manitoba Association of School  
Trustees  
Mr. Howard Friesen, Garden Valley School Division  
No. 26  
Mr. Cordell Barker, Pine Creek Teachers' Association  
Ms. Val Thomson, Private Citizen  
Ms. Lisa Martin, Private Citizen  
Ms. Caroline Evans, Souris Valley Teachers'  
Association  
Ms. Linda Dyrkacz, Agassiz Teachers' Association  
Mr. Greg Fritske, Brandon Teachers' Association  
Mr. Paul LaRivière, L'Association des  
Educateurs/Educatrices Francophone du Manitoba  
Ms. Aurèle Boisvert, Francophone School Division

Ms. Erica Stecheson, Private Citizen  
Mr. Dean Jonasson, Private Citizen  
Ms. Nancy Trush, Private Citizen  
Ms. Gail Eliasson, Evergreen Teachers' Association  
Mr. Ernie Schiman, Intermountain Teachers'  
Association  
Mr. Geoff Robson, Morris-Macdonald Teachers'  
Association  
Mr. Harry McKnight, Private Citizen  
Mr. Steve Lawrie, Private Citizen  
Mr. Adam Grabowski, Private Citizen  
Mr. Fred Veldink, Private Citizen  
Mr. Lawrie Kyle, Private Citizen  
Mr. Rob Hilliard, Manitoba Federation of Labour  
Mr. Henry Wedel, Transcona Teachers' Association  
Mr. Donald Teel, Winnipeg Teachers' Association  
Mr. Ron Munro, River East Teachers' Association  
Mr. Murray Grafton, St. Boniface Teachers'  
Association  
Mr. Jean Beaumont, Manitoba Association of School  
Superintendents  
Mr. Jake Peters, Assiniboine South Teachers'  
Association  
Ms. Val Goodridge, Assiniboine South Teachers'  
Association  
Ms. Phyllis Moore, The Retired Teachers Association  
of Manitoba  
Ms. Patricia Gendreau, Private Citizen  
Mr. David Harkness, Private Citizen

**MATTERS UNDER DISCUSSION:**

Bill 72—The Public Schools Amendment Act (2)

**WRITTEN SUBMISSIONS:**

The Manitoba Association of School Business  
Officials Inc.  
Mr. Edward H. Lipsett, Private Citizen  
Ms. Betty Green, Ms. Carolyn Duhamel, Ms. Betty Ann  
Watts, Manitoba Association of School Trustees  
Ms. Tricia Hallson, Private Citizen

\* \* \*

**Mr. Chairperson:** Good evening. Will the Standing Committee on Law Amendments please come to order. Before commencing with the business before the committee, a Vice-Chairperson must be elected. Are there any nominations?

**Mrs. Shirley Render (St. Vital):** Mr. Chair, I nominate the member for Pembina (Mr. Dyck).

**Mr. Chairperson:** Mr. Dyck has been nominated. Are there any other nominations? Seeing none, Mr. Dyck is elected as Vice-Chairperson to the committee.

The business before the committee this evening is the consideration of Bill 72, The Public Schools Amendment Act (2). Before continuing on with consideration of the bill, there are certain matters regarding process to clarify at this point. For the committee's and public's information, there are currently 55 persons registered to speak to Bill 72. A list of the presenters should be before all committee members, as well as, posted at the back of the room. For the public's information, if there is anyone present this evening who wishes to appear before the committee and is not yet registered, you may register with the Chamber staff at the back of the room and your name will be added to the list.

\* (1810)

In terms of the order that we will hear presenters, there are two factors that the committee may wish to consider. First, there are currently 22 persons registered to speak who are from out of town. They are indicated as such by the asterisk after their name on the list. It has been a Manitoba practice to hear from persons who are from out of town first, as a matter of courtesy for the distance they have travelled. Is there a wish of the committee to have out-of-town presenters go first? Is that agreed? [agreed]

A second factor considers that there are two persons who have requested translation services in order to make their presentation in French and they are presenter No. 11, Paul LaRivière, and presenter No. 38, Aurèle Boisvert, who are also from out of town.

How do the committee wish to proceed? Do the committee wish to set a time limit on the public presentations?

**Ms. Jean Friesen (Wolseley):** Mr. Chairman, I think in order to give some certainty to the many people who are here tonight, I think we need to establish a time beyond which names will not be called. I would like to move that the committee not call names after midnight, but that anyone who wishes to present after midnight, the committee will remain to hear them.

**Mr. Chairperson:** Any further discussion on that suggestion? There being no further discussion, do I sense that there is unanimous consent for that approach? [agreed]

What about a time limit with respect to individual presentations?

**Mr. Peter Dyck (Pembina):** Mr. Chairman, in light of the fact that we have many presenters and I believe for common courtesy for all of those who have come out, I would like to move that we allow 10 minutes for presentations and five minutes for questions.

**Ms. Friesen:** Mr. Chairman, it is our position that Manitobans who come to present to these hearings should be allowed to present the position that they have come to on behalf of themselves or on the groups that they may represent.

**Mr. Chairperson:** Any further discussion?

Maybe at the outset, I could indicate that it is not permitted, under the rules of the House, to have demonstrations of support or opposition to committee decisions or performances by presenters. It does cut into the time and there are good practical reasons for it. Also, no one would want to hurt the feelings of someone that did not get applause, and let it go to their head if someone got too much applause. In any event, that is the rule and I would appreciate observance of that rule, whatever the rationale for it.

With respect, then, to the time limit on individual presentations, we have the suggestion of Mr. Dyck. Are you moving, Mr. Dyck, that the time limit be 10 minutes on the initial presentation and five minutes for question and answers?

**Mr. Dyck:** I so move.

**Voice Vote**

**Mr. Chairperson:** All in favour of that motion, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The motion carries.

**An Honourable Member:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Another matter to deal with is that of persons whose names are called to make their presentation and they are not here. It has been a practice of the committee that in such a situation the name is dropped to the bottom of the list and, if the name is called a second time and the person is not present, the name is dropped off the list. Did the committee wish to follow this practice?

**An Honourable Member:** No.

**An Honourable Member:** Agreed.

**Mr. Chairperson:** We have a difference of opinion here, it appears.

**Ms. Marianne Cerilli (Radisson):** I was under the impression that people were called twice and then on the third time they would drop off the list.

**Mr. Chairperson:** That was an exception to the practice held in one particular committee meeting considering one particular bill, but that was a departure from the practice, I am advised, and that is my own knowledge as well. Any further discussion on this issue?

**Ms. Friesen:** This is just to clarify that no names will be called after midnight.

**Mr. Chairperson:** That is an overriding matter already agreed to. Is there someone prepared to then make a motion to the effect?

**Mr. Dyck:** Mr. Chairperson, I would move, then, that we call the names twice and then that we delete them from the list.

**Mr. Chairperson:** All in favour, please say yea.

**Some Honourable Members:** Yeas.

**Mr. Chairperson:** All opposed, please say nay. It is so agreed.

Finally, the committee has received written submission to Bill 72 from The Manitoba Association of School Business Officials Inc. and from Edward Lipsett, private citizen. The submissions have been distributed to committee members. Does the committee wish to have these submissions appear at the back of the Hansard transcript of this committee's meeting? Is that agreed? [agreed]

We will now begin to hear public presentations but, before that, I understand that the honourable minister wishes to give some prior notice of some amendments which she proposes to introduce. Is that the will of the committee, to hear what those proposed amendments are? [agreed]

**Hon. Linda McIntosh (Minister of Education and Training):** Just for the information for the members and also for presenters who may be interested in these particular ones, I have three amendments that I am planning to introduce at the end of the hearings that—I mean, there may be more, I do not know—but these were three that we know we will be bringing forward. I would indicate that Clause 129(3) in Section 18, which has been much discussed since the bill was first put together, is the clause on the ability to pay and, for two reasons, one, the Manitoba Teachers' Society felt that the wording of that clause could lead to a predetermined conclusion and would give too much power to boards; similarly, the Manitoba Association of School Trustees, after consulting with trustees at regional meetings, felt that in a boom economy it would give too much power to teachers, and for very differing reasons.

In fact, for diametrically opposed reasons, both parties have come to the conclusion that they would like to see the word "primarily" removed and the items, inability to pay listed simply as a list of factors. We have no problem doing that. I will be bringing forward an amendment. I understand teachers would prefer not to have an ability-to-pay clause but, if we have one, this is the wording they had requested in writing to me. Trustees have now asked for the identical wording.

So we have consensus, and I am grateful, between teachers and trustees on wording on that clause, something we had hoped to achieve in the beginning. It is there now, and so we will be quite delighted to reword that, and what we will see will be an amendment that would ask to have 129(3) be one clause that would indicate their inability to pay, the arbitrator should consider the following factors with the primacy given to none and the factors simply listed, the same factors that are there but listed with no primacy given to any.

That would be one amendment, and we will be presenting the wording. Legal counsel is aware of our request for this amendment.

The second one, again, is one that both trustees and teachers have indicated a similar request on, and again because it is coming from both groups and since what we are trying to achieve here is something acceptable to both groups, again we are pleased to comply with these requests for rewording on Clause 110(1.1), which currently indicates that bargaining is to begin on April 1. Teachers had indicated that their objection to that clause, and trustees, again, at the regional meetings after consultation with member boards had also approached me to indicate that there are a large number of boards that would also like the flexibility to begin prior to April 1. So we are bringing forward an amendment that says where there is mutual agreement, boards and teachers can begin earlier than April 1; where there is no mutual agreement, then the April 1 will kick in. This should allow for local flexibility since given the number of boards that would like to start earlier than April 1, there should be many instances where they could come to mutual agreement. That, of course, is always our first preference.

The third amendment we are bringing forward is a small amendment requested by teachers. It is a

clarification, basically, to Section 32 where it is in terms of the date in which everything comes into being. Teachers were concerned that the board's obligation to act fairly be made very, very clear that it would come into being at the same time as the act, and that will be reworked to reflect that. Legal counsel has the indication of the concern and that will be addressed.

So those are the three that we were planning to bring forward, and I indicate that now for the benefit of committee members and for any presenters who may be interested in those particular items.

**Mr. Chairperson:** I will just make an announcement before the first presenter comes forward that Room 254, down the hall that way, is operational without a video but with audio, and if any people that get tired of standing but want to hear what is going on, that room will be open and available for that purpose.

**Ms. Friesen:** Mr. Chairman, I wonder if the minister could table the amendments that she has. It takes a while for Hansard to catch up with committee hearings, I think it would be useful for us to see them in writing as soon as they are available.

**Mrs. McIntosh:** Mr. Chairman, I will be pleased to do that. I cannot do that right now, but I will provide them to the members as we continue on through the course of the hearings. I will ensure that you get them prior to the debate on the amendments.

\* (1820)

**Mr. Chairperson:** The first presenter then will be Betty Green, president, Manitoba Association of School Trustees. Betty Green please come forward. You have a supporting cast, Ms. Green. Did you want to identify them?

**Ms. Betty Green (Manitoba Association of School Trustees):** Yes, I would. I have with me this evening Betty Ann Watts, vice-president of the Manitoba Association of School Trustees, as well as our past president, Carolyn Duhamel.

**Mr. Chairperson:** You may begin your presentation.

**Ms. Green:** Prior to beginning, may I ask for permission to extend the time that it will require to make this presentation with the reasoning that we are presenting on behalf of the 56 school boards in the province?

**Mr. Chairperson:** That permission has not been granted with the initial decision. Now a request has been made for leave for more time. What is the will of the committee? Can I suggest this, rather than debating this now, perhaps you can proceed and then if you need more time maybe they will be prepared to consider it at that time, and in making your presentation you can make the request that your entire brief be put into Hansard without any variation. If you would like to make that request now, then that could be dealt with and you would have the knowledge and comfort that it is going to be put into the record as is.

**Ms. Green:** Yes, I would certainly put that request forward.

**Mr. Chairperson:** Is the committee in agreement with that request?

**Some Honourable Members:** Agreed.

**Mr. Chairperson:** So agreed. That will then be done. You may begin your presentation, Ms. Green.

**Ms. Green:** The Manitoba Association of School Trustees welcomes the opportunity to present to the Law Amendments Review Committee its views on changes to the collective bargaining provisions of The Public Schools Act, as proposed in Bill 72. In recent years, school trustees have pursued with government a number of fundamental changes to the process of collective bargaining between school boards and teacher associations. From the trustees' perspective, the cornerstone of the collective bargaining process is the continuation of bargaining at the local level. MAST welcomes the legislative direction which reaffirms the importance of collective bargaining between school boards and teachers at the school division or school district level.

MAST's positions on Bill 72 have been shaped primarily through two processes. As always, the association's policies, as determined by resolutions at its annual convention, are a critical determinant of any

stance taken by the association. Where appropriate, these policies have been forwarded annually to the Minister of Education and Training and other ministers where appropriate for consideration and possible action. These policy positions were also contained in MAST's brief to the Teacher Collective Bargaining and Compensation Review Committee this spring. We are pleased to see that some of the changes proposed in Bill 72 and other legislation before the Legislature reflect the concerns that the association has recently brought before the minister.

In light of the extent of the changes proposed in Bill 72 and other legislation, MAST augmented its formal policy positions by holding a series of special regional meetings on proposed legislative change this September. Six meetings were held across the province in the first two weeks of September. More than 200 trustees and senior school board administrators attended these meetings, representing all but two of MAST's member boards. The proceedings of these meetings give direction to much of what follows.

The first section that we will refer to is the process of collective bargaining. Bill 72 would amend the collective bargaining process as it applies to school boards and teacher associations. The two groups would be able to jointly request that the Minister of Education and Training appoint either a conciliator or a mediator-arbitrator to assist them in their negotiations. Sixty days after the notice to begin collective bargaining has been given, either group may ask the minister to appoint a mediator-arbitrator. Sections 8, 9, 21, and 23 of Bill 72 outline the provisions of the conciliation, mediation and arbitration processes.

Trustees generally support the proposed changes to the collective bargaining process. Several of these changes are supported by resolutions passed by school trustees in recent years. Although mediation has not been considered by a MAST convention, most school boards would seem to view its inclusion as an improvement to the collective bargaining process.

School boards do, however, have some concerns about the changes to the collective bargaining process outlined. One of the most widely spread is the off-loading of the conciliation costs to school boards and teacher associations and the divergence between The Public Schools Act and The Labour Relations Act in this regard.

At present, the government pays the cost of a conciliator in the school board/teacher association negotiations, as it does in negotiations conducted under The Labour Relations Act. Amendments contained in Section 9 of Bill 72 would see these costs divided between the school board and the teacher association. We believe that the government should either continue to pay this cost directly or provide categorical funding to enable school boards to do so.

In a similar vein, we are concerned about discrepancies between the mediation provisions of The Labour Relations Act and those proposed for The Public Schools Act. At present, mediation under The Labour Relations Act is paid for by the government. If changes proposed under Bill 26, The Labour Relations Amendment Act, are implemented, the government will still pay one-third of the cost of Labour Relations Act mediations. The proposed addition to The Public Schools Act would have school boards and teacher associations splitting the cost of mediation.

We believe that the only fair and reasonable approach is that the provision of the two acts be parallel in this regard. Our preference would be that the status quo of the current Labour Relations Act be maintained and that these provisions be extended to mediation under The Public Schools Act. At a minimum, we would ask that if the mediation provisions of The Labour Relations Act be amended so that the government pays one-third of the associated costs under that act, these same provisions be extended to mediation under The Public Schools Act.

School boards are also concerned about the proposed method of appointing the mediator/arbitrator. We are concerned that the list envisioned in Section 9 would be unduly restrictive. We also believe that the Chief Justice rather than the Minister of Labour is the appropriate individual to select the mediator/arbitrator.

In summary, with the exception of the items noted in the remainder of our presentation, MAST supports the proposed changes to the collective bargaining process found in The Public Schools Act as outlined in Bill 72. Conciliation and mediation services should be made available for negotiations between school boards and teacher associations at no cost to the parties involved. A mutually agreed upon list of mediator/arbitrators should be established through the Collective Agreement Board.

The Collective Agreement Board should establish procedures for the maintenance of such a list.

The Chief Justice of the Province of Manitoba should select arbitrators and mediators using the Collective Agreement Board list as well as other names that the Chief Justice may choose.

\* (1830)

**Ms. Carolyn Duhamel (Manitoba Association of School Trustees):** The next section deals with the ability to pay and requirement for financial information.

School boards support the inclusion of ability to pay as a consideration in an arbitrator's decision and, in fact, asked for this inclusion in a convention resolution in 1996. MAST requested consideration for ability to pay because school boards believed that arbitration boards assign more weight to other bargained settlements, in other words, comparability, than they did to a school board's ability to pay.

School boards also recognize that the implementation of a concept such as ability to pay poses some practical problems. Specific issues that will require further discussion and clarification include whether or not or how much of a school division's surplus will be taken into account when determining ability to pay and the relationship between ability to pay and increasing local taxes; i.e., the willingness-to-pay argument.

School boards are also concerned that this legislative amendment not be interpreted so as to give arbitrators authority over programming decisions. A situation could arise whereby an arbitrator decides that a school board would have an increased ability to pay if that board were to reduce or modify program offerings to students. No arbitrator in our view should have the ability to compel a school board to change its educational program or support services. We are seeking a commitment from the government that authority over educational programming will remain with the elected school board.

Many school boards have also expressed the concern that the implementation of this concept will lead to increased inequities in public schools throughout the province unless efforts are made by the province to equalize ability to pay. We would urge the government



to implement ability to pay concurrently with renewed efforts to increase equalization support for school divisions and districts throughout the province.

Most school boards would agree that for ability to pay to be a consideration in arbitration awards, teacher associations need to have access to relevant financial information. In fact, many school divisions already provide such information. However, we do have concerns about how relevant financial information may be defined, and in particular school boards are concerned that this not be interpreted to include the budget line for projected salary increases. The potential for confusion and conflict in this regard could be alleviated if the legislation were amended to indicate precisely what financial information boards are required to provide. MAST is suggesting that Sections 110.2(1) and (2) should be amended so as to delete the phrase relevant financial information.

**Mr. Chairperson:** I must interject now, because the 10 minutes has expired, and now is the appropriate time to discuss, without encroaching further on your time, how we will proceed.

Perhaps I could offer a suggestion for consideration of the committee. Given you or the Manitoba Association of School Trustees and your counterpart for the teachers is the Manitoba Teachers' Society, which is item 21 on the list, and because the commitment has already been made to not have anyone exceed 10 minutes in presentation, five minutes for question and answer, and the desire I am sure of everybody here to be at least balanced, would that be a possible solution to allow a certain time to make your complete presentation and have the five minute question and answer after your complete presentation, and then have the same opportunity extended to the Teachers' Society?

**Hon. Jack Reimer (Minister of Urban Affairs):** Two groups only?

**Mr. Chairperson:** Yes, that is my suggestion.

**Floor Comment:** We think that would be appropriate.

**Mr. Chairperson:** Leave is granted on that basis then for you, and that will be extended also to the Teachers'

Society. Thank you. You may proceed. We will allow you time, then, to go through your presentation.

**Hon. Brian Pallister (Minister of Government Services):** Just for clarification if I could, Mr. Chairman. That was leave for the presenters, not a departing from the previous agreed upon time for questions. Is that correct?

**Mr. Chairperson:** The time for questions, and what my suggestion was that the question and answer would be five minutes, the presentation would take whatever time it takes to complete the presentation of this brief.

**Ms. Duhamel:** Just to summarize on the issue then of ability to pay, we are suggesting that the wording be amended so as to delete the phrase "relevant financial information" and substitute instead "audited financial statements and most recent approved budget."

With regard to the wording of the clause on ability to pay and the amendment that has been announced this evening by the minister, we both appreciate and support the intention to remove the word "primarily," and while there is some suggested wording here, I will not read it all at this time. We would simply support any wording which reflects flexibility in terms of a consideration of the various factors which contribute to or influence ability to pay.

Matters not referred to arbitration and the obligation to act fairly, Sections 15 and 22. Manitoba school boards generally support the list of matters not referred to arbitration contained in Section 15 of Bill 72; however, serious concerns have been expressed about the way in which the obligation to act fairly, described in Section 22 of the proposed legislation, could affect the policies and decision making of school boards. The obligation for school boards to act fairly and the legislative recourse in the event they fail to comply, new PSA Sections 131.4(1) and 131.4(2), are linked with matters not referable for arbitration, new PSA Section 126(2). While school boards do not oppose a fairness test, these sections of proposed legislation, read together, expose school boards to literally thousands of individual grievances. These amendments make school board practices and policy grievable under the collective agreement. Grievances not settled locally will be referred to a grievance arbitration

board, and no process is proposed within which the arbitrator will decide the grievance.

This would be a very different process than the fairness test described in Section 80 of The Labour Relations Act. In that act, the process is clearly defined. Specific collective agreement wording forms the basis upon which an arbitrator settles the grievance. The parties then take the arbitrators' decision into consideration in ensuing collective bargaining and clarify or modify the collective agreement wording.

Bill 72 proposes that arbitration boards review a school board's practice or administration of board policy to determine whether it is fair and reasonable. Arbitrator's decisions could become intrusive in the school board's setting of policy. School boards do not accept the proposition that significant issues such as class size, teacher evaluation and staffing decisions could be decided by an arbitrator. The proposed Section 131.4(2) would allow an arbitrator to usurp the right of an elected school board to decide these matters.

In those few divisions with collective agreement wording covering items contained in Section 126(2), we have further concerns that a teacher could access grievance arbitration both under the legislation and based upon specific collective agreement provisions.

In summary, MAST supports the list of matters not referable for arbitration contained in Section 15 of Bill 72. MAST supports the obligation to act fairly contained in Section 22 of Bill 72. MAST is opposed to the provisions of the subsection failure to comply, contained in Section 22 of Bill 72. MAST supports, instead, replacing the proposed PSA Section 131.4(2) with the same wording as is currently contained in Section 80 of The Labour Relations Act.

**Ms. Betty Ann Watts (Manitoba Association of School Trustees):** The section I will refer to is the term of collective agreement, notice provisions and transitional provisions, Sections 4, 23, 32, 33 and 34.

To begin, Madam Minister, we appreciate the amendment on the notice provisions. However, MAST believes that there is no compelling reason for school boards to have a common collective agreement expiry date, and that school boards and teacher associations

should continue to have flexibility to negotiate the term of collective agreements.

\* (1840)

There are benefits to various models. A July 1 effective date would bring collective agreements in line with the school board's fiscal year. The budget year would correspond to the term of the agreement as is contemplated in the proposed legislation. The existing January 1 date is the best fit for scheduling of negotiation meetings. A September 1 date is the start of a teacher's work year for divisions which pay teachers' salaries on a 12-month basis. The July and August payments are for work performed in the previous 10-month school year.

Other sections of this legislation support local decision making, based on the unique circumstances of the division or district. The term of agreement should continue to be determined locally between the school board and the teacher association.

Transition sections 33 and 34 would provide for a collective agreement of less than one year. If legislation proceeds to mandate a common expiry date for all agreements and that date is other than December 31, MAST proposes that any transition agreement should be at least 12 months in duration, plus the number of months to the new expiry date. For example, if there were to be a June 30 expiry date, the transition agreement would be for 18 months. As collective bargaining consumes considerable amounts of time and energy, it seems reasonable that the transition should be accomplished by a longer rather than a shorter term of agreement.

In summary, MAST believes the current Public Schools Act provisions allowing school boards and local associations to negotiate the term of collective agreement and notice provisions should be continued. Should an expiry date other than December 31 be legislated, transition agreements should be at least 12 months plus the number of months to the new expiry date.

On related matters, new provisions for Part 8 of The Public Schools Act regarding employee vote on school board's final offer. In 1984, MAST adopted a policy that prior to arbitration, the positions of the school board should go before its teachers for a vote of acceptance or

rejection. That resolution read as follows: Be it resolved that MAST urge the Minister of Education to have legislation enacted to provide that all of the teachers within a school division or district would have the opportunity to vote upon whether to accept or reject a school board's offer prior to the application for arbitration; and, be it further resolved that MAST urge the Minister of Education to have legislation enacted to provide that the school board vote upon whether to accept or reject the teacher's proposal prior to the application for arbitration.

A proposed change contained in Section 72 of Bill 26, The Labour Relations Amendment Act, contains a provision that would mandate a process such as the one envisioned here. There is no similar clause in Bill 72.

In summary, MAST proposes that The Public Schools Act be amended so as to include a process to allow employees to vote on an employer's final offer, similar to the amendments proposed for Section 72 of The Labour Relations Amendment Act.

**Ms. Green:** Within our presentation, we have also made some comments on Bill 57. Those are for your consideration. We have no formal presentation on Bill 57.

In conclusion, on behalf of the Manitoba Association of School Trustees, thank you once again for the opportunity to convey to you the views and concerns of Manitoba public school trustees regarding proposed amendments to The Public Schools Act contained in Bill 72. These amendments have the potential to impact significantly on public education in our province. We trust that you will give due consideration to the suggestions we have offered in our presentation. We trust also that you will accept them in the spirit in which they have been offered with an eye to improving education for the more than 195,000 young people enrolled in Manitoba public schools.

**Mr. Chairperson:** Thank you very much for that presentation which, for the record, took 21 minutes and 20 seconds, and we will now proceed with questions. The honourable minister first and then Ms. Mihychuk.

**Mrs. McIntosh:** Thank you, MAST, for your presentation and for your support of the bill in the main.

Just for the record, I want to get some clarification from you on two items. One, for the record here, it is your opinion that the grievance provisions outlined in the act pertaining to the fairness clause would give teachers the right to grieve things like class size even if it were not in a collective agreement, and double jeopardy, that they would also, if it was in the agreement, get to grieve it not only under the collective agreement for those few that contain it but also to an arbitrator. Is that your main concern with that?

**Ms. Duhamel:** Our concern is that school boards—that there is the potential here for a large number of grievances on many issues that fall outside of collective agreements and are rather issues of school board practice or school board policy.

The difficulty with submitting those to an arbitrator for a grievance process is that there are no parameters within which to examine the issue and within which the arbitrator must frame his or her response. So we have concerns there about an open-ended kind of process, where we could be bombarded with one grievance after another on issues that are not part of the collective agreement. We think it would be in the best interest of teachers and school boards to find some other way of dealing with some of those things, because it can tie up a tremendous amount of time and energy and resources in that kind of a process.

**Ms. MaryAnn Mihychuk (St. James):** I have three fairly short questions. I know my colleagues and other members would like to ask you some questions.

Can you tell me when MAST became dissatisfied with the way the presently existing negotiation methods have existed? I understand that they have been in existence for approximately 40 years, and perhaps you can elaborate when MAST raised these issues and perhaps enlighten us as to why these issues are coming forward at this time.

**Ms. Green:** We have been bringing these issues to the government's attention for quite some time now. Certainly, in the last 10 years, there have been resolutions being brought forward to annual conventions expressing these kinds of concerns.

**Ms. Friesen:** I want to thank you for your presentation and for the proposals that you have made, but I also want

to ask you about what the implications have been for the Manitoba Association of School Trustees as of the last six months of debate over this particular bill. This bill does not come out of the blue. It comes out of the context of the minister's discussions of teachers' salaries, of proposals for referendums on teachers' salaries, proposals for lower starting wages for teachers, the whole Render-Dyck proposals, and the hearings that were held then. I wondered if you could give us some sense of what the impact of these last six months has been on the relationships between you and your employees, the teachers, in particular.

**Ms. Green:** Certainly the discussions as of the last six months have caused some strain within teacher associations and school boards. Anytime there is significant change to a process that has been utilized for some time, that can be expected. What we want to do is ensure that the end result is one that will mean a better system for all involved and, most importantly, for the children in our schools.

**Mr. Chairperson:** Ms. Mihychuk, you have a minute.

**Ms. Mihychuk:** Would you say that the settlements that you have negotiated using the present system have been exorbitant compared to other wage settlements and various other workers' units?

**Ms. Green:** I think our main concern is that we have seen an increase in the occurrence of arbitrated settlements, and school boards and teachers would be well-served by having more of the collective agreements at the local level.

**Mr. Chairperson:** Ms. Cerilli, you have 15 seconds.

**Ms. Cerilli:** I just want to clarify if I am understanding this. You do not want to have the arbitrator make decisions that would intrude on educational programs, support services. What is left? What is there that—

**Ms. Duhamel:** What we are saying here is that the specifics of any reductions or cutbacks should be the school division's, the school board's responsibility. If an arbitrator is going to propose a settlement that is going to cause a dramatic shortfall, that means some very critical program priorities might have to go by the boards, then we think that the balance of the decision rests with the

elected school board as opposed to an arbitrator who does not have to make the thing work.

**Mr. Chairperson:** Thanks, Ms. Duhamel. Thank you committee members. Thank you presenters.

The next presenter is Rob Hilliard, President, Manitoba Federation of Labour. Please come forward.

**An Honourable Member:** Out of town.

**Mr. Chairperson:** Oh, I am sorry, out of town. Howard Friesen, Garden Valley School Division No. 26. My apologies. You may begin your presentation, Mr. Friesen.

\* (1850)

**Mr. Howard Friesen (Garden Valley School Division No. 26):** Thank you, Mr. Chairman, Madam Minister and committee members. I will take this opportunity to thank you for the opportunity to present on behalf of the Garden Valley School Division Trustees.

I certainly recognize that the issues surrounding Bill 72 and the teacher collective bargaining are complex ones and sensitive ones but feel that they need to be addressed. Change in the economy and the workplace, we feel, have necessitated changes in the collective bargaining process. We do support bargaining procedures that are fair, reasonable and just and will provide high-quality education at an affordable price. Our board of trustees and our teachers oppose strike and commend Mr. Dyck's and Mrs. Render's report for advocating a method of bargaining that respects and strengthens local autonomy, sets some reasonable parameters for the process and places a high value on the uninterrupted delivery of quality education.

The items that we would like to address, I will number them for you as we go along, the first one being: Sections 114(4) and 147, the cost-sharing of remuneration and expenses of the conciliation officer. Garden Valley School Division supports the principle of both partners equally sharing the actual costs incurred in our bargaining process. With shorter time lines and, hopefully, a greater urgency to settle the terms of an agreement, we hope that the overall costs will be reasonable.

The second point is selection of the arbitrator or a mediator-arbitrator: Our board has supported the selection of a local conciliator, mediator or arbitrator. When the parties provide the minister with the name of a person selected by them jointly to act as arbitrator or mediator-arbitrator, the minister shall appoint that person. In this instance the appointee could be local. Our question is, would any other criteria apply to the appointee who is mutually agreed to?

In the instance when the minister makes the appointment, the person selected must be on a list approved by the Collective Agreement Board or the Manitoba Labour Board. These lists would probably exclude local persons, and our board is not totally comfortable or in agreement with this arrangement. The board would request that the list would include a representative from each region within the province. The board of trustees does support that the person selected be knowledgeable about all matters affecting a collective agreement.

The third item pertains to matters not referable to arbitration but subject to a "grievance process set out in the collective agreement." Our board recognizes that the matters included under Section 126(2) are management responsibilities and supports the wording of this crucial clause with respect to: (a) the selection, appointment, assignment and transfer of teachers and principals; (b) the method of evaluating the performance of teachers and principals; (c) the class sizes in schools; and (d) the scheduling of recesses and midday break.

The board also supports that these matters should be dealt with "reasonably, fairly and in good faith." The board, however, does disagree with Section 131.4(2) which delegates the resolution of any dispute or grievance to the settlement of differences as provided for in that collective agreement. The outlined grievance process in our collective agreement is in fact an arbitration process and negates the intent of Section 126(2).

Garden Valley would support that any employee have the right to an appeal of an administrative decision made with respect to Section 126(2). The full board of trustees would conduct a hearing to review the decision in terms laid out under this section. All decisions made by a school board can ultimately be appealed to the minister.

Item 4, term of collective agreement to coincide with the school year, our board supports that the term of the collective agreement coincide with the existing June-July school year. It would be desirable that the term of the school budget year, the collective agreement and the written contract all coincide.

Item 5, with respect to ability to pay, our board supports that the primary factors to consider in reaching an arbitration settlement are current revenues including federal, provincial and local taxes. A reasonable surplus should not be considered as part of the definition of the ability to pay. While the board recognizes that other factors certainly need to be considered, the subjective nature of the comparable employees in the public and private sector serve to somewhat blur the clear guidelines given to an arbitrator.

The last item, No. 6.: School boards to provide financial information. Our board considers the budget and relevant financial information as public information and affirms that this information be made available to the bargaining agents. The board will willingly provide available background information.

In conclusion, the Garden Valley School Division supports the spirit and intent of Bill 72. The bill delineates a process that will facilitate fair and equitable bargaining to ensure that the primary purpose of our school division focuses on providing quality instruction for all of our students.

We are willing to enter into more specific detailed discussion at your request, and we hope that there will be a long-term effect on provincial and local bargaining.

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

**Mrs. McIntosh:** Thank you, Mr. Friesen, for your presentation. Just as an aside, before my question, and that is that if you locally have a person that you are both happy with, that person can be appointed and put on the list.

The question I wanted to ask: You indicated in 3 that the items not referable to arbitration by virtue of the fairness and grievance procedure that we have laid out, in fact, allows teachers to take an arbitration, take them to

arbitration and negates the statement that they cannot be arbitrated.

I wonder if you would be good enough to just expand that a little bit, for our information.

**Mr. Friesen:** Our collective agreement has a provision for the contesting of any items in the collective agreement, and that decision-making process is an arbitration 1, so any items where teachers feel that we have not acted in good faith, even though they are under these items, would still be referred to arbitration under our collective agreement.

**Mrs. McIntosh:** I am not quite sure—

**Mr. Chairperson:** Do you need a clarification?

**Mrs. McIntosh:** So what you are saying is, you have this in your collective agreement so teachers can already grieve it, but if you did not have it, they could still grieve it, too? Is that—okay, thank you.

**Ms. Friesen:** Thank you for your presentation, Mr. Friesen. I am interested in your conclusion, that your school division, like every other school division, wants to focus on providing quality instruction for students. One of the difficulties with this bill, and it is one that the school trustees pointed out in their presentation, is that the arbitrator may indeed be given authority to compel a school board to change its educational program or support services as a result of the wording and indeed the intent of this bill. I wondered if your trustees in particular had discussed this and what conclusions they had come to.

\* (1900)

**Mr. Friesen:** Our conclusion on that would be similar to the presentation made by MAST, that the ability or that the arbitration decision not be of such magnitude as to effectively create situations for school boards to have to alter their programming significantly. Those responsibilities should rest with school boards.

**Ms. Mihychuk:** Thank you for your presentation. I understand that you represent a rural school division. Good relations between the teachers and the board have generally been the norm in a lot of our school divisions.

Are you concerned about the actions in recent months with this legislation souring relations between yourself and the staff?

**Mr. Friesen:** Well, I think any time you have change, there is going to be some anxiety somewhere in the system, although I think that all—certainly in our division, there is clear thinking on both sides and not a move to panic. I think there is good reason for some of the intent of the bill and I think that some of that is understood.

**Ms. Mihychuk:** Well, there are many good intentions in the school system. I know many teachers give up many hours of time to provide extra services, and that is particularly true in rural Manitoba where they often lead the Scouts or the Girl Guides as well as the teams and are involved with the concerts. Have you seen any pulling back of that type of volunteerism by teachers in your community, or is that a concern of your boards?

**Mr. Friesen:** I have not seen a decline in the number of extracurricular activities in our school division, not to say that there is not some concern over some of the changes being talked about. Certainly there is still a good spirit of putting in time in our school division.

**Ms. Mihychuk:** Has the board ever, for curiosity, calculated what the average number of hours a teacher did put in, and how much more that would cost your school division?

**Mr. Friesen:** In actual mathematics calculation, no.

**Ms. Friesen:** Mr. Chairman, one of my concerns about this bill is the intent appears to be to introduce differential wage rates across the province, with its reference to local employee incomes, and I wondered if you could tell me what the average, or what kind of reference would be used in your school district. What are the average incomes of people in your district, do you know?

**Mr. Friesen:** The exact numbers I could not quote for you, but I certainly know that wage earners in our area are less than they certainly would be in the city of Winnipeg. Whether that creates inequity in this system, I think rural Manitobans already live with the reality of inequity in many other areas and know that that is just the way it sometimes is.

**Ms. Friesen:** Do you agree then with the intent of the bill to introduce inequities into teacher salaries across the province? You say the city of Winnipeg, but the city of Winnipeg of course has many variations. The average income in my riding, for example, is \$19,000. The average income in the Premier's (Mr. Filmon) riding or the member for Springfield's (Mr. Findlay) riding is over \$50,000. I do not know what it would be in your area, which is why I asked, but those seem to me to be quite large differentials, and the intent of this bill is to introduce differentials. Is that something that you can support?

**Mr. Friesen:** I do not think that this bill is going to result in large inequities. I think that rural Manitoba will always need to address salaries in terms of being competitive enough to attract teachers. I think there are also many opportunities, affordable opportunities, in rural Manitoba that I would personally not be able to afford in Winnipeg, and I think that sometimes needs to be reflected in earning ability as well, because not only do I perhaps earn less but I also can afford many other things that cost me less in rural Manitoba.

**Mrs. McIntosh:** Oh, thank you very much. I did not think I would get back to ask my other question. Picking up on the question that was just asked, it is my understanding that at the public hearings both teachers and trustees asked for local bargaining, not provincial bargaining. Local bargaining has always been in place in Manitoba, that was reaffirmed. With local bargaining of course we have always had historically a differential of some few thousand dollars, rurally and in the urban setting. Is it also your understanding that what your division was asking for was a reconfirmation that local bargaining should continue as opposed to provincial bargaining?

**Mr. Friesen:** We have affirmed that local bargaining is what our division is asking for. I think that is consistent with the MAST recommendations over the years.

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

The next presenter is Cordell Barker, Pine Creek Teachers' Association. You may begin your presentation, Mr. Barker.

**Mr. Cordell Barker (Pine Creek Teachers' Association):** I would like to start by thanking you for this opportunity to appear before this committee and to raise concerns on behalf of the 93 teachers in Pine Creek. Pine Creek, for those who are not aware, is a rural division. We are centred on Austin, MacGregor, Gladstone, Plumas, Langruth. We are rural folk. We know a duck when we see a duck; we know a goose when we see a goose; and we do not like what we see here, to be polite but to be blunt.

The teachers in Pine Creek have endorsed this brief that you are receiving. They have endorsed it unanimously. It was discussed at a general meeting, and every single teacher there spoke against Bill 72. The message that the teachers in Pine Creek want me to bring to you is that this bill is unfair, this bill is unbalanced, this bill needs to be scrapped, it needs to be deep-sixed, it needs to be filed under W, and the government should go back to square one and start over again.

I am not going to read the brief. Everyone here can read because they had a teacher who helped them learn. I am going to talk on two ideas that are kind of outlined in the brief, but I have to adjust it because the minister announced that there are three major changes, three major amendments to this bill.

I was sitting here listening to MAST, and, as they were going through their brief, I see they want at least eight changes to the bill. So here we are. The House is going to end its session on November 7 and the minister at the last minute is introducing amendments. MAST, who as you can tell likes this bill, still wants aid. I think it is time to rethink this, to re-look at it and to maybe re-examine it.

Is it unfair and unbalanced? Well, I would be willing to say that the school divisions that are going to stand up here and the trustees that are going to stand up here may want some changes, but they will support it. The teachers groups that stand up here are going to speak against it. That should send a clear message that this is not a fair, balanced bill.

This bill will do nothing for relationships between teachers and trustees. All it will lead to is long-term teacher-trustee antagonism. There are things in this bill that are just not fair in a free, democratic society.

\* (1910)

I guess two of them are open-scope bargaining, the right to bargain all terms and conditions of employment. Teachers had that prior to 1956 when they were covered under The Labour Relations Act. They gave that up back then; over 40 years ago they gave that back up. Now the government wants to take away some of those rights and freedoms to negotiate all terms and conditions of employment.

Would teachers today, given that choice, with the protections under The Labour Relations Act, give up that right for this bill? Anybody that thinks that teachers would do that, come out to Pine Creek, visit the teachers in their rooms, ask them one on one, and they will give you a clear message. They would not do that.

I am looking at the amendment for the ability to pay, and it is kind of difficult to speak to it because I have not got a copy of it here, but I see that MAST, in their presentation, made a suggestion. I wonder if that is the minister's one. But if it is, I still look at it, and it still talks about ability to pay in the main paragraph with a subcategory (a), (b), (c), (d) and (e). It still uses the terminology, current revenues.

The concept of ability to pay is not a fair concept. There are many, many factors that should be considered when teachers' salaries are being determined. But the ability to pay, tied into current revenue, basically, if it were followed, would mean that a school board should approach Manitoba Hydro and say, I know you are charging this much for electricity but we only raised taxes by this much, so our ability to pay for hydro is only this much and that is all you are getting.

**Mr. Chairperson:** I have already made the admonition at the beginning, and I can assure you that the time you are spending applauding is eating into the time of the presentation and so is my interjection at this point.

**Mr. Barker:** I could go on about that, but, again, I would say that if you ask teachers today, in the year 1996, if they had the rights and protections that they had under The Labour Relations Act back in 1948, '49, '50, '51, '52, '53, '54, '55 and that they gave up because there was a mutual agreement between three parties, would they go into this kind of a bill, and teachers will say no. That is

why it is unfair; that is why it is unbalanced; and that is why you should scrap it and go back to square one. It will do nothing for education. It will do nothing for teachers or trustees, and although the trustees are enamoured by it because they are achieving a couple of their goals, I think that they will not be happy with the outcome.

I would just like to close by referring to my last page in the brief, because this is something that kind of upsets the teachers in Pine Creek quite a bit. That is the concept that has been referred to the odd time that there are teachers and that there are real teachers, and that the real teachers are the ones who work in the classrooms, and then there are the labour leaders, the ones who are off leading the rest of us down some alley looking for trouble. Well, the teachers in Pine Creek would like everybody to know that the people whom they elect at their local executive and the people whom they elect at their annual general meeting are their real leaders, that these people speak for them and they speak the message that the teachers want spoken. If you do not want to listen to the message, that is your choice, but the message should be clear and it represents what teachers think. Again, I would like to close by thanking you for this opportunity to bring the concerns of the 93 teachers in Pine Creek.

**Mr. Chairperson:** Thank you very much. Ms. Friesen and the honourable minister.

**Ms. Friesen:** Thank you for your presentation. One of the issues I think that is driving this legislation is the removal of over \$43 million from the public school system. I wondered if you could tell us what the implications of that have been for your school division and from the perspective of the classroom.

**Mr. Barker:** Very briefly, over the last few years the \$43 million directly led to our board eliminating programs last year. Home Ec was reduced entirely throughout the school system. There is no more Home Ec in Pine Creek. Industrial Arts was eliminated in the junior high. We had elimination of 4.2 teachers in our division. That means that because of these eliminations, everybody is teaching slightly larger classes and has less preparation time. Teachers in Pine Creek on average have four periods, a six-day cycle, to do preparation work. They are doing the rest of their work, as teachers



always have done, at home in the evenings, on weekends. My best estimate from talking to people that I know is that they are spending about 55 to 60 hours every single week doing that, because you cannot walk into a class, regardless of what it is, without being prepared and we have to evaluate them. We do evaluate students. We have to prepare quizzes, we have to prepare tests, we have to mark those, and the boards do not give us any time to do that.

But, while you are asking that, I think what has generated a lot of this is that teachers have in the last few years been standing up for a few rights, and the boards are getting a little concerned about it. I think, for example, a duty-free lunch, after many, many years of working through lunch period, teachers finally realized that they were people and they should have a lunch hour too, you know, 40 or 50 to an hour, where they could sit and have something to eat and relax and unstress and, gee, you know, that was asking for the world. The whole school system was going to fall apart because teachers wanted a duty-free lunch period. So trustees have to go to the minister and they have to say, gee, the teachers are getting unreasonable. What they want is going to destroy our school system.

Well, I am sorry. I am a human being and I like lunch and I think most teachers do, and is that going to destroy our school system? Well, I do not think so. If our trustees cannot manage that, I am sure there are trustees that could.

**Mrs. McIntosh:** Just a bit of a correction to an implication in the opposition critic's statement. This issue was a big issue of concern for trustees beginning back in 1984, so it certainly did not arise with the 2 percent reduction that was experienced in school divisions. It has been an issue for about 12 years, a large issue discussed at convention of that magnitude.

What I wanted to ask, we have been told and I have it here in writing from the society that while teachers do not wish to see a clause on ability to pay that if there had to be one, the wording that is now being proposed is the wording that teachers could accept in a clause if it were to be in the act, so I think your criticism of the wording maybe does not fit with what your executive has told me, although your position on not having ability to pay certainly does fit.

Can you tell me why you feel that it is wrong for trustees to ask to have their arguments on ability to pay considered, not necessarily accepted, but at least considered by an arbitrator? Why is it wrong for trustees to wish to have their ability to pay considered before an arbitrator?

**Mr. Barker:** Is this mike on? Just before I answer that question, I am speaking for the teachers of Pine Creek, not for the provincial executive, and if they actually support that, they should have to explain that in some detail. If it is that you have to have some wording and so you take the lesser of two evils, I guess that might be their position. That is like giving a condemned man three choices of how he would like to leave this earth.

**Mrs. McIntosh:** I would like an answer to my question. Why is it wrong for a school board to ask to have its ability to pay at least considered, not necessarily accepted, but at least considered by an arbitrator?

**Mr. Barker:** I think it is. I have a long-time experience in Pine Creek of perhaps being fairly active. In 1971 when I went to Pine Creek farmers were going through a really difficult time. Crops had been not very good and actually Pine Creek settled for something very less than what the going rate was and was highly criticized for it.

It was a factor that was taken into consideration at the time. It is a factor that is always taken into consideration. When teachers and trustees are sitting down and negotiating, they are each presenting arguments about why something should take place. If they go to an arbitration, the trustees make their case. They bring up the points they want, the teachers do the same, and three arbitrators listen to those arguments presented by both sides and weigh them. They weigh the arguments of the trustees against the arguments of the teachers, and I think that system works well, because there should be weight given to all those arguments.

They should all be considered, but I do not think there is a priority that should be followed year after year. I think it is up to the arbitrators to listen to 12 arguments and decide how to assess the weight to those individual 12 arguments, and boards have always argued that they cannot afford it, that the tax base is lower or whatever, and I think that is just one of the factors.

\* (1920)

**Mr. Chairperson:** Ms. McGifford, quickly.

**Ms. Diane McGifford (Osborne):** Thank you, Mr. Barker, for your presentation. We notice that you did say that you were endorsed by all 98 teachers in Pine Creek, so congratulations on your unanimous approval.

When the minister spoke on this bill in the House, she said it was a victory for teachers. I think she said this mainly because she is very proud of the "failure to comply," Clause 131.4(2). I wonder if you know of any teachers who feel victorious, because I know I do not.

**Mr. Chairperson:** Mr. Barker, quickly.

**Mr. Barker:** Just to clarify one thing. At the general meeting, we had 51 of the 93 teachers out. Several of them were in volleyball games. There were three sets going on in the high school and a number of activities, but the 51 teachers that were at the general meeting unanimously passed this. I think that a very strong indication of that is all 93.

The other one, the short answer is no, I do not know any teacher that would agree with that either.

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

Lisa Martin, please. Ms. Martin, you may begin your presentation. Is it going to be a duet? Maybe you could identify yourselves. It looks like there is a duo.

**Ms. Val Thomson (Private Citizen):** I am Val Thomson. I teach in Birds Hill River School Division.

**Mr. Chairperson:** Welcome. You may begin your presentation. You are Lisa Martin?

**Ms. Lisa Martin (Private Citizen):** I am.

**Mr. Chairperson:** Okay, who is starting. Okay, Val Thomson.

**Ms. Thomson:** Well, we have heard a lot about Bill 72, and I am sure we will hear more tonight and also the lip

service that somehow this will serve our kids. Well, we have to do more than pay lip service because we live with these kids, and we have come here just to wonder out loud, how did the government of Manitoba get so far removed from the real world of education and the desperate needs of our kids?

**Ms. Martin:** In my world the needs of our kids demand that I am not simply a disseminator of content designed to program a student to meet standard X. I am a counsellor, facilitator, nurse, physiotherapist, dietitian, fundraiser, inventor, social worker, security guard, probation enforcer, behaviourist, psychologist, coach, tutor, parent. And you thought I was just a teacher.

**Mr. Chairperson:** That was Lisa Martin. Maybe before you speak you could identify yourself?

**Ms. Martin:** We are just going to be switching back and forth.

**Mr. Chairperson:** Okay. We will just call it the duo without attribution then to one or the other.

**Ms. Thomson:** I brought you some of the individuals that are in my world so that you can meet them. Last spring, two 12-year-old boys came to a school dance with razor blades taped to their arms and they used them.

**Ms. Martin:** A Senior I girl, so filled with hurt and anguish, committed suicide leaving our students and staff reeling. Some were so affected that there were other attempts and many, many threats of suicide even to this day.

**Ms. Thomson:** One young man's brain was so addled by his drug and alcohol addiction that he burnt his father's house to the ground and then, armed with a rifle, he barricaded himself and his girlfriend into a house. He was taken to a treatment centre, he escaped, and then called the school and some teachers with whom he was close to give him a ride home. We waited a day and a half to see if he would appear on our doorstep with a gun, because he was looking for his girlfriend within our school.

This summer there was a Canada-wide search for this student after the murder of a 14-year old girl in a neighbouring community.

**Ms. Martin:** A young woman pummelled her school counsellor, shouted obscenities at her because her mother had been called to discuss concerns about her aggressive behaviour.

**Ms. Thomson:** One student is eight grade levels behind in mathematics, and I wonder which standard he is going to be tested to?

**Ms. Martin:** A student said to me the other day: I know I am only 16, but I am really looking forward to getting married and having this baby. We can be a family. This family will include a hard-drinking, controlling husband, a young wife whose medical and emotional trauma early in life has caused her to believe in fairy tales.

**Ms. Thomson:** Another student with attention deficit disorder with hyperactivity, has run out of the medication he has been prescribed to control his behaviour. Everything that comes near him he has to fight, his teachers, students, his locker.

**Ms. Martin:** A girl, exceptionally bright and artistic, stares into space and wanders aimlessly. Eventually she stops and cries and cries, unable to say why.

**Ms. Thomson:** Last Thursday a student said: I have to miss this afternoon. I have to take my dad somewhere. I have to be nice to him so he will be nice to me.

**Ms. Martin:** A middle-years student said to his teacher: If you kick me out, I will go home and I will come back with a gun and I will shoot you. The next day I found a bullet on my desk.

**Ms. Thomson:** While a principal was downtown, two adults threatened to shoot him because of what they saw was unfairness towards a student.

**Ms. Martin:** One of our kids has been beaten up twice. The last incident required the student to be hospitalized here in Winnipeg so he could receive appropriate treatment. This student was an exceptionally talented musician. He may never be able to reach his potential because of the extent of his injury.

**Ms. Thomson:** A 22-year-old student has been advised by his lawyer that a judge will look more favourably on

his three breaches of probation and his new assault charges if he is in school. This young adult registers in a Senior 2 with 16-year-olds. We have no adult education program in the vicinity but we must teach him nonetheless.

**Ms. Martin:** Would you like to teach in my world where poverty, violence, abuse and neglect damage my kids? When is this government going to say, as Lyndon Johnson did, that poverty will no longer be a bar to learning, and learning shall offer an escape from poverty.

**Ms. Thomson:** So what qualifies a person to meet all these needs, and the others? We need the best, the brightest and the most innovative people to enter education. How can we convince such people to enter a lifetime career in education if they face continual government cutbacks, unilateral wage determination by management, deteriorating working conditions, increased stress and the concomitant increase in sickness?

**Ms. Martin:** Teachers have fought hard for the current system of collective bargaining, evaluation and professional development, which does not come close to valuing public educators the way a civilized society should. Manitoba teachers deserve better than this bill, and so do our kids.

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

**Mrs. McIntosh:** Thank you very much for your presentation and for the anecdotal information you have brought forward. It is important information, I think it is real information and I appreciate, I believe that you brought it forward because you think we do not know these things. I just wish to reassure you that I too have had students who have missed a day of school because they could not come to school that day because mummy got put in jail for stabbing daddy to death, and I too have had students who have attempted suicide, and I too have had classes of 34 with six special needs kids, that I do know what you go through out there.

I have been chairman of a board when one student walked to the school with a shotgun and literally blew the head off another student, and we had to cope with the effects of that in the school. I do know what it is like to

take a child who has fried his brains out completely and try to get help for him, appropriate medical help. I understand, and do not let anybody try to tell you that I do not, because I do.

I agree with your concerns about trying to keep and retain and attract those very dedicated people we need in the classroom. Unlike the fears that you have been given, I believe that this bill gives you the right to grieve some of these things, even if your division is not able to get it into the collective agreement for you. You may not be able to get it in a collective agreement, but I am giving it to you as an individual right, and if you think about it—

**Ms. Martin:** Is this a question? With all due respect, I think I would way sooner see it in the collective agreement.

**Mrs. McIntosh:** Well, okay, then I will ask you my question.

**Ms. Martin:** Yes, please.

**Mr. Chairperson:** Order, please. Hold it, wait. Order, please. Please direct your remarks through the Chair, and we will get a civil dialogue going here. Honourable minister, maybe you can pose your question.

\* (1930)

**Mrs. McIntosh:** I will ask one question then. Do you believe that you will have a greater right or greater ability to achieve the right to grieve class size through negotiating it in a collective agreement or having it entrenched in The Public Schools Act?

**Ms. Thomson:** Ask it again, because I need to think about it, please.

**Mrs. McIntosh:** The question was do you believe that you have a greater ability to negotiate the right to grieve class size in a collective agreement than you would have to be given it as a gift entrenched in The Public Schools Act?

**Ms. Martin:** We have a grievance procedure in our collective agreement that has proven to be quite adequate. I would feel far more comfortable with it in the collective agreement.

**Ms. Friesen:** Mr. Chairman, thank you for the presentation. It is important not only that the minister understand these things but that they be put on the public record so that all Manitobans can understand what is happening in the classroom. I am very grateful that you put that on the record in so much detail. I am struck at the appalling circumstances that you are facing on a day-by-day basis, and my sense is that you seem to see them as deteriorating. I do not know whether this would be on a daily basis or over a longer cycle and that what you are registering here is your concern, perhaps to put it mildly, at the lack of support from your own government. It is not just this bill. My sense is the kind of things you are describing, the lack of support, come from other bills as well.

I wanted to ask you in particular about the suicides that you talked about at the beginning. Can you tell me what it is in your communities and your part of the province of Manitoba in 1996 that is driving young people to suicide?

**Ms. Martin:** Thank goodness, we have only had one, but there has been many, as we said, attempts and many, many threats. I think it is an individual situation for kids but certainly poverty, I would think, would be the No. 1 concern. Families are not being supported the way they used to be, and I think that that certainly affected this student's life.

**Mr. Chairperson:** Thank you very much for your presentations. We will now call on Henry—I am sorry. The out-of-town ones first. Chris Hicks, Souris Valley Teachers' Association. You may begin your presentation.

**Ms. Caroline Evans (Souris Valley Teachers' Association):** My name is actually not Chris Hicks. My name is Caroline Evans, and I will be representing the Souris Valley Teachers' Association.

**Mr. Chairperson:** Is there leave of the committee given for Caroline to proceed?

**An Honourable Member:** Leave.

**Ms. Evans:** Bill 72 is a piece of legislation that is aimed at weakening the rates of teachers and at ultimately decreasing government support of the public education system. The government has done little to promote the

work teachers are doing so that the public might actually know their tax money is well spent when it goes to supporting the public education system. The effects of Bill 72 could be profound, and I am not convinced the government has thought through these effects carefully enough. Cutting costs, through making teachers unable to fairly bargain for their salaries and working conditions, has far more reaching effects than simply taking money out of teachers' pockets or making them work even harder for the money they earn.

If labour strife is introduced to Manitoba's teaching profession, children are going to suffer and, hence, Manitoba will suffer. If teachers are not shown that they are valued by this government for the extremely important job they do, their morale will suffer. Qualified people will not enter the profession or they will not stay, and Manitobans will suffer. If public education is not valued by this government, then Manitobans will suffer.

Why does this government seem to want to diminish the effectiveness of teachers to deliver quality education to the children of Manitoba? By creating labour strife and by pushing teachers to the limits of not only their professional capabilities but of their human capabilities and by making them teach more and more with less and less funding and resources, surely this government can see that children are going to suffer.

Does this government want to see children suffer? Is it the government's agenda to see the effectiveness of our public education eroded? Does the government want to weaken the public education system so that people will look elsewhere for the education of their children? Not all Manitobans will be able to afford that option.

Does this government understand why a strong public education system is of vital importance to Manitoba? Does this government not realize, as was pointed out by Winnipeg 2000 in this Saturday's Free Press, that Manitoba prospers because of its educated workforce? Who, in today's complex society, could possibly question the value of a well-rounded education?

Does this government not realize that by weakening the public education system it will also be effectively attacking one of the basic means through which people's democratic rights are safeguarded? Our public education system must not be under attack, least of all, by our own

government. Has our government truly considered what its legislation can do to Manitoba, or has it never looked at the big picture?

Bill 72—and I am going to quote here from the Report of the Teacher Collective Bargaining and Compensation Review Committee from May this year, grew out of the government's apparent recognition of society's investment in public education because it is one of the best ways to promote the social and economic well being of its citizens. The government wanted to seek solutions which would best address the needs of Manitoba's students both for today and for the future. Bill 72 does not address the best interests of Manitoban, and it is clear that the government has not set a strong public education system as one of its main priorities.

Rather than attack the public education system in Manitoba by attacking teachers and programs, the government needs to look at ways in which the system can be strengthened. Teachers need to be rewarded for doing the job they do and valued. The education of children or the product of the system, if you would prefer that I use business terms, has to be safeguarded and encouraged.

The government should be looking at ways in which education can be improved and then act upon them. Reducing the rates of teachers in their workplace and trying to break their spirit are not ways in which to the quality of education can be improved. The government of Manitoba needs to set a strong public education system as one of its top priorities. The government needs to send a strong message to the public that their tax dollars are well spent when they go to support the system. The government needs to support the public education system through funding and must remember that the education of children is not something that we can afford to sacrifice.

I hope that Bill 72 will be changed to better reflect the needs of the public education system. I hope that, if the government begins to see the effects of Bill 72 as not being beneficial to society, Bill 72 will simply be shelved when it comes to time to vote on it. There are a lot of more positive ways to improve the public education system than to stomp on the rates of its employees and to reduce its effectiveness to the children of Manitoba. Thanks.

**Mrs. McIntosh:** Thank you very much for your presentation.

I am just interested in something—all the presentations so far have talked about the grievance procedure, failure to comply on the fairness clause. The two trustee presentations indicated that while they support a fairness clause, they wanted to see the grievance procedure for failure to comply removed, because they felt it opened up too much opportunity for teachers, and the teachers so far have all said they do not like the grievance clause either.

You did not refer to it, and I am just wondering, do you support removing the grievance clause?—because as the trustees and teachers have said, it does not do any good anyhow. The trustees want it out. The teachers feel it is of no consequence. It does not do what we thought it did, which is to give them a right to grieve to an arbitrator on these things that many of them have never been successful in getting into collective agreements. Given that the trustees feel it gives too much advantage to teachers, and teachers say it does not do anything good for them anyhow, would you also support its removal at amendment time?

**Ms. Evans:** I think that having things such as classroom size and so on put into law could possibly be a good thing if it were put in there in favour of, say, that these things should be considered in a fair way. The fact that these kinds of things are put in at the end of the legislation where it says that they cannot be arbitrated makes that system unfair.

**Mr. Pallister:** I just wanted to thank you for your presentation and say I have great respect for classroom teachers, having been raised by one and having been one, and I also have great respect for people with positive ideas.

You had mentioned you have a lot of positive ways in which you feel the public education system could be improved. I just wanted to give you the opportunity, if you would like, to just clarify what some of those would be.

\* (1940)

**Ms. Evans:** The first thing the government needs to do is support the public education system with funding. The

second thing it needs to do is promote the importance of the public education system to the people of Manitoba, so people will stop complaining about paying taxes towards it, because it is very important.

I think to get some good reasons, the government simply has to listen to teachers because teachers are trained to teach. They are in the classroom and teachers can tell you best what kinds of things need to be changed in the schools. Some other things I have heard talked about were, for instance, student evaluation. Student evaluation should be made into a very positive process, and this process should not be used in a way by the government to punish schools where maybe students' results are not that great. Instead, those results should be used to put more funding or whatever it takes into those schools, so that those schools can do better and better help their students.

**Ms. Cerilli:** I was going to make one comment to you, because I think that a number of the presenters have talked about the whole issue of the grievance procedure and putting more working conditions and issues under the grievance procedure. It seems to me we are going to force teachers into a situation where they are going to spend most of their time or more of their time dealing with issues that should be in their collective agreement rather than working with kids and developing education programs in their schools.

I wanted to ask you similar to what Mr. Pallister had raised about some of the suggestions you have, but at the beginning of your presentation you talked about how the government is not promoting the public school system and the good work that is occurring there. I am wondering if there are some things that the government has done that would make you say that.

**Ms. Evans:** Simply by not funding the school systems adequately. That is No. 1, not promoting the school system. It is not promoting public education and its importance to our society by making changes to the collective bargaining agreement in a way that is unfair towards teachers and biased against them. That is not supporting the system, because it is going to hurt teachers. Teachers deliver the programs. It is going to affect the way teachers deal with their school boards, the trustees, and it is going to make a poor atmosphere, a bad atmosphere. It is not a way to promote the public

education system. It is not a way of making things any better.

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

I want to get leave of the committee—it has been brought to my attention by the Clerk that one of the No. 7 presenters, that is Loretta Basiuk and Linda Dyrkacz, is from out of town. Is there leave of the committee to have that duo present next? [agreed]

Please come forward, Loretta Basiuk and Linda Dyrkacz. While they are coming forward, might I also seek leave of the committee in order to save the taxpayers of Manitoba some money. We have the French translation equipment here. We have two presentations that are intended to be in French and translation to English was necessary in that situation. That is presenter 11 and presenter 38. It seemed to make good sense and it was suggested by Mr. Reimer that they could go one after another and then that would allow the interpreters to leave. Is that the will of the committee? [agreed] Thank you very much and thanks for your patience, Ms. Basiuk and Ms. Dyrkacz. Who will go first?

**Ms. Linda Dyrkacz (Agassiz Teachers' Association):** This is Loretta Basiuk. I am Linda Dyrkacz. I will be making the presentation. Loretta is the support to help answer questions.

**Mr. Chairperson:** Fine. Go ahead, Ms. Dyrkacz.

**Ms. Dyrkacz:** We are real teachers. We were in the classroom today and we will be in the classroom tomorrow. We are tired, tired from teaching all day and preparing and marking at night. But we are more tired from spending our spare time trying to protect ourselves from a hostile government.

I am here this evening to speak on an issue that is of utmost importance to the future of both the teachers of this province and Manitoba's education system as a whole, the issue of the collective bargaining rights of teachers.

It is the focus of Bill 72, which you now have before you. Its implications are far reaching. Although many concerned, articulate, impassioned and, yes, outraged

people spent days trying to convey their concerns about the future of education through the Dyck-Render hearings, this government saw fit to propose legislation that would force teachers to take financial responsibility for the state of Manitoba's economy.

This government has failed to recognize that a well-educated, economically secure populace is the greatest indication of a progressive, stable society.

The ability-to-pay clause of Bill 72 presumes that in all cases, for the bill does not allow for exceptions unless teachers wish to pursue the matter in court, boards of trustees would offer fair remuneration to teachers based on local economic conditions at the particular time or, stated in another way, based on the ability to pay.

This is not an original concept. Some parts of the United States fund education in this manner. Over time it has resulted in a system of discrimination and ghettoization. There is already in Manitoba a discrepancy among areas with respect to band programs, computer access and other services and resources.

Can we rely on local school boards to recognize long-term benefits of education in the face of short-term requirements? No. We need a strong provincial government to guarantee that all children in Manitoba receive equal access to the best programs, the best resources and the best teachers.

I stated that ability to pay was not an original concept. In another sense, ability to pay has been considered part of the basis by which we teachers have been given salary increases and improvements in working conditions for the past 40 years under the present system of binding arbitration. It is a method fair to both parties in the bargaining system, the trustees elected to represent the local citizens and the teachers who are in the employ of school divisions.

Also, as this government has been reminded frequently, it is a system that has kept Manitoba students in the schools, not outside, victims of employer/employee malaise, disputes, lockouts or strikes. According to all available information, teachers' salaries have been in line with those of other professions with similar training and experience, both within the province and nationally. Even some trustees who have felt burdened by shortages

of educational funding and by the need to raise local taxes have expressed surprise and concern about how heavy-handed Bill 72 is. Perhaps, like teachers, some believe the current system of funding education through property taxation needs considerable study and revision. Perhaps they feel the government has gone too far by making teachers the scapegoats in the issues of education finance. Perhaps some have a gnawing doubt about whether ability to pay really means, in many cases, willingness to pay.

If we look at the track record of school boards in terms of their willingness to pay, or rather to tax their constituents in order to fund programs and to ensure that teachers receive a reasonable salary increase, we find that at no time have trustees really considered their taxpayers able to pay for education. Given the choice, who would not profess an inability to pay? Certainly this government will say that it is the trustees who are demanding more power, more management rights in determining teachers' salaries.

\* (1950)

Make no mistake about it however, the decisions that trustees have to make at every board meeting, the programs to keep, the ones to cut, the resources that are necessary and the ones that can perhaps be done without until some future time, the special needs students that cannot be ignored nor turned away from our classrooms or redirected to private schools or to some other division, these decisions are very much affected by the kind of financial support given the local trustees by this provincial government.

Back in 1981, the contribution from the provincial government toward educational funding was 82 percent of the total cost of public school programs and services compared to the present government's contribution of 62 percent. Let us give that some thought. Even though we have had a public commitment from Premier Filmon some years ago to strive for 80 percent government funding and despite assurances from the Minister of Finance, Mr. Stefanson, of unprecedented economic growth in Manitoba's economy, this government's contribution to educational spending has dropped to 62 percent of the yearly cost of services and programs in 1996-97. Can the people of Manitoba trust this government to appoint fair and impartial arbitrators when

their commitment to education has decreased to 62 percent?

The Filmon government has eroded the power of the local trustees to offer quality programs to its students, to keep class sizes manageable and to offer financial remuneration that will continue to attract the very best and brightest into the teaching profession. It is simplistic and grossly unfair to imply that by curbing or curtailing teachers' rights to bargain for fair salaries that our educational system will improve, that the social ills that permeate our society—the racism, gang wars, poverty, unemployment, to name a few—will be cured. If only it were that simple.

These problems will not go away by themselves, and as schools continue to bear the brunt of social malaise, we will need not just good but exceptional teachers as we move into the next millennium. How can we convince dedicated, talented people to work hard to build a career in education if they know they will face continual government cutbacks, wages determined by management, deteriorating working conditions, increased stress and the increased illness that goes with it? Government must work closely with teachers in order that together they might solve these problems. This government can start by showing that it values its teachers. It can scrap Bill 72.

Perhaps many of the members present have not been in the public school classroom lately. Perhaps some of their children attend private school. Please consider that carefully. We do not begrudge the exceptional opportunities and experiences that can be afforded some children. What is wrong is giving private school children opportunities to the neglect of the democratic majority. By consistently cutting funding to the public schools while increasing funding to private schools, by using issues of teachers' salaries and working conditions as screens to hide the bigger issues of unemployment, poverty and other social ills affecting Manitobans today, this government is shirking its responsibility as leaders and is undermining the trust of the people who elected it.

Teachers work very hard. They have to in order to survive. [interjection] I was waiting for attention. They have to in order to survive—sorry, teacher habit, cannot help it—they have to in order to survive in this present



economic climate by being asked to do more with less, of increasing social problems and of high unemployment. In fact, at times, it seems to teachers that, given this pervading climate, perhaps our most useful role as teachers might be to train students how best to cope with unemployment.

Perhaps better times are ahead. We hope so, but we also know that teachers increasingly are being asked to take on more and more demanding roles within the educational system. Schoolsite-based management, for example, purports to give teachers empowerment in making grassroots decisions but necessarily would demand more of them in terms of time, responsibility and accountability as teachers would be taking on many of the responsibilities traditionally designed to the school's administration.

These are not tasks that can be taken care of during 10-minute coffee breaks but require commitment, study, reflection, collaboration and a great deal of time and effort, this in addition to the already very significant role we have as the core of educational instruction, as planners, motivators, facilitators and evaluators of learning and as general student advocates.

Does it not make sense that if we expect teachers to be so many things to so many people that we respect their desire to have significant input into the process that deals with their working conditions, remuneration and general welfare?

Look around. Read the paper. Watch the news. Our province is hiring extra police gang units, advocating nightly curfews and creating special task forces to deal with the problems of youth in our present-day society. Study after study tells us that teachers and education make a real difference in the lives of these kids. We are in the front lines every day. Why does this government begrudge the teachers of Manitoba the opportunity to bargain in a fair and unbiased system, a system no other group has been denied?

Honourable members, Bill 72 is an affront to teachers and to anyone who is committed to a strong education system. It cannot be allowed to become law by any government that calls itself democratic. Thank you.

**Mr. Chairperson:** Thank you very much, Ms. Dyrkacz.

**Mrs. McIntosh:** I indicate again that we do understand the work you do, and we do value the work you do. We are not asking for wage rollbacks or any of the things that are implied in some of the comments that have been made.

In fact, if we look around this table we would probably have as many teachers around this table as we do per capita in the audience, and I indicate to you that eight of our own caucus members are teachers. Many others have daughters or sons who are teachers or spouses who are teachers, so we do know and understand. I emphasize that because I sincerely believe with all my heart and soul that what we are bringing forward has much good in it for teachers.

I wanted to ask you a question in terms of funding because I know funding is a frustration for all of us. It is a particular frustration for me as Minister of Education and for this government wanting to give far more than we are able to give, and I wanted just to ask you a question about your observations on this statistic. You mentioned 1981 and the percentage of operating costs that were funded compared to today. I do not have 1981 figures here because all I have with me is starting 1987, but I can indicate to you in 1987, the Province of Manitoba funded public schools by \$633 million, and that is the year we took office or the following year, and now we fund it to \$745 million, which is a \$113-million increase. Most of that increase was given in the years prior to the federal transfer cuts. Since the federal transfer cuts, you have experienced the \$43 million coming out in the last three years. Even so, there is still a net increase of \$113 million, and the size of the federal transfer cuts has not been passed on to the system. We have a 35 percent cut. You are experiencing a 2 percent. And just ask Mr. Reimer what it feels like to have a department that is down to nine people, which is what his Urban Affairs is left with, to say how we have done it to ourselves before we do it to anybody else.

My question is this: If today, when we are putting \$113 million more into the system, the percentage of operating costs that it covers is less, one can only conclude, the only logical explanation for that is that operating costs have risen. That is the only rationale for the change in the percentage of covering operating costs. Would you comment on that for me, please? What operating costs do you think have increased so drastically

that the percentage of coverage of operating costs would go down even when the number of dollars have gone up?

\* (2000)

**Ms. Dyrkacz:** I believe that percentages are the only thing really that makes any sense to me. We can talk real dollars, we can talk inflationary dollars, we can talk any amount of dollars. That is only significant in terms of relative terms.

**Mr. Chairperson:** We are running out of time.

**Ms. Friesen:** I would like to thank you for your presentation and also for coming so far to make the presentation as well. I think I wanted to begin with the financial issues. The minister has suggested that the cuts to public education are due to the federal cutbacks, but of course I think, as we all know, that those cuts to public education began in a systematic way years before the federal cutbacks were in place. They have been accompanied by regular increases to the private schools in almost every year that this government has been in office. I think you draw attention to that in your brief.

I also noticed and underlined for myself your argument that the government saw fit to propose legislation that would force teachers to take financial responsibility for the state of Manitoba's economy, and I just wanted to put on the record that of course the Manitoba economy had an operating fund surplus last year of \$157 million.

**Ms. Dyrkacz:** We are waiting for our increase.

**Ms. Friesen:** Thank you. I wanted to ask you about the inequities that you draw our attention to. There is already a Manitoba discrepancy among areas with respect to band programs, computer access and other services and resources. Could you give me a sense from your perspective of those growing inequities across the province?

**Mr. Chairperson:** I am afraid we are out of time.

**Ms. Friesen:** Leave.

**Mr. Chairperson:** I am afraid you are out of time. [interjection] Not unless leave is granted.

**Ms. Dyrkacz:** It is too bad. We would be happy to at some other time.

**Mr. Chairperson:** Leave has not been granted. Greg Fritske. Greg Fritske, Brandon Teachers' Association. You may begin, Mr. Fritske.

**Mr. Greg Fritske (Brandon Teachers' Association):** Thank you very much for the opportunity to present at the committee hearings tonight.

It is my pleasure and privilege and honour to represent the over 500 members of the Brandon Teachers' Association. I am a teacher in Brandon. I teach Grade 6 and I was elected by my peers to represent their interests, and that is what I am here doing tonight. I am not here representing my own, but I am representing theirs and, I would submit, the interest of most teachers and all public school teachers in Manitoba. Bill 72 is neither fair nor reasonable, and its effects will be disastrous for public schooling in Manitoba, let there be no doubt. Why this is so can best be seen in the answers to three questions.

The first question, what do we have now? In 1956, through amendments to legislation, teachers in Manitoba and their employers entered into a form of collective bargaining which both sides recognized as fair and reasonable, a form of collective bargaining which was a progressive improvement over traditional bargaining systems because of its method of dispute resolution. That dispute resolution did not involve lockout or strike. Teachers gave up the right to strike and employers surrendered the right to lock out, and in its place we got binding arbitration, which you have heard much about. It was fair then. It is fair now. This has been a reasonable exchange.

Arbitration panels are composed of three members, one representing employees, one representing employers and an independent arbitrator, and because these panels have been able to rule freely on the basis of evidence, they have imposed fair settlements. As it is, the system works.

Some interesting facts. In the 1990s settlements achieved by negotiation and those imposed by arbitration have been virtually the same. Arbitration does not create large, unreasonable settlements. Only once in the 40 years of this system has the initial settlement in this province been reached through arbitration. Thirty-nine

times out of forty, the bargaining pattern in the province has been set by a negotiated agreement. Another interesting fact. Since 1983, of more than 700 settlements reached, only 42 were arbitrated. In that time not one minute of pupil time at school has been lost to job action, strike or lockout. This system serves our students well; it serves our boards well; it serves taxpayers well; it serves teachers well.

What are we getting? Bill 72 is not fair. At the heart of its unfairness is this requirement that arbitrators must base the financial aspects of the arbitrated settlements on school divisions' ability to pay. Bill 72 stipulates that ability to pay is determined by current revenues. School board revenues, whatever their source, are derived from taxation, and the level of taxation is a unilateral decision. It is not a matter of bargaining.

Within the bargaining structure proposed by Bill 72, a school board can arbitrarily limit its ability to pay by setting its tax rates to whatever level it wants to. In turn, the provincial government can do likewise through reduced support to school boards. Once that is done and arbitration is implemented, the arbitrator's hands are tied. He or she can only work within the artificial limits imposed by a school board decision which is made in advance of even the first stage of negotiations. In effect, the arbitrator must impose a settlement based on a school board's willingness, not ability, to pay. Moreover, in arbitration, certain matters relating to teacher welfare and working conditions cannot even be considered. This is not free and open collective bargaining.

This resulting situation is absurd, and it is unjust. Once a school board has defined its own ability to pay, real negotiation and true arbitration are impossible. How does this fit into fair collective bargaining enjoyed elsewhere across Canada and across Manitoba and the world? Why are teachers in Manitoba being subjected to this? Since we do not have the right to strike, how can our concerns be heard? Every other employee group in Manitoba can freely negotiate. Why are teachers having this right taken away?

Some interesting information about money. In my view, the most important aspect of all of this is the government's willingness to pay. According to Finance department reports, government revenues have increased by \$750 million in the past two fiscal years. That is

three-quarters of a billion dollars. Why then has this government attacked those most vulnerable and defenceless by lowering support for their futures? Our children deserve better than that. Arguments of the need to cut the deficit are bald-faced lies. The deficit dragon in Manitoba is slain. There have been accumulated surpluses, and law now requires balanced budgets. So where has this three-quarters of a billion dollars gone? Why should children have to be hurt by cuts when all of this money is pouring into government revenues? It is a true shame to our children, and it is a shame to our province.

Keep in mind, too, that Bill 72 itself not only addresses mechanisms for arbitration but collective bargaining generally and in doing so sets severe time limits in which negotiations may occur. Most negotiators on both sides are people with full-time jobs. The 60-day minimum provided for negotiation will prove inadequate. Even if parties agree to something else, it falls back to 60 days. Negotiations will almost inevitably find themselves in arbitration. So the arbitrator will find him or herself making a decision, determined in a large part not by the evidence and arguments presented during negotiations, nor by the realities of ability to pay, but by a school board's budgetary decisions and a provincial government's commitment to funding education. Bill 72 will not work.

Another question. Where will it lead? The Teacher Collective Bargaining and Compensation Review Committee has reported, quote, teachers are working in an environment where much more is expected of them today than in the past. They are dealing with problems which require previously unheard-of skills, time and energy. Teachers are feeling blamed, attacked, targeted, devalued and unappreciated. Bill 72 will only make this worse. Why does the government wish to go ahead with this when that is the case? Teachers in my division tell me that they have never experienced as low a morale as they have now. At a meeting in Brandon, the Minister of Education and Training (Mrs. McIntosh) personally told us that the Enhancing Accountability: Ensuring Quality document had a negative effect upon teacher morale. It is still at an all-time low, and the No. 1 cause of it is the attacks that teachers are facing from the provincial government. The Minister of Education was unable to give me solid answers about how she could improve teacher morale. The answer is quite clear. The

provincial government should stop its attacks on teachers and halt the passage of Bill 72.

\* (2010)

A person who receives a Bachelor's degree invests several years work and tens of thousands of dollars in the course of his or her education over and above ordinary living expenses. Anyone who makes such an investment merits a career that will reward him or her with job satisfaction and a reasonable salary. Do we wish to provide the employees of Manitoba with these things, or do we feel that they are overpaid and underworked? Bill 72 will prevent these things from occurring for teachers even if we wish them to. The conditions created by Bill 72, to quote the Winnipeg Free Press, will frustrate and demoralize teachers. That is certainly occurring. Wages will drop and the best and brightest will move away. The quality of Manitoba's public school system will slowly but surely decline. Financially poor schools—

**Mr. Chairperson:** Mr. Fritske, your 10 minutes is up.

**Mr. Fritske:** I have about two paragraphs, three more paragraphs.

**Mr. Chairperson:** With leave of the committee. This will encroach on the question and answer time. Agreed? Proceed.

**Mr. Fritske:** Thank you. Financially poor schools and divisions will stay poor and possibly get poorer, creating inequality of educational opportunity. Where is the equity of education that it is the responsibility of the province to provide?

It is said that we are just a special-interest group, and that is true. I can tell you we are very proud to be a special-interest group because our special interest happens to be children and the young people of Manitoba. Teachers cannot think of a higher purpose or a better cause, and few of us, given fair remuneration benefits and working conditions, can think of a finer vocation. All the same, many of our colleagues who are nearing retirement say that they are glad to be getting out soon and that they foresee that Bill 72 and other legislation will lead to greater hardship and diminished reward.

It is obvious that this government feels that teachers are overpaid. Perhaps a low-paid babysitting service is the type of setting that individuals who feel this way wish our children to be in, instead of a setting where highly trained professionals offer the best education possible.

In conclusion, if Bill 72 is passed, what sort of teachers are Manitoba's young people going to have in the future? What sort of education? The Brandon Teachers' Association urges the government to halt Bill 72 to allow fairness in the bargaining process and, more importantly, to ensure that our children will have the best future possible. Bill 72, in our opinion, is nothing short than targeting teachers for political gain.

Unfortunately, targeting teachers is targeting kids. How sad it is for a government in a democratic society to do such a thing. Thank you.

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

**Ms. Mihychuk:** Thank you very much for that presentation. Can you tell me what you have seen in your classroom in terms of the effects of the reductions of funding by the provincial government? Can you put it into a context that the public can understand?

**Mr. Fritske:** We see increasing class sizes in Brandon. We see ever-increasing amounts of split-grade classrooms at the elementary level. The biggest concern that teachers in Brandon have is class size. We just did a survey that indicated that. An arbitrator cannot arbitrate on that. We want the right to be able to grieve that, and we appreciate it in Bill 72.

I am teaching a new grade for the third year in a row. I have eight text books to teach a new science curriculum to my students. It is very difficult.

**Ms. Mihychuk:** For how many children?

**Mr. Fritske:** That is for 20 students. It is very difficult. For any type of home study that kids have to do, it is almost impossible, and I am not allowed to break copyright rules. So it raises some challenges that way.

**Ms. Mihychuk:** Many of the challenges are very impressive. We know our children are coming in with more things for you to deal with as a teacher, and there

are more challenges from the outside world in a lot of different factors. If you had your druthers, where would you like to be focusing your attention, and the other side of it, where are you focusing your attention?

**Mr. Fritske:** Teachers get into teaching to teach. Teachers love working with kids, helping them learn, helping them to expand their knowledge, helping them to become well-rounded citizens. We deal with all the social issues that kids bring to school because we care about them, we love them, we want them to have what is best and we try to offer things that they might not have in their home life or other situations. But I think, given our druthers, we would rather focus on academic pursuits for the most part, even though we certainly see the benefits and the need for the other areas.

**Mr. Chairperson:** Thank you very much for that. Your time has expired, and thank you for your presentation, Mr. Fritske.

I would now like to call on Paul LaRivière, and Aurèle Boisvert will follow Mr. LaRivière. Mr. LaRivière, you may proceed en français.

**Mr. Paul LaRivière (L'Association des Educateurs/ Educatrices Francophone du Manitoba):** Je m'appelle Paul LaRivière et je suis ici au nom des 350 enseignants et enseignantes de l'Association des éducatrices et des éducateurs franco-manitobains. Mes collègues enseignent dans les 21 écoles de la Division scolaire franco-manitobaine. Notre division s'étend de Saint-Lazare à La Broquerie et nous sommes représentés par une quinzaine de membres à l'Assemblée législative. Je suis ici pour vous véhiculer notre colère vis-à-vis le Projet de loi 72. Ce projet de loi vise à déséquilibrer un système de négociation qui a bien desservi les citoyens de cette province depuis 1956.

Cette loi est punitive et régressive, car, effectivement, elle nous enlève le droit à l'arbitrage exécutoire, un droit pour lequel, il y a 40 ans, nous avons volontiers échangé le droit de grève. Ce fait, par lui-même - et ici je cite l'éditorial du Free Press du 23 mai 1996 - ". . . embarrasses all Manitobans who believe in equality and fundamental democratic rights".

Ce projet de loi est particulièrement punitif pour les enseignants et les enseignantes de la Division scolaire

franco-manitobaine. Selon la Loi sur les écoles publiques notre commission scolaire n'a pas de contrôle sur ses revenus étant donné qu'elle n'a pas le pouvoir de prélever les impôts fonciers. Comme résultat, nous sommes à la merci des décisions fiscales des divisions scolaires dans lesquelles résident les élèves de la DSFM.

De plus, dès la mise en vigueur de la DSFM huit des neuf divisions cédantes ont refusé de remettre la juste part de leurs surplus à la nouvelle division scolaire. Des fonds auxquels la DSFM avait droit dès sa mise en vigueur ne lui ont jamais été remis. Pour nous, ceci est un exemple de l'effet néfaste que le manque de volonté politique peut avoir sur le financement pour la DSFM.

Même si les divisions scolaires dans lesquelles nos élèves sont résidents ont l'obligation statutaire de transférer des fonds à la DSFM, ces divisions ne sont aucunement tenues de se soucier des besoins financiers de la DSFM. De plus, toutes ces commissions scolaires ont le pouvoir de déterminer leurs politiques fiscales par rapport à la taxation. Les décisions fiscales se font à partir de leur volonté de prélever des revenus au plan local. Par conséquent, nous sommes clairement otages des divisions d'où proviennent des élèves de la DSFM.

\* (2020)

Il est faux d'affirmer, comme l'a fait Madame la ministre McIntosh tout récemment, que l'arbitrage a servi les enseignantes et les enseignants mieux que les autres employés du secteur public au Manitoba. De fait, entre 1988 et 1994, les hausses salariales négociées pour les principaux groupes d'employés du secteur public au Manitoba ont varié de 21 pour cent à 28 pour cent. Parmi ces groupes, certains bénéficient du droit de grève plutôt que de l'arbitrage exécutoire. Selon l'analyse de Travail Canada, les échelles salariales du personnel enseignant de l'ensemble de la province auraient augmenté, en moyenne, de 25 pour cent au cours de la même période, ce qui les place au milieu du tableau.

Madame Betty Green, présidente de la Manitoba Association of School Trustees, a publiquement déclaré que le comité Dyck-Render a largement dépassé le mandat qu'on lui avait confié. Madame Carolyn Duhamel, présidente sortante de ce même organisme, a également énoncé des propos semblables dans le Lance du premier octobre 1996, et je cite: "Duhamel added the

association is concerned about the heavy-handed tone of the changes and whether some of the amendments are even necessary. 'Is there something not working that needs fixing? What is the problem?', asked Duhamel. The association also doubts the educational value of the proposed disclosure of public sector employee salaries. 'What will this do for children to publish salaries and benefits?', asked Duhamel."

Je me rends compte que ce dernier commentaire de Madame Duhamel touche le Projet de loi 57, mais nous voyons tous ces Projets de loi 72, 26, 33, 47 et 57 d'un même oeil. Ils ne viennent que perturber les relations de travail entre les enseignants et les enseignantes et les commissions scolaires. Ces projets de loi risquent de nuire de façon irréparable à la bonne relation de travail que nous avons avec nos employeurs dans la DSFM.

D'après nous, le Projet de loi 72 ne touche pas le vrai problème. Il ne s'agit pas d'un système de négociation défectueux mais plutôt d'un sous-financement et d'un manque d'appui idéologique de l'éducation de la part de ce gouvernement. Où est l'engagement de M. Filmon de financer le système des écoles publiques à 80 pour cent?

C'est aussi une question de valeurs. Une société qui n'est pas prête à investir dans sa jeunesse n'a pas d'avenir. Souvenez-vous des paroles du chef fédéral, M. Jean Charest, qui a déclaré dans un discours lors du congrès national du Parti conservateur: We must look at values. We have to support teachers and we have to support schools. I find it unusual that we do not value people like teachers more, that we claim they are paid too much. They have one of the most important and valuable roles in society.

En bref, nous aimerions que ce Projet de loi 72 soit retiré ou, du moins, sévèrement modifié. Merci.

Mr. Chairperson: Merci beaucoup.

[Translation]

Mr. Paul LaRivière (L'Association des Educateurs/ Educatrices Francophone du Manitoba): My name is Paul LaRivière, and I am here on behalf of the 350 teachers of the Association des éducatrices et des éducateurs franco-manitobains. My colleagues teach in the 21 schools of the Division scolaire franco-manitobaine. Our division stretches from Saint-Lazare to

La Broquerie and we are represented in the Legislative Assembly by some 15 MLAs. I am here to convey to you our anger about Bill 72. This bill is designed to create an imbalance in a bargaining system that has served the citizens of this province well since 1956.

This legislation is punitive and regressive, as it effectively takes away our right to binding arbitration, a right in exchange for which we voluntarily gave up the right to strike 40 years ago. This fact, by itself—and here I quote the Free Press editorial of May 23, 1996—"embarrasses all Manitobans who believe in equality and fundamental democratic rights."

This bill is particularly punitive for the teachers of the Division scolaire franco-manitobaine. According to The Public Schools Act, our school board has no control over its revenues given that it does not have the power to collect property tax. As a result, we are at the mercy of the fiscal decisions of the school divisions in which DSFM pupils live.

In addition, ever since the DSFM came into being, eight of the nine provider school divisions have refused to turn over a fair share of their surplus to the new school division. Funds to which the DSFM was entitled from the time it came into being have never been remitted. In our opinion, this is an example of the harmful impact that a lack of political will can have on funding for the DSFM.

Even if the school divisions in which our pupils reside have a statutory obligation to transfer funds to the DSFM, those divisions are in no way obliged to concern themselves about the DSFM's financial needs. What is more, all those school boards have the power to determine their fiscal policies in relation to taxation. Fiscal decisions are made on the basis of their willingness to collect revenue at the local level. As a result, we are clearly hostage to the divisions from which the DSFM's pupils come.

It is false to say, as the Honourable Mrs. McIntosh recently did, that arbitration has served teachers better than the other public sector employees in Manitoba. In fact, between 1988 and 1994, the salary raises negotiated for the main public sector employee groups in Manitoba varied from 21 percent to 28 percent. Some of these groups benefit from the right to strike rather than binding

arbitration. According to Labour Canada, the salary scales of teaching staff for the whole of the province increased by an average of 25 percent during the same period, which puts them in the middle of the chart.

Ms. Betty Green, president of the Manitoba Association of School Trustees, has publicly stated that the Dyck-Render committee went way beyond the mandate it had been given. Ms. Carolyn Duhamel, past president of the same organization made similar remarks in the October 1996 *Lance* and I quote: "Duhamel added the association is concerned about the heavy-handed tone of the changes and whether some of the amendments are even necessary. 'Is there something not working that needs fixing? What is the problem?' asked Duhamel. The association also doubts the educational value of the proposed disclosure of public sector employee salaries. 'What will this do for children to publish salaries and benefits?' asked Duhamel."

I realize that this latter comment by Ms. Duhamel was in reference to Bill 57, but we view all these bills—72, 26, 33, 47, 57—in the same way. The only purpose they serve is to disrupt labour relations between teachers and school boards. These bills risk doing irreparable harm to the good labour relations that we have with our employers in the DSFM.

In our opinion, Bill 72 does not address the real problem. The issue is not one of a defective bargaining system but rather under-funding and a lack of ideological support for education on the part of the government. Where is Mr. Filmon's commitment to finance 80 percent of the public school system?

The issue is also one of values. A society that is not prepared to invest in its youth has no future. Remember the words of the federal party leader, Mr. Jean Charest, who in a speech during the national Conservative party convention said: We must look at values. We have to support teachers and we have to support schools. I find it unusual that we do not value people like teachers more, that we claim they are paid too much. They have one of the most important and valuable roles in society.

In short, we would like Bill 72 to be withdrawn or at least radically amended. Thank you.

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

**Mrs. McIntosh:** Merci, Paul. You had indicated that you would like to see the bill amended, and I wonder if you could indicate how you would like to see it amended. What wording changes would you suggest?

**Mr. LaRivière:** J'ai indiqué que j'aimerais plutôt voir ce projet de loi retiré, mais s'il n'est pas retiré j'aimerais voir des amendements, des modifications importantes au projet. La seule chose qui possiblement pourrait demeurer dans ce projet d'après moi, d'après nos membres, c'est la question de ce droit de grève—pardon, pas de grève, de grief, je ne dois pas me tromper ici—ce droit de grief au sujet de choses qui ne paraissent pas dans l'article, dans la convention collective. C'est une possibilité. Nous trouvons que ce n'est pas certainement notre préférence. Nous préférons voir un système où tout peut être négocié, où les négociations sont vraiment ouvertes et libres, mais si ce projet de loi avance comme il est, nous aimons certainement cet item-là.

**Ms. Friesen:** Merci, M. LaRivière pour votre présentation. Je vous remercie de nous souligner les difficultés qui se présentent à la Division scolaire franco-manitobaine. Si vous me permettez, je vais poser mes questions en anglais.

**Mr. LaRivière:** Oui, certainement.

[Translation]

**Mr. LaRivière:** I have said that I would rather see this bill withdrawn, but if it is not, I would like to see some major amendments to the bill. The only thing that I feel, our members feel could possibly remain in this bill is the question of this right to strike—pardon me, not strike, grievance, I had better not make a mistake here—this right to grievance in regard to things that do not appear in the collective agreement. That is one possibility. We certainly do not consider it our preference. We prefer to see a system in which everything is negotiable, in which negotiations are truly free and open, but if this bill goes forth as is, we certainly like that item.

**Ms. Friesen:** Thank you for your presentation, Mr. LaRivière. I thank you for pointing out to us the difficulties that are facing the Division scolaire franco-manitobaine. If I may, I would like to pose my questions in English.

**Mr. LaRivière:** Yes, certainly.

**Ms. Friesen:** Bon, merci. I recognize that what you have done has indicated for us two things: one, that the trustees themselves are not necessarily whole-heartedly in favor of the process that has enabled us, or enabled the minister to arrive at this, and I thank you for putting some of those comments on the record.

You have also indicated the difficulties for the Division scolaire because of the fact that you do not collect your own taxes, and what concerns me there is the implications for the role of an arbitrator affecting school programs, and the trustees themselves raised this issue with us. How is that likely to work for the Division scolaire? What kind of programs might be affected? How might the role of an arbitrator affect your ability to offer the kind of programs that you need to present?

**Mr. LaRivière:** Je crois que, vu la situation financière, ou vu, pardon, le manque de capacité de la DSFM de prélever des impôts fonciers, je crois que ça nous place dans une situation très difficile dans le processus de négociation. Alors je soulève ces points-là indiquer que pour nous autres cette loi qui parle de la capacité de payer des divisions scolaires, pour nous, vraiment, ça vient nous lier les mains en négociation d'une façon, je pense, encore plus sévère, plus grave que pour d'autres divisions scolaires et l'effet que ça pourrait avoir certainement, comme je dis dans mon bref, nous avons une très bonne relation de travail au moment avec notre commission scolaire, avec notre division scolaire.

Si cette capacité de payer demeure dans le projet de loi, et si le projet de loi de fait passe comme il l'est, je pense vraiment que ça va être très difficile de maintenir cette bonne relation que la DSFM, qui déjà probablement devra couper des programmes et peut-être laisser aller du personnel. Ça pourrait être encore plus grave si on se trouve dans un processus où la Division scolaire a des obligations financières résultant d'une négociation.

\* (2030)

**Ms. Friesen:** Je crois que c'était votre avis en tout que le ministère doit annuler ces réglementations, cette bill, et commencer encore une fois à rejoindre les trustees et les professeurs.

**Mr. LaRivière:** Oui, c'était mon opinion et de se fier à des employés et des employeurs qui peuvent quand même trouver des solutions raisonnables.

[Translation]

**Mr. LaRivière:** I think that, seeing the financial situation, or rather the DSFM's inability to collect property taxes, I think that this puts us in a very difficult position in the bargaining process. So I raise these points to show that, for us, this legislation that talks about the school divisions' ability to pay really ties our hands in terms of bargaining in a way that is, I think, more serious than for other school divisions, and the impact that this could have, for, as I say in my brief, we have good labour relations with our school board, with our school division.

If this ability to pay remains in the bill, and if the bill in fact passes as is, I really think that it is going to be very difficult to maintain those good relations with the DSFM, which already will probably have to cut programs and perhaps let staff go. Things could be even more serious if we end up in a situation in which the school division has financial obligations resulting from a negotiation.

**Ms. Friesen:** I believe that it was your opinion that the department should withdraw these regulations, this bill, and start to bring teachers and trustees together once again.

**Mr. LaRivière:** Yes, that was my opinion, and trust employees and employers, who can nonetheless find reasonable solutions.

**Mr. Chairperson:** Merci et bonsoir. Aurèle Boisvert. For those of you that want translation into English, there are some of these devices at the back of the room which you can access.

**Mr. Aurèle Boisvert (Francophone School Division):** Bonsoir. Merci pour me donner la chance de vous adresser au nom du Projet de loi 72. Et donc je viens ce soir au nom de la Commission scolaire franco-manitobaine. Nous désirons vous exprimer certaines de nos préoccupations concernant le Projet de loi 72. Nous voulons affirmer en début de présentation que nous



supportons la position de l'Association des commissaires d'écoles du Manitoba, c'est-à-dire, MAST dans leurs déclarations sur ce projet de loi.

Nous sommes une division scolaire avec des aspects particuliers à cause de notre mandat provincial. Nous voulons aujourd'hui toucher les points qui sont particuliers et même peut-être uniques à notre situation de division scolaire à dimension provinciale.

Les sections 129(3) et 129(4) traitant de notre capacité de payer nous préoccupent énormément. Puisque nous sommes la seule division scolaire ne possédant pas le pouvoir de percevoir des revenus au moyen d'impôts fonciers, notre capacité de payer s'en trouve très limitée. Nos revenus provinciaux par élève sont inférieurs à la moyenne provinciale. Cela pourrait potentiellement avoir pour effet à long terme que nous mettions en péril notre capacité d'attirer des professeurs compétents et dévoués, dû à notre incapacité de leur offrir un salaire compétitif. Nous croyons qu'une formule de revenu provincial équitable devrait être implantée afin d'assurer que tous nos élèves puissent obtenir une éducation équivalente au niveau de toute la province. Il est difficile pour nous de voir comment nous pourrions maintenir notre capacité de payer sans être obligés de couper du personnel ou des programmes ou d'autres dépenses de base déjà existantes. Nous nous demandons aussi comment un arbitre pourrait nous dicter notre capacité de payer sans une ingérence dans notre autonomie locale en nous ordonnant de couper certains programmes essentiels ou routes d'autobus par exemple. Nous sommes, comme vous le constatez probablement, très intéressés d'être au courant des critères rattachés à la décision de la capacité de payer.

Nous sommes aussi inquiets de l'effet de précédent que la décision d'un arbitre pourrait avoir sur notre division scolaire. Étant donné notre particularité nous voudrions être protégés contre une décision qui ne refléterait pas notre réalité fiscale et démographique.

Finalement, nous sommes aussi concernés avec la section 131.4(1), c'est-à-dire l'obligation d'agir d'une façon juste. À titre d'exemple, le geste de transférer des professeurs dans une division scolaire telle que la nôtre ayant un mandat provincial pourrait être perçu comme étant injuste, mais jusqu'à quelle distance le transfert est juste?

Un danger potentiel pour notre division scolaire est qu'elle souffre, à long terme, de la perception de ne pas avoir la capacité équivalente aux autres divisions scolaires de fournir un traitement équitable à ses professeurs. Nous préférons prévenir que guérir un problème qui pourrait avoir un effet très négatif sur notre division scolaire.

Nous vous proposons donc deux choses: 1) Un processus d'arbitrage—que le processus d'arbitrage ne crée pas une situation de précédents qui ne tiendraient pas compte de notre mandat provincial. 2) Que notre incapacité de prélever des revenus au moyen d'impôts fonciers soit toujours prise en considération par l'arbitre appointé en situation de conflit.

Merci beaucoup de votre attention.

**Mr. Chairperson:** Merci

**[Translation]**

**Mr. Aurèle Boisvert (Francophone School Division):** Good evening. Thank you for giving me the chance to address you about Bill 72. I come this evening on behalf of the Commission scolaire franco-manitobaine. We would like to express some of our concerns about Bill 72. To begin our presentation, we would like to say that we support the position of the Manitoba Association of School Trustees in their statements on this bill.

We are a school division with some distinctive characteristics due to our province-wide mandate. Today, we want to deal with the points that are characteristic of, and perhaps even unique to, our school division.

Clauses 129(3) and 129(4) dealing with our ability to pay concern us greatly. As we are the only school division without the power to collect revenue through property taxes, our ability to pay ends up being very limited. Our provincial revenues per pupil are less than the provincial average. In the long term, this could threaten our ability to attract competent and dedicated teachers, due to our inability to offer them a competitive salary. We feel that a fair provincial revenue formula should be brought in to ensure that all of our pupils throughout the province can receive equivalent education. It is difficult for us to see how we can maintain our ability to pay without being obliged to cut staff or

programs or other basic expenditures that already exist. We also wonder how an arbitrator could dictate our ability to pay without interfering in our local autonomy, by ordering us to cut certain essential programs or bus routes, for example. As you probably can see, we are very interested in being informed of the criteria involved in decisions on ability to pay.

We are also concerned about the impact that an arbitrator's decision might have on our school division. Given our distinctive characteristics, we would like to be protected against a decision that does not reflect our fiscal and demographic reality.

Lastly, we are also concerned with Clause 131.4(1), the obligation to act fairly. To give an example, the act of transferring teachers within a school division such as ours that has a province-wide mandate could be perceived as being unfair, but how far a transfer is fair?

One potential danger for our school division is that, over the long term, it might suffer from the perception that it does not have the same ability as the other school divisions to provide its teachers with a fair salary. We prefer preventing a problem that might have a highly negative impact on our school division to curing one.

We therefore propose two things: (1) that the arbitration process not establish precedents that do not take into account our province-wide mandate, and (2) that our inability to collect revenue through property taxes always be taken into consideration by the arbitrator appointed to settle a dispute.

Thank you for your attention.

**Mr. Chairperson:** Thank you.

**Ms. Cerilli:** I will not try to ask my questions in French.

**Mr. Boisvert:** It is okay.

**Ms. Cerilli:** A couple of things. First of all, thanks for your presentation, and I am learning some things that perhaps others knew more about with respect to the Francophone School Division, but I am wondering if the minister had consultation meetings with your school division, and if you made these concerns known to the minister, and what the response was from the

government, particularly how this bill was going to affect your school division.

**Mr. Boisvert:** The minister has indicated to us that she would like to meet frequently because we are a new school division, and that she would be open to discussing any of the subjects that would be presented to us and to her. Specifically on Bill 72 we have not had direct discussions that I can recall, according to our particularity, but we have had some discussions on a general basis about the particularity of our school division.

**Ms. Friesen:** Do any of the amendments which the minister has brought to the table today address your requirements for protection, I think, as you say, protection against decisions which do not reflect your demographic and fiscal realities as well as your need for, particularly, amicable relations with your teachers? You are a new school division and you must establish the kind of relationships which have been established over many decades in other divisions. Have the minister's amendments addressed any of those issues?

**Mr. Boisvert:** Yes, I believe some of them have, up to a certain point. I think the word "primarily" is being removed. This, I think, is something good for us. However, I think we are here today to voice our position because of our particularity, and we hope that when, for instance, the precedent effect of her decision by an arbitrator might have a negative effect on our situation because of our particularity.

So these are some of the things that we would like to bring forward that we are addressing tonight, and that we probably will be talking to the minister about in the future.

**Mrs. McIntosh:** Yes, thank you, Aurèle. I appreciate the points you have raised in your brief. In similar ways, Frontier is facing similar kinds of concerns, but not to the same degree that you would for a couple of reasons. One, you are new and you are having all of the attendant startup things to deal with, and as well, you are finding a slightly different receipt from the school divisions.

We will be very conscious of your circumstances here as we go through this. I believe that it will be all right, given the way in which the comparisons have to be made,

but certainly yours is one division we will be watching carefully go through the process, because you are new for starters and you do not have the long-time relationships built yet, but also because your funding circumstances are so unique. So we are conscious of it, I guess, is all I am wanting to let you know.

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

\* (2040)

**Mr. Gary Kowalski (The Maples):** I was just wondering if you have had a legal opinion, or thought of a legal opinion, in regard to being the Francophone School Division because of the uniqueness of not being able to raise revenue through taxation, if that would put you at a position of unique disadvantage, and therefore under the Charter of Rights there would be a Charter argument in regard to this legislation. Have you received a legal opinion about that?

**Mr. Boisvert:** No, we have not received any legal opinion, and we have not asked for one either. We think that the fact that we cannot raise our own taxes will sometimes create problems for us. We think it might in this situation, but the way to resolve that might not be to obtain that right. That might be other solutions, and we have not looked at that problem specifically, but Bill 72 sort of accentuates maybe the situation more, and I think that we will have to look into that situation so that we are on an equivalent basis with other school divisions.

**Ms. Friesen:** I am still concerned about this protection that you are asking for from precedent, and the minister said that she would be keeping an eye on it, but the minister did not offer anything in this Bill. I wonder if you think there are other ways that we can ensure on your behalf that these kinds of precedents will not take place.

**Mr. Boisvert:** I guess time will tell, and it is hard to tell, but certainly our inability to raise our own taxes puts us in a very unique and maybe troublesome situation. I think maybe we could obtain that right or we could negotiate with the government maybe certain revenues, maybe the average of the province or something like that, that would put us on an equal footing. I am just sometimes concerned that if an arbitrator decides something, to allow maybe a 2 percent raise, and we do not have the right to raise taxes, and if it is a precedent setting decision, how are we going to address that

problem? I am not sure. We will have to cut in our programs and cut maybe in our transportation and so on and so forth.

So this is where we are coming from right now, and we hope that maybe these problems will be addressed. You are right, they have not been addressed right now. We hope that they will be.

**Mrs. McIntosh:** Thank you again, Aurèle, and your last few comments I listened to with particular interest because it is both a blessing and a curse, your situation, and as I say, we will be watching closely. We do not want you feeling hostage in any way. We would like you to feel that you are the recipient of good things. So we recognize your unique situation. The points that you have made here are very valid and we will take them into serious consideration.

**Ms. Friesen:** Mr. Boisvert, you have been facing some difficulties in the Division scolaire recently at École Laurier and École Lavallée in South St. Vital. The minister is offering to watch this for you but she is not offering you any assurance in the bill. I wonder if you perhaps might comment on the difficulties that that poses. It leaves you in the same position that you are in with École Laurier or perhaps potentially over the long haul with École Lavallée.

**Mr. Boisvert:** Well, if I could hear sometime somebody would guarantee us a school in South St. Vital I would be more than happy. There are very, very unique and big problems we have in all of Winnipeg where we have to service all the français high schools as only one high school. Our boundary is Winnipeg, the whole city, so we have a transportation problem. We have a transportation problem in South St. Vital, and I believe that is being addressed.

Certainly in École Lavallée we are bursting at the seams, and there are long line-ups for our washrooms and so on and so forth. It is a very, very serious problem that we are having there. We have three portable units and we were hoping to get three more, but when you get to a situation where it is the school that is attached to units rather than units attached to schools, maybe it is time to get a new school.

Certainly, our student population is south, way far south, of the concentration. We always advocate

community schools where we have a very strong community involvement, so the school has to be at the centre for our students, where the majority of the students are—and this is what we advocated in Laurier. We were happy to be able to have our students from Laurier be able to go to Laurier and not to another school in another community. The Laurier school, I think, has been addressed temporarily. They are going to be portable units. I think that is the way that temporary situations are addressed. We hope that within a year, a year and a half, the Laurier situation will be looked at on a more permanent basis. I think these are the indications we have obtained until now.

**Mr. Chairperson:** Merci beaucoup et bon soir.

Are there any other presentations that anyone wishes to make in French? If not, we will have the translation people go. They need not stay around and cost us all money.

We will now call on Erica Stecheson please—I might say money very well spent. You made it, Ms. Stecheson, or are you a replacement? I had been told that you might not be able to make it this evening.

**Ms. Erica Stecheson (Private Citizen):** Oh, no, I have made it. It was tough, but I did it.

**Mr. Chairperson:** You may begin your presentation then.

**Ms. Stecheson:** I am speaking to you from a beginning teacher's perspective, and I am very nervous. This is the start of my second year teaching high school. Certifying and actually finding a job was a triumph for me and, I am sure, for all others in the same situation.

I entered the profession with gusto, full of ideas and ideals, because after all I was to have over 100 students under my influence for a good part of the year. I had known things to be bad in education while at university especially regarding cutbacks in funding and hence in the job market for teachers; nonetheless, I persisted and obtained my degree. I believed I had a lot to offer through teaching, and I still do.

Then along came the Dyck-Render commission report followed by the current proposed legislation with which

we are faced. I attended the Boundaries Review Commission hearing in Morden and was, I believe in my naivete now, surprised by the obvious wall constructed by the panel members to effectively block all issues raised in opposition to their own agenda. Even with practically no prior knowledge of the issues at hand, I was well able to discern a plan that was not going to be altered by any means. It thus came as no shock to me when the proposed Bill 72 emerged in its present form.

So here I am, a relatively young teacher, feeling rather cynical about our government and its manipulation of the public to believe that what we have here is a true democracy rather than a sort of disguised dictatorship. It seems to me that we as citizens have no real say about issues. We are merely made to feel as though we do. We have a democratic right to speak, to voice our opinions as I am doing here, and to cast our votes, but that anything we say is met with actual consideration I doubt. Whether or not this be the case, and whether or not you believe that this legislation is the best thing for Manitoba, I can only assure you of one thing, I am one amongst a huge number of public school teachers who are already losing the drive and desire to be the best we can be in this profession.

In my second year I am already wondering why I chose this field. I already find myself devalued by the government and its supporters. Are teachers not what I had always been told, what I had always believed, what I had always aspired to, that is the education of the children who are the future of this province, this country and this world? I believe I feel that Bill 72 makes teachers a joke. Am I wrong? Perhaps. Perhaps all of us teachers are wrong, spoiled and greedy. Yet I repeat that wrong or not, your actions against us are definitely going to affect us. They are going to affect us, not only through our bargaining rights and our bank accounts, but also our morale, and it is this final aspect that will affect the quality of education for our kids. I urge you to consider your decisions not only in terms of the almighty dollar but also in terms of the positive spirit which truly makes for education. Thank you.

**Mr. Chairperson:** You certainly did not sound nervous.

**Mrs. McIntosh:** I concur, you made a very good presentation with a great deal of confidence.

You asked two questions, and I want to answer them and then ask a question of you. You asked, are teachers not always what you had been told? Then you go on to make a description, and I say, yes, teachers are that, they are what you have been told. Then you say Bill 72 makes teachers a joke and ask if you are wrong. I say I believe you are wrong on that. You followed up with a very strange statement. You say perhaps all of us teachers are wrong, spoiled and greedy, and you know, those words have never been used by us, and I just wondered why—I know the audience is laughing, and I guess I am troubled by that as well, because I think there is a substantial amount of supposition that concerns me.

I want you to know that this legislation did not come about through any mean spiritedness on anybody's part. This legislation came out because the school trustees critiqued a system—not people, they critiqued a system—and you must never ever assume that the critique of a procedure or a process is a criticism of a person or a profession.

As teachers at your AGMs every year, you make dozens of resolutions critiquing the system, critiquing the processes, critiquing the procedures. Government never takes them as personal attacks on government; we understand they are talking about a process. I am just saying that a critique of a system is not a criticism of a person.

Could you indicate to me what there is in Bill 72 that you think is so damaging to teachers?

**Ms. Stecheson:** Well, I am going to sound really naive, and do you know what? I am, but I will try and answer this in just a second.

I am representing so many teachers and teachers who have far more experience than I do, far more knowledge than I do, but I am representing a lot of teachers who are really quite ignorant to what is going on. What I am trying to represent here is morale, and it is just what I am saying is that I do not really know a lot. I cannot sit here and start quoting to you Bill 72, I cannot. You know what? I am not, I do not feel that I am very well spoken in these areas, especially in the areas of legislation—yet, someday—but what I am trying to represent is that I think that this is the message that people are receiving and know they cannot go and say, well, this and that and that

and that say that teachers are greedy and spoiled and being devalued, but they have the overall impression. It is everywhere; it is all around me; it is all through my school, all through my division that we are being devalued. It is the morale.

I believe, it seems to me as though in the bill itself the division is being told what my perception is and what I have been—

**Mrs. McIntosh:** Told?

**Ms. Stecheson:** Yes, and what I have read is that the division is receiving an amount that it is allowed to spend, its budget, and therefore is restricted within that. The arbitrator must work along those lines to, how do I say this, give the division, give us our money. We have to work within these preset guidelines. It just seems to me so narrow that what is going to happen is, our salaries are going to go down, for one thing. Our class sizes are going to go up, and our morale, which has already started to go down, is going to go down even further, and kids are going to be affected through that.

**Mrs. McIntosh:** Can I have a follow-up question? Is there time?

**Mr. Chairperson:** Yes, there is time, for your last question.

**Mrs. McIntosh:** Just a follow-up question, I indicate to you that arbitrators are not compelled to award within the stated ability to pay. Arbitrators are simply now being asked to consider the arguments and to explain in their decision why they have accepted or rejected them.

I think you have answered very eloquently what I think is the frustration. The morale is bad because people think something is going to happen. They have been told by somebody that this is bad but, when I ask, so often I get the answer you have given, which is that they do not know quite exactly what it is, but they feel that they have been devalued, and I would like to ask you one final question.

How can we then let people like you, new teachers full of enthusiasm, know that we value you? Well, we have been saying it repeatedly all the way through. So much in this bill is a reflection of our value in terms of what we

have been trying to provide for you in terms of fairness, protection, unprecedented in any other bill, but the message is not getting out.

We do not have \$2.9 million to advertise it. How can we let you know and countermand the messages that you have been given, which I believe are false?

**Ms. Stecheson:** I have a lot of things going around my head right now, and I think I will have to confer with my organization on that. I cannot come out and answer that.

**Ms. McGifford:** Thank you for your presentation, Ms. Stecheson. In your presentation, you spoke of your growing ennui and despondence with the profession and said other teachers were feeling the same. My experience is, when people feel like this about their profession they usually leave, and I suppose while some might well say, if you do not like it, get out, I think some of the things we have to consider are, first of all, the cost in personal discouragement which is very hard to weigh and measure, of course, but also the cost of training.

I wonder if you could give us any idea about the costs of training to become a teacher, not any idea, if you could be even specific about it, it would be helpful.

**Ms. Stecheson:** I do not quite understand quite what you are asking me, an idea as to how much I paid to go to university?

**Ms. McGifford:** I am saying that becoming a teacher is a very expensive endeavour and, if a teacher leaves, it is really an expensive endeavour because that is just money thrown away.

**Ms. Stecheson:** Yeah, oh, it sure is. Sorry about that. That is exactly how I am feeling. You know what? I made more money as a part-time waitress than I am now, and the way it looks, I am not going to make any more money. I am struggling right now. I want to leave and I am telling you the truth. I know other people. There are a few first-year teachers in my school who are saying, why did I get into this?

But, no, I do not have the means to go back to university right now. I do not want to take out more loans and, no, I am sure it is very expensive. I feel stuck,

and I think other people do as well, people I have talked to whom I graduated with.

**Ms. Friesen:** Thank you, Ms. Stecheson, for your presentation. I think what you are reflecting is the concerns of many, many teachers that we have heard over and over again of a government which does not support teachers. It is puzzling that the minister who raised the prospect of \$20,000 starting salaries for teachers in the Render-Dyck inquiry—

**Mrs. McIntosh:** I did not.

**Ms. Friesen:** —who said that real teachers should be in the classroom and not registering a democratic protest, and a Premier who says that teachers are paid \$15,000 too much—

**Mr. Penner:** [inaudible] You are an MLA. That is why people call us liars.

**Ms. Friesen:** Mr. Chairman, the minister has always left in—

**Mr. Penner:** That is why people call us liars.

**Ms. Friesen:** Mr. Chairman, we can show the member for Pembina—

\* (2100)

**Mr. Chairperson:** Can we please have order. Our process is designed—

**Ms. Friesen:** It is your credibility, not mine.

**Mr. Chairperson:** Mr. Penner, please. Order, please. The whole purpose of the process is to learn something from the presenters and to listen to them. Would you please pose a question, Ms. Friesen, and not engage in debate, and would members please co-operate in allowing her to present a question.

Ms. Cerilli, do you have a point of order?

#### Point of Order

**Ms. Cerilli:** I have a point of order, Mr. Chairperson. Will you please call the members to order when they deal

with the kind of attack that we just heard from the member for—Mr. Penner.

**Mr. Chairperson:** It is not a point of order, but I did call Mr. Penner to order, and I hope he will co-operate, as will all honourable members on this committee.

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**Mr. Chairperson:** Ms. Friesen to please pose your question.

**Ms. Friesen:** The minister is leaving in Bill 72 the ability to pay, which requires the arbitrator to look at the reductions that are being imposed upon school divisions every year, minus two, minus two, minus two, by this government, and I wonder if you can give us a sense of what the implications of that are going to be for teachers' salaries as you anticipated it as a result of this bill.

**Ms. Stecheson:** I think everyone would agree that in light of that they are going to drop. I heard the rumour too about the \$20,000. No, no, I know. I think it was just a rumour, but I also heard 25 as being more of a guideline within which you are working in. I am making 25 now and it is tough. It is tough, you know. I mean, I do not need to drive around a Mercedes or anything, but I do like to feel that I am worth more than a part-time waitress.

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

The next presenter is Mr. Neil MacNeil.

For those who are arriving now, I would just remind the new arrivals that I had very early in the program indicated it was contrary to the rules to engage in applause or participation in that way in the audience. The purpose is to allow people to make presentations and the committee to engage in questioning the presenters and appreciate there being discipline exercised in that respect at the back.

Is Neil MacNeil not here? Neil MacNeil, not being here, will go to the bottom of the list. Randy Bjornson. Randy Bjornson not responding, Randy Bjornson will go to the bottom of the list. Dean Jonasson. Mr. Jonasson, you may begin your presentation.

### Point of Order

**Ms. Cerilli:** Mr. Chairperson, on a point of order, I want to put on the record that the Render-Dyck report does indeed say or suggest that teachers would start earning a salary at \$20,000.

**Mr. Chairperson:** Yes, this is not a point of order. It is a disagreement as to the facts.

\* \* \*

**Mr. Chairperson:** Please, Mr. Jonasson, begin your presentation.

**Mr. Dean Jonasson (Private Citizen):** Thank you. I am sure glad I am not trying to sell anything today.

I would like to begin my comments by thanking the committee for allowing me the opportunity to share my ideas and concerns. In preparing for this presentation, I came across the writings of John Ralston Saul, the 1995 Massey lecturer. In his book, *The Doubter's Companion*, he had a lot to say about democracy, decision making and public participation. An involved, active citizenry is a vital engine which propels our society, and that is why such forums are so important.

Ralston Saul also offered a definition of public education. He wrote: Public education is the single most important element in the maintenance of a democratic system. Being a public school teacher, I felt inclined to agree. But it also got me thinking in terms of my obligation to society in general. Is my role simply to produce graduates that can fill a target job market? Or, and this seems more likely, am I part of a broader endeavour which seeks to prepare young minds for the responsibilities of a democratic life?

Given these lofty premises, let me turn my attention to the subject of this committee, Bill 72, and its impact upon public education. As I neither teach in a vacuum, nor do my students learn in one, this bill and those which will follow have a direct impact on what occurs in my classroom. Cuts in service and support, as well as alterations to the way teachers and boards problem solve, affect classroom climate. Ultimately, these will also have an effect on how parents and the public view what occurs in public education.

My understanding of the bill is that it will drastically alter how teachers, school boards and the government will approach contract negotiations. The details of this will undoubtedly be the subject of briefs from other members of the teachers' society. I trust the teachers' society to research and debate these details. That is why I pay my dues. I trust the school board to implement budgets and policies which benefit students. That is why I agree to work within their contract. I trust the government to value education and present reforms which reflect a changing world. That is why I participate in the electoral process, although I must confess, I do not recall the current government offering Bill 72 or any other proposed educational reforms in its platform during the last election.

However, out of Bill 72 comes a different way of doing business, and I use the term business because it appears to me it is a business approach to problem solving which is being imposed upon me. Imagine how my classroom would operate if I sped up the problem-solving process, allowed one party to determine when the process could move to a decision phase and limited the scope of the decisions to favour one particular party. What would I be teaching my students? Perhaps that decisions are more important than the mutual benefit of all involved, that those involved probably could not be trusted to make a decision on their own and that when things were not working out, excluding others makes the decision easier.

At the beginning of this process of change, there was talk of the government allowing strikes and lockouts as a possible problem-solving tool, and I was pleased and encouraged when the government listened to parents, boards and teachers and let this idea evaporate. Democracy in action for mutual benefit. Now we are debating other measures which are being proposed, again to save money, but also to create negative relations between teachers and boards.

In my seven years as a teacher, I have witnessed and worked through several situations where acrimonious negotiations spilled into the halls and classrooms. For example, recent disputes between support personnel and our local board affected the climate in the class and in the school in general. Students asked me why certain school personnel were angry or why they had to be withholding services. A school is in some ways like a village. The stress of one group of villagers affects the others, and the

sense of co-operation and trust which is vital to the learning process is then undermined.

After Bill 72, how can I encourage my students to work out their disagreements if in the following weeks school life is disrupted because the teachers and board cannot work out their disagreement and are forced into accepting imposed solutions? My own parents and teachers used to call this a gap between what is said and what is done. Such a gap undermines credibility.

Here is another gap, the one between obligation and ideology. Our provincial government has an obligation to provide public education. Its current ideology is that of debt reduction and survival for the strong. The reality is the removal of \$43.5 million from the public education. The reality in my classroom is a dramatic alteration on how my program is delivered. I teach a class of students with special needs, mostly students with moderate to severe cognitive handicaps. While my ideology and expertise inform me that the greatest benefit to the students comes from an educational experience that is age appropriate, that provides for peer integration and that also allows for practical, hands-on experience in the community and workplace, my obligation has changed. I am obliged to reduce both integrated and community experiences due to a gradual reduction in support to students with special needs.

Governments have passed their obligation for support onto school boards, which are hamstrung. But questioning parents have not gone to government nor, I believe, to the boards themselves. The parents of the students that I deal with come to me to ask me why their son is not included in a drama program or a regular phys ed class; why their daughter is not able to try a work experience at a local restaurant instead of being part of a group transported to a sheltered workshop outside the community; or why the level of support just keeps going down.

\* (2110)

What should I say to them? I cannot tell them that their kids do not count, because they do. Should I encourage parents to phone their trustee? Their MLA? Should I suggest how they should vote in the next election? Should they be sending their children to private school or no school? Ideology versus obligation.



One theme of Bill 72 is the emphasis on school boards' ability to pay for public education. To my mind, this was once an obligation of the boards and governments, to pay for the education of the coming generation. Now it is limited by an ability to pay, a significant phrase, given the restrictions put on generating adequate funds through local and provincial taxation.

So whose obligation is it to pay for education? Bill 72 and other related measures would shift a greater obligation onto teachers. Both support dollars and my own wage would be diverted to paying off a provincial debt that education in itself did not create. The cost and benefits of education cannot be measured in terms of dollars, because it is not designed to create dollars or goods. The service provided by a public education to society is so enormous and pervasive that only through foolish or narrow accounting practices could figures actually emerge. Cut education and create an artificial pool of money. Maybe that money could service a government debt or pay for a resulting increase in the demand for social services or adult education or police or the inestimable costs of public ignorance and apathy.

My final observation is one that I hope you will find amusing. Through Bill 72, it would seem that certain aspects of my working conditions may no longer be subject to arbitration. In other words, they would be determined solely by the school board. Since the board's hands are tied by budget restrictions imposed by the government, in essence, these would be controlled by government. Things like where I teach, the size of my class, when I take a break or do recess, these would be determined by the government, a group that I do not directly work for. Yet, I have no say as to what conditions the government will work under, for example, when it takes its recesses, despite the fact that the government works for me.

Strange old world, is it not.

I thank you for allowing me to share my ideas in your time and environment and I invite you to share yours in my classroom. Come and visit the citizenry of tomorrow as soon and as often as possible.

I would like to close by returning to The Doubter's Companion on education: the conclusion of our

sophisticated public accounting system is that we cannot afford to educate properly our citizenry. We know that this is a suicidal and lunatic policy position. What we are doing, therefore, is passively accepting the conclusion of lunatics. Underfunding of public schools and the passing of an unfair bargaining structure may help to balance the provincial ledgers in the short term. The long-term results may be tragic and ultimately more costly. Thank you.

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

**Mrs. Render:** Yes, thank you for your presentation. There are a number of things that you have given that are incorrect, and I think this is part of the problem that there are a lot of mistaken ideas of what the report said and what the bill is saying. This is my first opportunity to correct the record.

The member for Radisson, Ms. Cerilli, stated that the Dyck-Render report talked about a \$20,000 drop. I would just like to quote from page 18, recommendation 2: We recommend that school boards should not roll back teachers salaries. So I would ask the member to point out to me and clarify and correct the record, because that is not correct. Regretfully, these are some of the things that are going out that is making it very hard for teachers. You have enough stress. You have a hard job. You do not need to have things put on your back which are not correct.

Now let me just move to something that you said, and I am not too sure whether I heard you correctly—

#### Point of Order

**Ms. Cerilli:** On a point of order, Mr. Chairperson. Perhaps I was mistaken. It was actually the reference to a prospect of \$20,000 was in one of the other government's education documents, the Enhancing Accountability document. So I do stand corrected, but that was one of the proposals, and it was presented in the context of the kind of discussion that we are having for teacher arbitration.

**Mr. Chairperson:** As I ruled earlier, it is not a point of order. It is a dispute as to the facts.

\* \* \*

**Mr. Chairperson:** Would you pose your question, Ms. Render?

**Mrs. Render:** Thank you, Ms. Cerilli. But, again, I just want to make sure that if you are going to be angry, you are going to be angry about facts and not about things which are not happening. Now, I think I heard you say that—

**Mr. Jonasson:** I am not angry.

**Mrs. Render:** Okay, actually your presentation was very reasonable. I think I heard you say recess and some of the other things were now going to be determined by government. No, that is not so. This will be the trustees, the school division. So, just—

**Mr. Chairperson:** Point of order, Mr. Kowalski.

#### Point of Order

**Mr. Kowalski:** Yes. He has presented in his allotted amount of time, and what I am hearing from Ms. Render is debate taking away from this opportunity to question this presenter. I do not think it is fair. So is it my understanding the proper role for the committee members is to ask questions of the presenters about their presentation?

**Mr. Chairperson:** Indeed, that is the purpose, and thank you for bringing the attention of the committee members to that fact.

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**Mrs. McIntosh:** Mr. Chairman, you invited me to your classroom and I would like you to know that I visit classrooms regularly between sessions several times a week. If you want to issue an invitation, I would be delighted to come.

**Mr. Jonasson:** I have.

**Mrs. McIntosh:** Okay. Thank you. But I mean, I have to get your name and where you are and so on. I do not know what school you are at or anything.

The question I have for you is this, you talked about chronic underfunding. Are you aware that between 1990

and 1995 when the federal revenue received by the province for the Department of Education and Training declined by more than 40 percent that our increase provincially to the schools was an 8 percent increase in that period of time?

**Mr. Jonasson:** I believe you mentioned that before, yes, or you talked about offloading from federal to provincial responsibilities. I guess the theme of my brief was not necessarily dollars and cents, but on the one hand a difference in philosophy and on the other hand the reality that despite the government's very good intentions, there is in fact less support coming to my classroom. I am not sure who is to blame, but I know where the obligation lies.

**Mrs. McIntosh:** I appreciate that.

**Ms. Friesen:** Mr. Jonasson, I am not sure if you told us which division you are from or which school, and obviously it is up to you whether you want to tell us, but I am interested in knowing if you do.

**Mr. Chairperson:** We are down to the last minute, Ms. Friesen.

**Ms. Friesen:** I particularly liked the section of your report which talked about the school as a community and the way in which each part affects the other, and I wondered if you could tell us a little more about your comments on the bottom of page 2 about the impact of funding cuts on your classroom and your school.

**Mr. Jonasson:** Well, certainly, as I said, I have been fortunate enough to be teaching in the same program for six of my seven years, and in that time I have seen my class size increase and certainly the needs of the student also increase. Given that, I have seen the amount of support in terms of paraprofessionals, money available for new materials, things like that, decrease. It is getting harder and harder to maintain a program with those constraints on there, and they are very real. I am not making it up, and it is not based on any kind of imaginary accounting. It is very real.

**Mr. Chairperson:** Thank you, Mr. Jonasson for your presentation this evening.

**Mr. Jonasson:** Thank you for listening.

**Mr. Chairperson:** Lawrie Kyle, please. Lawrie Kyle. Lawrie Kyle, not responding, will go to the bottom of the list. Nancy Trush.

### Point of Order

**Ms. Cerilli:** Mr. Chairperson, on a point of order, I would just like to clarify for the committee and for the presenters that when we raise a point of order, the time, similar as in the House, is not to be deducted from the presenter's time allotment—[interjection] That is right. Thank you.

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**Ms. Nancy Trush (Private Citizen):** Members of the Legislative Committee—I would prefer to circulate them after, if that is all right—fellow educators, concerned taxpayers, firstly I would like to extend my thanks for the opportunity to raise my concerns regarding Bill 72 this evening.

I come before this committee as a public school teacher in my 30th year of teaching, the first two being in Evergreen School Division and the remainder with Transcona-Springfield. Just as an aside, Eric Stefanson was the student council president the year I began teaching, so there is something to be said for public education.

Retirement for me is within my grasp, so I speak not on my own behalf but on behalf of the next generation of educators, and more importantly, on behalf of the public school students who will be shortchanged by this discriminatory legislation. I also come before this committee as a former card carrying Conservative Party member who no longer finds myself able to support a government that seems bent on destroying our public school system through shrinking annual grants and the introduction of such mean spirited and biased legislation as Bill 72.

\* (2120)

The ability-to-pay clause makes a mockery of the collective bargaining process, which has served Manitoba teachers and taxpayers well since its inception. Binding arbitration has repeatedly resulted in fair and equitable awards comparable to those negotiated in other divisions.

In terms of real buying power, teachers have been regressing since 1980, for our increases have not kept pace with the cost of living, unlike those employee groups with a COLA clause in their contracts. Frankly, I am very tired of this government presenting teachers as a self-centred, money-hungry bunch of parasites. If the minister wishes to know what the government might do to promote teachers in a positive light, perhaps they might stop publishing documents that state there is no evidence to show teachers with a master's degree do any better job than those with a mere Bachelor of Education. Perhaps if the Minister of Education wishes to find the money to advertise teacher virtues, she might reroute monies now dedicated to the advertising of the Telephone System.

I believe it was in the discussion paper that the brilliant revelation that teachers' salaries were the main budgetary item was made. I would be very upset if we were not, just as I would be upset if officers' salaries were not the major expense of the police budget. I do not apologize for the \$52,000 that I earn. I consider it to be fair compensation for the very demanding and critical job that I do, a job which in recent years has evolved to include many facets of community health, social services and youth corrections mandates, the difficulties of which are compounded by shrinking resources as a result of provincial funding cuts.

Proponents of this legislation argue that ability to pay is what drives private sector wages. If this were true, why are huge wage increases not being awarded to our national bank employees as the banks record billion-dollar profits?

My husband is an electrical contractor, and I attempt to draw a business analogy to the ability-to-pay clause. If my husband wished to purchase a three dollar electrical box from the supplier and told him he had the ability to pay only two dollars for it, what do you think the chances are that the supplier would be forced to offer his product for what my husband was able to pay? In actuality, my husband would be free to search for an inferior-quality product for his two dollars, and the supplier in turn would take his electrical box to a more affluent contractor who could pay the fixed and reasonable rate. If this legislation passes, I have no doubt in my mind that our most creative, gifted and talented teachers will follow the doctors' beaten path to take their product elsewhere.

My daughter is in her graduating year at the University of Manitoba's Faculty of Education. There are eight sections of students in their final year. In her section alone, eight students have withdrawn since September citing the fact that there is no future for educators in Manitoba given the current government's antiteacher, antipublic school agenda. How are we going to attract bright, energetic young people to enter a profession where they are virtually guaranteed never to receive a pay raise?

This is the same government that suggested last year that perhaps a referendum should be held to determine if the taxpayers felt teachers deserved a pay raise. I am quite prepared to submit my paycheque to that type of public ratification if other public sector employees must do the same, including our illustrious MLAs. I believe, if I recall correctly, that it was a 17 percent pay raise they were awarded last year through a controversial method called binding arbitration. Perhaps Mr. Reimer could have kept more than his nine staff if he had forgone his 17 percent wage increase.

Similar governmental initiatives with respect to education were taken recently in New Zealand. Today they are advertising for over 600 teachers to meet the demands of their population, this a direct result of making the occupation so unappealing that they were not able to train sufficient numbers of teachers to meet their demand. Surely we can profit from this experience rather than setting ourselves up to replicate it.

Bill 72 will result in the ghettoization of school divisions as some have more ability to pay than others. The most challenging students will have the least capable educators, virtually making it impossible for them to break the failure cycle. By providing the mechanism by which funding of public schools can be decreased, this bill signals the demise of an institution that since Confederation has enabled even the poorest of the poor to rise above an otherwise bleak landscape.

Public school has, on the whole, allowed people to participate in the learning process regardless of race, wealth or religion. I am bothered that amidst this climate of slashing provincial funding to public schools beyond what can be called bare-bones funding, increases to private school funding are still forthcoming. It seems that this government intends to privatize more than our telephone system.

I eagerly await the day that a private school will be established with the following as its entrance criteria: Students must possess or exhibit one or more of the following conditions: standardized test scores at least two grade levels below grade placement; attention deficit disorder; fetal alcohol syndrome; autism; Tourette's syndrome; Down's syndrome; pervasive developmental disorder; living in a foster placement; previous involvement in youth court; et cetera. The list is endless. With the collapse of the public school system, who will meet the needs of these children?

I was also very intrigued by the fact that parents of students who attend some private schools are given receipts for charitable donations in excess of \$1,000 each year. Does this mean that all of their tuition each year is not needed to educate their child? If this is so, why the increase in support?

Learning conditions in schools in my division are on the decline. I would surmise them to be so in other divisions as well but I speak only of those circumstances with which I have first-hand experience.

As the number of teachers is reduced, class sizes increase, reducing the amount of contact time with students. Funding formulas which dictate the level of support for special needs students have been amended resulting in more of these students in large classes without the benefit of paraprofessionals. According to the guidelines, Down's syndrome students no longer qualify for provincial support. If they receive para help, it is funded through the local levy.

Option courses such as drafting and computer science have been dropped if they did not have the magic number of 25 registrants, with the administration saying they could no longer afford to offer option courses with fewer than that enrollment. A student last week shared with me that she was dropping out because the only course she was interested in, elementary school practicum, was cancelled because there were only 16 registrants. For someone who plans to enter a training program as a daycare worker, this course is vital and would mean the difference between a high school graduate and a dropout.

There is significant economic impact to either churning out less capable graduates or increasing our dropout rate. Students are taking introductory courses and are unable

to take the advanced level because the decreased budget dictates that the course can no longer be offered. Some courses have no textbooks available, and in others there is only one class set, so if there are multiple classrooms taking the course, students can no longer take texts home to do homework.

**Mr. Chairperson:** Your time is up for your 10-minute presentation unless there is leave granted to encroach on your question and answer. [agreed]

\* (2130)

**Ms. Trush:** They must be left in the classroom for other students to use. Thus, parents' complaints that students cannot do homework, we are unable to deal with that, because there simply are not texts available, and parents can no longer help their students without them. New curricula are being implemented before support documents are in place. Are teachers adequately trained to deliver them? Students are working in unsafe industrial arts and science labs because enrollment is beyond recommended levels to ensure safety.

These are but a few of the ways that cuts to provincial funding and recent government initiatives have impacted on my school alone. It is not the fat but the flesh of the programs that is being trimmed.

This legislation makes it painfully obvious that this government does not recognize the value of an educated society. The ability-to-pay clause is destined to create a have and a have-not system of public education where only the divisions with strong tax bases will attract the best qualified personnel. Divisions which cannot offer fair salaries to hard working, devoted and dedicated teachers will not attract and retain those individuals. Thus an equal opportunity for education will no longer exist.

In conclusion, I feel very strongly that Bill 72 must not be passed in its present form as it will further erode teacher morale and destroy the quality of public education in Manitoba as we once knew it. Now more than ever before, Manitoba requires a public school system which will develop a highly skilled labour force that can be competitive in our global market, as well as one which will mold caring, civic-minded citizens.

Our job as politicians and educators is to maintain and enhance this system, not sabotage, undermine and invalidate it. Thank you very much.

**Mr. Chairperson:** Thank you, Ms. Trush.

**Mrs. McIntosh:** I have three points to discuss with you. One, I should indicate, you say, you are waiting for the day for a private school to be established to do that. There is a school that does that, that takes only children such as you have described. It is called the Laureate Academy, and they take children that parents find they are not getting satisfaction from the public system. They take them at Laureate Academy and the parents pay for their special needs children to have their learning problems addressed.

Secondly, I want to ask you this question and then I have one more and that is it. You made reference to the way in which the MLAs were reimbursed. You probably know that cabinet ministers have not had any adjustment to their salary for 15 years. If you would like to go back to 15 years ago, you may then be able to get a 14 percent raise too, but I do not think you would like that.

But may I ask if you are aware of how that wage was determined and that I have offered the exact same model with the exact same people to the teachers, and they throw up their hands in horror and say, oh, God, no, do not do that to us. It was David Northcott, Valerie Wake, a farmer's wife and a northern rural councillor, who set our salaries, and Wally Fox-Decent, who set our salaries. We all agreed, all 57 of us, including the members opposite, to accept without question whatever they told us to do before they even began their deliberations. Now, if you want that, I will gladly call up David Northcott and everybody else, get them together, have them go around the province and ask the questions. If you agree in advance to accept without question what they say and if you have not had a raise in 15 years, they may too give you a 14 percent increase. Do you want that?

**Ms. Trush:** The point I am trying to make here is that—

**Mrs. McIntosh:** Do you want that? That is my question.

**Ms. Trush:** The point I am trying to make is that binding arbitration was working very well for the

teachers of Manitoba as well, and I am wondering why this government is determined to introduce and promote labour strife where it does not exist.

**Mr. Chairperson:** We have eight seconds.

**Mrs. McIntosh:** My second question to you is, what is there in Bill 72 that you can point to that will cause the labour strife?

**Mr. Chairperson:** Time is up. I am sorry. Thanks for your presentation.

Dan Lemieux. Dan Lemieux. Dan Lemieux, not being here, will go to the bottom of the list. Gail Eliasson. You may begin your presentation, Ms. Eliasson.

**Ms. Gail Eliasson (Evergreen Teachers' Association):** Thank you very much. I have been teaching in the province of Manitoba for almost 30 years at a rural school division in the Interlake. I am requesting you withdraw Bill 72.

My objections include the so-called ability to pay. This overshadows everything in this bill. Our division has had a preview of how unfair this type of thinking is. Evergreen Teachers' Association had signed a three-year agreement with the school board, and our board wanted to break the contract in the third year. A consultative process was followed for eight months, and the solution between the board and teachers was to raise the mill rate slightly. Unfortunately, a group of cottage owners drove up to the budget meeting of the board and in 10 minutes wiped out any solutions the board and teachers had ironed out. The board decided no tax increase and to cut teachers positions.

We have had 15.5 teaching positions cut since 1990, and our student population has not decreased. We have teachers who are assigned positions which two, sometimes three teachers had done before. Teachers are driving between towns at noon hour or walking back and forth between schools in one town two or three times a day. Due to the heavy workload, teachers, like many Manitoba teachers, are becoming stressed. These conditions exist in my division now without the presence of Bill 72. I shudder to think what our rural school division's ability to pay will be after Bill 72. Education will deteriorate further, teachers will be squeezed into jobs that will be impossible to succeed at. Is this fair?

Due to the continual government cutbacks in funding for education, boards have stopped hiring experienced teachers for one reason, to save money. How did boards get backed into a corner like this? This is the first time we as teachers have experienced the devaluing of our experience and education. I attended the graduation ceremonies at our small-town high schools last June and watched Grade 12 students proudly receive their diplomas. Their education opportunities were well documented and the results of the provincial examinations positively reported, but those people do not realize that their education system for their children is crumbling. The opportunities and teachers are just not there for the upcoming classes as they were for the outgoing grads. Teachers know this is happening, the public is just beginning to realize it. Teachers feel undone by the government and Bill 72. We have committed our lives to education and now find our education and experience is not important.

Peter Dyck told the teachers in Interlake last week that he does not believe teachers are paid too much. He would not say why Bill 72 has been structured to curtail our collective bargaining process. Our wages are not out of line with the rest of the country, and he agreed with this. How did Bill 72 become such a draconian bill when one of the co-authors of the Dyck-Render-Carlyle report does not see any real problem with our salary scale?

I think Bill 72 is immoral, and I think Bill 72 is counterproductive. I would like you to set this bill aside and provide a window of opportunity for teachers to gain some hope for the future as teachers of the students in Manitoba.

**Mr. Chairperson:** Thank you, Ms. Eliasson.

\* (2140)

**Mrs. McIntosh:** Thank you very much for your presentation. You have indicated here that you feel in your school division teachers have been assigned positions and transferred positions unfairly, and that you cannot get that in your collective agreement addressed. So here we have a situation where you have an indication of several teachers who have been unfairly assigned positions, and you have no way to address it because you cannot get that in your collective agreement. If I were to say to you, would you like the right to grieve to an

arbitrator that particular stressful situation, would you like me to entrench that in the act for you, would you say yes or would you say no?

**Ms. Eliasson:** I teach in a school division that happens to be the only association that has that in their contract, and yes, we have used that fair and reasonable grievable position and it has worked well for us. Yes, it is definitely a positive thing and we have used it a number of times to work out arrangements but, unfortunately, these arrangements involve money and the lack of.

**Ms. Cerilli:** I want to follow up on this issue because it seems like the minister is trying to portray to teachers that there has been a trade-off here, that they are going to have things like ability to pay considered in their collective agreement bargaining and there are other issues for the school division, like having to bear more of the cost for conciliation and that. But the trade-off is that now you are going to be able to grieve issues that in many cases you were not otherwise able to grieve. I am wondering if you believe that that is a beneficial or fair trade-off and if you think that is going to be good for education?

**Ms. Eliasson:** Well, we have—I cannot see why we would have to trade off something that we already have in our collective agreement.

**Mr. Chairperson:** Did you want to complete your response?

**Ms. Eliasson:** No, I think I said it.

**Mr. Chairperson:** Sounded like an answer to me.

**Mrs. McIntosh:** I should indicate first of all that this is not a trade-off for anything. The ability-to-pay-clause contains four out of five factors that were ones that teachers wanted. Do you think it would be good, and I believe it would be good, do you agree with me that having an arbitrator forced to consider the need of the division to retain and recruit qualified teachers rather than just simply lay them off because their wages are too high is a good thing or a bad thing and, again, I just wanted some clarification.

If this process is not working for you locally, you have said you have it, it has worked in the past, but right now you have a situation where it is not being fair. Would

you like the opportunity to be able to take that and grieve it now to an arbitrator as well?

So I have those two questions. Do you think those four factors, which are not trade-offs, they are good for teachers, that arbitrators must consider the need to retain and recruit teachers, qualified teachers, rather than just say they cost too much so I have to get rid of them, do you think that is good, and would you like the additional right to grieve beyond your collective agreement?

**Ms. Eliasson:** I am sorry. What was the beginning part of the question?

**Mrs. McIntosh:** The beginning part of the question is, Ms. Cerilli indicated that the grievance fairness clause was a trade-off for the ability to pay, and I say absolutely no. The ability-to-pay clause, in and of itself, has four out of the five factors in there desired by teachers. The one part of that is, the arbitrator would be forced to consider the school divisions' need to retain and recruit qualified teachers. In the past, arbitrators would put on an award on a division and the division would say, well, that is too high, we are going to have to accept it but we will just let teachers go to make up the difference. Now the arbitrator has to consider job retention.

Do you think that is good or do you think that is bad? Would you like to see it taken out? That is the one question.

**Mr. Chairperson:** Maybe one at a time.

**Mrs. McIntosh:** Okay. Would you like to see that taken out?

**Ms. Eliasson:** Okay. You refer to that it is not a trade-off, that ability to pay and the grievance process are not trade-offs?

**Mrs. McIntosh:** No.

**Ms. Eliasson:** They are not trade-offs. Okay. I am not sure what the four out of five factors are that we like.

**Mrs. McIntosh:** But you say they are immoral. You must know what they are.

**Ms. Eliasson:** I thought that they were just—

**Mrs. McIntosh:** Well, she is here protesting it. Do you not know what they are?

**Mr. Chairperson:** I would ask the honourable minister not to badger the presenter.

**Mrs. McIntosh:** Well, I am just puzzled, very puzzled.

**Ms. Friesen:** Again, continuing on the ability-to-pay issue, I think the minister indicated at the beginning of this session that she is prepared to remove the word "primarily" and that this would have the consensual support of both teachers and trustees. I wonder if you could comment on, first of all, whether it does have your consent, and what you think of the clause without that? How much does it modify it or change it?

**Ms. Eliasson:** These are very technical questions and I assume that—I just heard about the change this evening as I came here. I am assuming that it opens up the scope of the dealings between the board and the teachers. The problem that I have seen behind all this is the reduction—I know it has happened in our school division—the inability to move anywhere with no money. That is the concern we have in our division, that we are unable really to move anywhere. Yes, we have the grievance process, and we have worked it through for fair and reasonable teaching conditions, but we are unable to address the job problem of our teachers having to do so many subjects in one classroom and so many jobs that before were done by two or three teachers. This is why I came all the way in tonight, to talk about this, because I know what it is like in my division and I know that we have to address this in a correct fashion.

**Ms. Friesen:** Could I ask you then to tell us a little more about that? You have talked about the increasing workload. Could you give us a sense of the changes in class size, the changes in the composition of the class, whether or not you have lost courses or options for students?

**Ms. Eliasson:** Yes, I can. I will just start off with my assignment from—last year I was teaching in an intervention centre, which is an alternative learning site, which has close to 50 students enrolled in it that are from age 16 up, usually children that cannot cope in the regular school system or are in trouble with the law. There were two teachers in that intervention centre last

year, and this year in June they decided that we could do with one and so now I am alone as a teacher in that intervention centre. That is just one example.

I can take some more examples. I have a colleague who has to go between the two schools, elementary and the high school. She has to go three times across on two days of the cycle and two times across on the other four. We have had five teaching positions cut just in our school and it is due to the inability for our division to get any kind of real funding for education. They have—I can go on. I have another colleague who drives between one town and another at noon. We share guidance counsellors between towns. We have a music teacher who teaches in three different sites, that goes from Winnipeg Beach to Gimli to the other Gimli school. This all takes a toll on the teachers that have to do these jobs.

I have never quite seen it—I love my job. I love working with children, and I have never seen teachers feeling so badly as they are right now.

We are once removed from the city. We are not in the—we are in the mid-Manitoba area and usually we can survive, but not this time.

\* (2150)

**Ms. Mihychuk:** My question is going to be a little bit more general and not specific, but I am going to throw in grievance, because the minister seems to have a particular penchant to grievances. My introduction to this question is, in the whole scenario, we have heard about school divisions and we have heard about teachers being expected to cover those losses, basically. Do you feel that the province has an onus that, when at a time of surplus, building a surplus and looking at other priorities, there should be a method for school divisions to throw those contracts right back to the provincial government?

**Mr. Chairperson:** Ms. Eliasson, it looks like time for a yes or a no or a maybe.

**Ms. Eliasson:** Well, I have always thought that education was a provincial responsibility, so I guess that is my answer.

**Mr. Chairperson:** Thank you, Ms. Eliasson.



Ernie Schiman. You may begin your presentation. They will circulate your written submission.

**Mr. Ernie Schiman (Intermountain Teachers' Association):** Mr. Chairman, just a couple of observations that I have before I begin into the text of my presentation.

I found it rather interesting sitting at the back of the room for the last four hours and listening to a lot of presentations, a lot of very good presentations being made. It is obvious from my humble point of view that there are a lot of problems still existing with this proposed legislation. We have seen some amendments being put forward by the minister. We heard some suggested amendments from MAST. There are a number of other concerns that are still out there. This is a proposed bill that has obviously been run through much too quickly. There needs to be more thought. There needs to be more input. I echo the comments that Cordell Barker made earlier in the evening. I strongly suggest that the government withdraw this bill, go back to the drawing board.

I am presenting this brief on behalf of the Intermountain Teachers' Association. Our division No. 36 has schools in three towns, Gilbert Plains, Grandview and Roblin, with approximately 1,200 students and a staff of 73 teachers. Ours, we believe, is a fine division for young people to get a sound, fundamental education. It has earned that reputation in the eyes of many because of a durable partnership of teachers, administrators and school trustees. It has earned that reputation also because of the unified purpose and hard work of its school teachers.

Bill 72, along with some of the other bills presently before the Legislature, will have a detrimental effect on education in Intermountain for years to come. In addition, we are faced with continued funding cuts that we have heard about tonight and other proposed changes as well, such as the proposed change to teacher salary classification system.

Teachers in Intermountain over the last number of months have had a number of concerns about Bill 72. Obviously, our most serious concern is with the ability to pay. We believe that the present system that we have been working on for many years has been working well. Under Bill 72, until four hours ago, the arbitrator had to

base their work primarily on the board's current funding revenues and current income from taxation. This will lead to a system that is weighted in favour of the school boards. It is worth noting that at least one prominent arbitrator has declared ability to pay to be a totally one-sided intrusion into the arbitration stage of negotiations. This is not a fair and just system of collective bargaining.

Secondly, and very importantly, as you have heard tonight and on a number of occasions, this is going to lead to a greater disparity between the so-called rich and poor school divisions in our province. How will this contribute to equal educational opportunities for all students across the entire province? We see a change in the definition of ability to pay or that you have taken out the word "primarily." There is still a big problem with that definition. It is still based on current taxation and current funding from the province.

This will certainly not be free and collective bargaining. As stated earlier, we are very proud of our system in Intermountain. If this ability-to-pay clause becomes law, the future is very uncertain.

Past arbitration awards in our school have been, in our view, fair and reasonable. Monetary parts have always been in line with trends across the province and other items, such as a duty-free lunch hour, have definitely been justified.

Our second concern is with the timing of collective bargaining in some of the new time lines. We are a small rural school division and carrying on collective bargaining during the months of May and June is not a good idea in a rural school division. We see, and again I hear tonight about the change in the start of negotiations, that this is perhaps possible and both parties must agree. I am not sure. That does seem to be a move in the right direction there.

We still are facing problems with short time lines. As I understand it, that has not been changed. I have been in a negotiation process in the past. This is not enough time to carry on complete and meaningful negotiations.

As I stated at the outset, this has been thrown at us far too quickly. We have been operating under the present system for over 40 years and it has worked well, why the sudden change, why the need suddenly to make such a

change in a big hurry? We are very concerned when we see a government making a number of changes to the educational system at the same time and under some short time lines.

Some of the things that are currently facing teachers in Intermountain include a variety of curriculum changes; standardized provincial tests; increased extracurricular workloads due to few staff; the prospect of teacher evaluation being based on student results and standardized tests; recertification every five years; changes to our salary schedules; and of course, the normal challenges and pressures facing the classroom teacher. Finally, we add Bill 72 into the mix, whereby teachers operate under a new set of rules for collective bargaining that is not fair or reasonable.

Not surprisingly, our teachers are feeling overwhelmed, frustrated, pessimistic about the future of education in Intermountain across the province. We have discussed our concerns a number of times with both of the MLAs, Stan Struthers and the Honourable Len Derkach, who represent the area covered by our school division.

As I said at the outset, Bill 72 obviously has a number of serious problems, only some of which I have touched on tonight. It will definitely have a negative impact on education in Manitoba. It should not become law.

**Ms. McGifford:** Thank you very much, Mr. Schiman, for your presentation. You said over and over again that you, and I gather teachers in Intermountain, believe that the government is passing this bill through or is putting pressure on us to pass this bill through far too quickly.

Why do teachers think there is such a push to expedite the passage of this legislation?

**Mr. Schiman:** Well, it is a very good question. I sure wish we knew. It just seems totally unreasonable that we are moving at this speed—a system, as I said, that has worked for many, many years. Rather interesting, we have one side to the process—MAST who is saying we have some problems here and, by golly, all of a sudden we have some changes being proposed.

**Ms. McGifford:** The other thing—I wanted to thank you for driving so far. It must be very important for you to be here tonight, and we appreciate it, but I also wanted to

ask you about the effects of cuts to education and if you could give us some information about the effects to your classroom, to your school and to your division.

**Mr. Schiman:** Certainly. We have felt the effects as well. Maybe not as greatly as some other divisions but we have felt them as well. We have teachers that are now forced to teach in areas where they did not teach before. As I stated in my presentation, because of fewer total staff, of course that means their extracurricular load becomes heavier for the people that are left. The community expects us to carry on the existing programs, and that makes it very difficult that we carry on our regular teaching load and we now have a heavier extracurricular program as well.

**Ms. Friesen:** The minister has indicated at the beginning she believes that there is some teacher support for this bill, particularly with the amendments that she is bringing. I wondered if you were able to speak on those and to give us a sense as to how far those amendments go to meeting any of the teachers' concerns.

**Mr. Schiman:** Firstly, in terms of the support for the Bill 72 before six o'clock tonight and the amendments that were announced, I have not heard any in my discussions with teachers. That certainly is not the case. In terms of the amendments that the minister is proposing, well, taking out the word "primarily" is a step in the right direction, but we still have a problem. There is still a big problem there with the ability to pay as it is defined. That is the problem, and the scales are still like this as a result. So it is a small step in the right direction.

\* (2200)

**Ms. Friesen:** There seems to be a huge gap, to put it mildly, between what teachers are saying and some trustees are saying; what parents are saying about conditions in the classroom across Manitoba. It does not seem to be getting through to this government. You have talked to a cabinet minister, people here have presented. Do you have any sense of why that is happening or what we can do to at least ensure that the government really understands what is happening in the classroom?

**Mr. Schiman:** That is a tough question. I really do not know. We have tried our best. We did it through the Dyck-Render report last year. I do not know.

**Mrs. McIntosh:** I will defer to Mr. Pallister because he has been waiting for quite a while.

**Mr. Pallister:** Thank you, sir, for I think a very reasonable presentation. You refer to the ability to pay as your principal concern if I am correct, in your written brief, and you say that the proposed amendment is a move in the right direction. I just would like a little bit of clarification specifically in terms of the ability to pay. Do you believe that it is legitimate to consider the current economic situation in our province, in the school division, in the district, or not? Do you believe that it is relevant to consider the comparisons with other employees in the public and private sector in your region of the province in terms of arriving at an ability to pay? Do you believe those factors should be considered or do you not?

**Mr. Schiman:** It looks like you have got about six questions in that one question.

**Mr. Pallister:** Well, no, I will restate it. I do not want it to be confusing, sir.

**Mr. Schiman:** The one area I can touch on right away. By looking only at that area, that causes a problem. If you are going to be looking at comparable salaries and so on, and again we run into that ghettoization that we talked about earlier that you heard from the presenters earlier, you cannot just look in at that one area. That is going to hurt the poorer regions all across the province. That is bad. That is not good at all.

**Mr. Pallister:** That being said, sir, then what would you suggest in terms of a productive and positive suggestion on your part would be—

**Mr. Schiman:** I think as has been done in the past. Normally when we negotiate, when arbitrations are handed down, they look at province-wide, Canada-wide economic indicators, how the economy is doing in terms of the province, the country, to get an overall, better picture.

**Mr. Kowalski:** You talked about a concern about inequities between have-nots and divisions that have the resources to raise revenues and that in certain divisions teachers would end up being paid much more. Also in your presentation you have suggested this bill should be

withdrawn. If this bill was withdrawn and you are concerned about inequity, do you think teachers have in general, either your organizations or just individually, changed their viewpoint about province-wide bargaining?

**Mr. Schiman:** That one is a difficult one to answer at this point because of everything that has been happening and all the changes. I do not know what the reading is on that at this point. I do not think I could give an honest answer there regarding that at this point.

**Mr. Kowalski:** If the bill was withdrawn, other than going back to exactly the way it was, do you believe teachers and school trustees could change the system in any way from what it is now?

**Mr. Schiman:** I have no idea, but I think it is worth a shot.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Schiman. Mr. Richard Maslanka. Richard Maslanka. Richard Maslanka, not being here, will go to the bottom of the list. Kathleen Burt. Kathleen Burt. Kathleen Burt, not being here, she will go to the bottom of the list. Geoff Robson. Geoff Robson is here. You may begin your presentation, Mr. Robson.

**Mr. Geoff Robson (Morris-Macdonald Teachers' Association):** Thank you. Much of what I am going to say has already been said, so I will not read from the document since you can all read it on your own. What I did want to touch upon were just a few ideas, some of which are in the document, others that have come up as the evening has gone along.

First, I want to make it clear that I am from one of those small rural divisions, a small Tory division. We are not and never have been necessarily antigovernment reform. Our division has led the way in many of the educational reform initiatives. We have worked well with the Department of Education, and over the last few years, our teachers have been able to maintain a high level of morale. Unlike many of the other teacher associations we have heard from lately, our teachers in the last few years have not had those problems, and that is because we have had a very good working relationship with the present board. For us, the system was working very well.

It was not that long ago that we had some very serious problems with our board. It occurred the last time that the Filmon government gave a board a big hammer to use, and that was with the Bill 22 days. As soon as our board heard that you could lay teachers off, they did. We attended the board meeting where this momentous decision was to be made, and in three minutes it was decided, eight days, yes, that is no trouble. Mind you, there were some very serious issues to be dealt with at that meeting. They took 20 minutes to discuss the bus drivers' barbeque and whether it was going to be hamburgers or hot dogs. That was dealt with, so we got a little upset with them. Once we calmed down three years later, we realized that when you give someone a weapon they will use it, and the same thing will happen if Bill 72 goes through.

The best-intentioned board sooner or later is going to have to use that weapon, and they will have to use it not because they want to but because the government will make them do it. The government controls how much the boards get, and when the government cuts back, as they have done three of the last four years and will do again, the boards are going to be forced to make some very, very tough choices. We have a hard time getting upset with the board when the board has to choose between cutting programs which our school division has done this year, between making classes larger which our board has had to do, or between giving teachers a valued and needed raise. It is an unfair choice and you are the one making them make that choice. It only appears it is the school board, so I do not think it is fair or right that you put them into that position, or us or the students that will suffer because of it.

\* (2210)

As the evening has gone on, we have heard this repeated message about the attack on teachers. Then we hear certain people suggest: Well, there has been no attack, we support what teachers do and so on, we have never said anything like that. Well, when we had our MLA out to one of our association meetings, we presented the Enhancing Education; Ensuring Quality document to him, and we asked some questions about why certain information was in there, about why teachers were being selected as scapegoats, why our salaries were the ones being pointed out as being so outrageous in the increases. When we pointed out that certain information

was missing, that we were earning exactly the same amount of money as any other group of people with four years of education and experience, that we earn the same amount of money as public health nurses who have gone to university, as ag reps who have a four-year university degree and so on, there was no answer. When you compare apples to apples, there is no difference, and yet in that document it was more than a broad suggestion that teachers were highly overpaid.

So an attack upon teachers, yes, it has been there and it has been obvious and we are upset about it. We see that it is continuing. Binding arbitration: It has worked well. We have never used it in our division, and I am sure there are lots of other divisions who have not used it. It is not something you want to go to, but we know that if we need it, it is there. We constantly hear that binding arbitration is unfair because it allows this teachers' association to get something that they do not really need. Well, where does that come from? I have been teaching for 20 years, 15 in one division and we still do not have a duty-free lunch. We do not have any of those nice things that many of the other divisions have. Where does this idea come from, that once you get something into binding arbitration, every teacher in the province is going to get it? It is not reality. I think it is one of those myths that some people have.

There have also been some other myths that have been brought up this evening, that Manitoba has no deficit. Well, that is true, we do not, right? Manitoba does not have a deficit. The province ran a surplus last year and we are expecting \$120—[interjection] Thank you very much for the correction—instead of \$120 million, \$157 million, updated. We hear that our debt, though, is the real problem, and it is not. That is one of those myths that is used to perpetuate why we have to make cuts to education. We do have an accumulated debt, everyone knows that. But debt is a normal form of government. Just as families go into debt for a house, a car or another major purchase, governments go into debt for worthwhile reasons too.

We have a smaller overall debt than Ontario has a yearly deficit. Some time ago, it was Mr. Stefanson—he is not here right now. Mr. Stefanson boasted about our second-lowest ranking in Canada, about his debt-servicing cost. So lower debt costs means less of Manitobans' tax dollars must go to interest costs, he said,

and more resources are available for services. Where are they going to? Not to educational service. Then, of course, the most famous one, the one that annoys me most, that it is the social services and the whole range of government services that are responsible for Manitoba's problems. Unfortunately, what we find out when we look at the real thing is that these are the lowest in the land. Manitoba's are the lowest in all of Canada, and that comes from Mr. Stefanson's 1996 Budget Address. Manitoba's per capita expenditure is the lowest among provinces.

So I get a little angry. I am not right now, I hope, but I get a little angry when I hear things about how we all have to cut back and we all have to do this and we all have to do that when I do not see that as being the case, when I see that if we have what Mr. Stefanson says, we should be using some of that to offset some of the problems that we are hearing about tonight and that this Bill 72 is not solving any problems. It is only going to make the problems that we have now much worse.

**Mr. Chairperson:** The time is up on your 10-minute presentation, Mr. Robson.

**Mr. Robson:** Thank you. I just finished.

**Mr. Pallister:** If I could, Mr. Chairman, sir, thank you for your presentation. Just to clarify your point about the lowest per capita expenditure—it is true, but just for clarification, yes, we do have the lowest per capita expenditure on the total of government services, but we have the fourth highest per capita expenditure in Canada in the education category and the highest in health care. Just for your interest.

**Mr. Robson:** Thank you. I take it I do not have to answer that question?

**Some Honourable Members:** No.

**Ms. McGifford:** I do not want to engage in debate with Mr. Pallister, but I think he is wrong about health. Anyway, thank you, Mr. Robson, for your report.

**Mr. Chairperson:** Sounds like you just won the debate, because he is not going to be able to answer. Anyway, go ahead.

**Ms. McGifford:** You talked about cuts to programs. I wonder if you could give us some more information about the cuts to programs in your school division and the effects on students and teachers, particularly the possible effects on students' futures. Will they interfere in students' abilities to seek post-secondary education and that sort of thing?

**Mr. Robson:** As far as cuts in the division, this year we have done away with woodworking shops, home ec in the junior high area, the middle years, sorry, and the shops area in the senior high. We have replaced that with technology courses, computers and so on. We have had an increase in class sizes. Many of our classes in my school alone are just at or over 30, up to 35 students in elementary classes. It is at the point where parents have been coming in, talking to the administration, demanding that changes take place. The board has just come up with 0.85 of a teacher for our school but that was only within the last week. There are other schools in the division that have equally large numbers. I know that our division has been affected by this because the school where my daughters go to school has just received six new students from another school division because our school has a very—we are a very small school, only two classrooms. We have just received six new students from other divisions where their classes are also at the 30 number.

As far as how it has affected our students and into the future, teachers at our school, we insisted on going to a five-period day instead of a four-period day so that we could offer more courses to our students to make their university—more viable, more likely. It has required an awful lot from the teachers to prepare extra courses. It gives you less prep time in the day, less noncontact time in the day. All of our high schools in the division have gone to that system. Those are the kinds of things that have taken place in our division.

**Mr. Chairperson:** Ms. Mihychuk, you have just over a minute, so govern yourself accordingly.

**Ms. Mihychuk:** I know that Morris-Macdonald has a proud heritage, from the board and the trustees and the teachers. The whole community, really, is involved with that pride.

**Mr. Robson:** Yes.

**Ms. Mihychuk:** Do you feel that this government recognizes what you do as a teacher, as a professional in your classroom?

**Mr. Robson:** No, I do not. I have taught for 20 years. I love teaching, and I would never get out of teaching at this point. It is my career and it is what I will always do, but I have never felt as unappreciated, as attacked, as vilified as I have in the last two years.

\* (2220)

**Mr. Chairperson:** Ms. Mihychuk, you have 23 seconds.

**Ms. Mihychuk:** Have you got a sense—we have some statistics from various surveys that indicate that parents and communities support their teachers. Can you give us an example? Is the community behind you or behind the government on Bill 72?

**Mr. Chairperson:** You have time for a yes or no, Mr. Robson.

**Mr. Robson:** I would have to say yes. It is the same as everywhere. Parents within a community always support their teachers and their schools, and they think they do a wonderful job. It is the others that are always wrong.

**Mr. Chairperson:** Thanks, Mr. Robson, for your presentation.

We have received a fax submission, a facsimile submission, from a Tricia Hallson. Is there leave of the committee to have that read into the record. That has now been circulated. Can that be read into Hansard?

**An Honourable Member:** Leave.

**Mr. Chairperson:** So done. Also, I would like to suggest leave of the committee may be granted to Lawrie Kyle to present after the other rural presenters have presented. Mr. or Ms. Kyle, I am not sure whether it is male or female, is apparently here—it is Mr. Kyle—and missed his call. Is that a reasonable solution, after rural presenters?

**Some Honourable Members:** Leave.

**Mr. Chairperson:** Leave is so granted, Mr. Kyle.

Harry McKnight is the next rural presenter. Harry McKnight. You may begin, Mr. McKnight.

**Mr. Harry McKnight (Private Citizen):** Thank you. Good evening, review committee members, Mr. Chairman. I am Harry McKnight. I live in the R.M. of Roland which is approximately a one-hour drive southwest of Winnipeg. I am in the agriculture business. I grain-farm with my family, and I also run a cattle operation. I have been a school board trustee with Midland School Division for five years, and I am presently the finance chairperson.

I am here tonight to support the government on Bill 72. Although Midland School Division corresponded with the Minister of Education and our local MLA with our support and concerns on the legislative changes and presented to the Teacher Collective Bargaining and Compensation Review Committee, I still feel it is very important for me to be here tonight.

The present process for dispute settlement cannot continue. Arbitration awards have always added to the wages and working conditions of the teachers and have increased the cost to divisions. It is unrealistic to expect teachers to negotiate when they seem to be guaranteed to make gains if they wait for arbitration. Also, we know that local autonomy is lost once a few locals have settled or been arbitrated. Hopefully, the ability-to-pay clause in Bill 72 will help slow down or stop the teachers' union from controlling the decision-making powers of school boards. The economic good of one group should not compromise an entire system. I honestly believe we are in danger of losing the public school system in rural Manitoba without Bill 72. With decreased funding and taxpayers' demands for accountability, government needs to give school boards the tools to get the job done.

Scope of bargaining must be restricted by registration. In my opinion, matters not referable for arbitration in Bill 72 have been greatly trimmed. Over 50 percent of the items submitted by Midland, MAST and the Dyck-Render committee have not made it to Bill 72. At MAST regional meetings this fall, these original items were still being asked for; such items as to whether teachers have to supervise lunch breaks, supervise extracurricular activities and contact time have been ruled upon by arbitrators in the past. These decisions have significant financial implications and restrict school divisions from

managing their operations. I also believe that the obligation to act fairly and the failure-to-comply sections of Bill 72 should be removed. Countless grievances and some arbitration rulings will surely occur.

In closing, I would like to say that when bargaining with the local teachers association, I believe that the school division's last offer should be put before the teacher membership for a vote.

Thank you for this opportunity to present my views, and I trust you will consider them.

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

**Mrs. McIntosh:** Thank you for your presentation, Mr. McKnight. I have been interested in listening to the presentations tonight because I hear a common theme. We have two amendments that we will be presenting after the hearings. The trustees, as you know, had formerly asked us to remove the grievance provision which we felt was important for teachers. What I am hearing here tonight is that teachers basically feel that grievance position is worthless and useless and does not give them anything they do not already have. In light of that, perhaps you might wish to comment upon any feedback you may have picked up. We had been under the impression that the fairness clause with the grievance provision was something that teachers had been looking for and wanted. Is it your impression—I certainly got the impression here tonight that it is not something they particularly want. In fact, they have complained quite bitterly about it tonight.

Have you heard anything in your division that teachers feel that the grievances procedure that we have here is as useless as it seems to be, being presented and put to us here tonight?

**Mr. McKnight:** I cannot say that I have heard a lot about the bill, period, in our division. I have heard some comments with reference to the ability-to-pay clause, more so than I have with the grievance clause.

**Mrs. McIntosh:** Final question.

**Mr. Chairperson:** Okay, final question.

**Mrs. McIntosh:** Could you please enlarge upon—I know that your organization has talked about the last offer

being before the teacher membership. Could you enlarge upon that from your perspective?

**Mr. McKnight:** In my own experience, I believe that we would have had a deal with our teachers if it had gone to a membership vote. I felt that the bargaining committee took it upon themselves to believe that they were the ones that were going to make the final decision on our offer and that they told us that they had been given that right, but I still believe that the membership would have voted favourably on the offer.

**Mrs. McIntosh:** Thank you.

\* (2230)

**Ms. Cerilli:** Thank you, Mr. McKnight, for your presentation and for your honesty. I want to ask you a question about your school division. We know that the provincial government funding for education to school divisions has been reduced under this government's mandate from over 80 percent to now 62 percent, and I am wondering, first of all, if you can explain how this has affected your division and if you think that this bill has come forward to try and deal with the constraints that school divisions have been put under because of those cutbacks.

**Mr. McKnight:** Why, I would not imagine we are any different from other school divisions with decreased funding. Firstly, we have had to raise taxes. We have not cut programs. I would say that that would be our next step. In fact, this year we added a program, a YIPF [phonetic] program, and we have dipped into our surplus. Our surplus is in half and a \$250,000 surplus on a \$9-million budget is not an exorbitant amount, so the other part I believe is where we made gains. Because of the reduction in funding, like I said earlier, we did not cut the programs. We did have to cut some staff and we did that in the way of prep time.

**Hon. Leonard Derkach (Minister of Rural Development):** Mr. McKnight, as a school trustee I know that you do touch base not only with the teaching staff in your divisions but certainly with parents and taxpayers in your division as well. Although we have heard many presenters tonight talk about the fact that this is an attack on teachers and their teaching abilities or the job that they do in the classrooms, let me say that I for one believe that

teachers do an excellent job in the classrooms, and I am certainly one who is very proud of the work that they do.

However, I do want to ask whether or not you feel that in talking to your taxpayers they feel that Bill 72 is going to impact negatively on the education of their children?

**Mr. McKnight:** No, I have not been approached by taxpayers that have told me that. In fairness, I would say we have just come through a busy harvest season and myself, I am still involved heavily in the corn harvest, so I cannot say that there has been a lot of discussion other than coffee shop talk. It is maybe unfair for me to comment on that.

**Mr. Pallister:** Thank you, Mr. McKnight, for your presentation. You suggest that the—I do not know, Mr. Chairman, if that is on or if it matters if it is on anyway.

You suggest that the obligation to act fairly and the failure to comply to sections of the bill should be removed. I have had consultation with many teachers who view these two specific clauses as being important in terms of safeguarding their interests, and I must admit I share their views. So I will ask you to explain again your compelling reasons why those clauses should not be included in the bill.

**Mr. Chairperson:** Mr. Pallister, your voice is being recorded; it is just your very quiet voice.

**Mr. Pallister:** Oh, I see.

**Mr. McKnight:** Well, I think it all goes down to financial restrictions. I really feel that working conditions are not that bad. We are fair to our teachers, and we do have a good working relationship with them. We have one particular high school that has—we talk about morale tonight—a very high morale. They have started a new system, a Copernican system, working with the Walter and Duncan Gordon Foundation, and they are real go-getters. They have a lot of morale over there, and I think it rubs off on some of our other high schools where we possibly do not have as high a morale. But I believe it is a real community spirit, and these teachers feel they are part of the community.

When we have a job opening in our community, a teacher's position, we have 80 to a hundred applicants,

and damn good ones. The people want to work in our community.

**Mr. Chairperson:** Mr. Pallister, we have another question after you, so your last question.

**Mr. Pallister:** Very quickly, sir, thank you. It is good to hear that certainly some teachers are not entirely demoralized in their jobs. That is good to hear, but what you have just said, I guess, reaffirms to me that your division has nothing to fear in terms of these two clauses being in there, that you do attempt and do act fairly, and so again I ask you why you feel the obligation to act fairly and the failure to comply with that should not be part of the bill.

**Mr. McKnight:** I feel that we do not have the time nor the resources to spend all our time fighting grievances. I guess that is where I am coming from and whether that is a hard line, I am sorry, but that is what it is.

**Ms. Friesen:** Mr. Chairman, just a quick question. I wanted to thank you for coming and I appreciate your coming. Am I right in understanding that you are appearing on behalf of yourself rather than on behalf of the trustees, or are you here as a delegate?

**Mr. McKnight:** I am here on behalf of myself, that is right.

**Ms. Friesen:** In one of your paragraphs you said that "we are in danger"—and it is quite a striking paragraph—"of losing the public school system in Rural Manitoba without Bill 72," and you follow it with "decreased funding and taxpayers demands for accountability."

I wondered if you could give me a sense, from your perspective, whether you think the greater difficulty lies with teachers' wages or with provincial funding.

**Mr. McKnight:** Well, I guess we each have our sides to take, and I would have to say that teachers' wages are our biggest problem. If we are talking about increases in the future, I would say we need a level playing field, a levelling out of wages for a while. So, if that is a harsh statement, again, I apologize, but I think it is reality that we may have to stabilize and level wages.



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

I would now like to call on Steve Lawrie.

**Mr. Steve Lawrie (Private Citizen):** Thank you, Mr. Chairman. It has been a very painful process, I am sure for all of us, but I found it extremely painful sitting here and listening these last four, four and a half hours.

I am a school principal, and I am a teacher, I am a graduate student at the University of Manitoba and I hope to be a parent one day. I have chosen to speak to you not representing any one of the above stakeholders or positions, but all of them. I applaud education reform; I applaud government reform. Our society is changing so rapidly and the perspective or paradigm we choose to help us understand our world has had to change with it.

Democratic government requires the support of its citizens, and education requires the support of all stakeholders to achieve the best possible future for our children. It is evident that Bill 72 needs to be reformed for the simple reason, it does not have the support of all stakeholders in education. Why? I do not think that really matters. If one of the stakeholders is unanimously opposed and many other representatives of other stakeholder groups believe it violates principles of fairness and equity, then Bill 72 is not fit to be legislation, period.

It is time this government reformed its attitudes and actions to more democratically represent all stakeholders. More and more organizations are learning to align themselves with the information age, working towards consensus and shedding the segmented, hierarchical industrial model. Modern organizations cannot be competitive if they alienate a major stakeholder, yet this is what the government is proposing to do with Bill 72. All stakeholders in education in Manitoba need to be on the same team to pull together to reform education for our society. It may be easier for those in positions of authority, for example, Premier Gary Filmon, the Honourable Mrs. McIntosh, John Carlyle, to use that position of authority to mandate their views upon all stakeholders. That mandate is doomed to failure if it is not supported by the stakeholders. Surveys time and time again indicate citizens do not trust their politicians and governments. Why? Because governments abuse their

positions of authority, manipulate information, consult and then invalidate the whole consultation process by their actions.

Teachers do not give their consent to Bill 72, because it is unreasonable, unjust and will hurt teachers. Other stakeholders that are informed are also opposed to Bill 72 because it is unfair to teachers. The opposition will continue to grow as more and more people realize this government has abused its authority and legislated a process that is unfair to teachers.

Public servants, health and education professionals are not missionaries. They deserve to be fairly compensated for their contributions to society. Not unlike politicians, they give up many opportunities to serve the citizens of Manitoba. They lose opportunities to be entrepreneurs, to enjoy the tax advantages of the private sector, to acquire wealth, and instead become reliant upon a steady wage.

The difference is that politicians can decide their own pensions and salaries and tax benefits. [interjection] Now I have been educated into the latest process and I appreciate that. I was not aware of that. Public servants cannot. Therefore it is necessary to have a fair and unbiased, independent process to determine public sector salaries if they cannot be freely negotiated.

Bill 72 removes that process and replaces it with a process incredibly biased and unfair, one where teachers will not be able to protect their standard of living and independent arbitration will no longer be able to protect teachers from school boards and governments.

In closing I advise this government to reform Bill 72, to reconsider the costs of imposing the unfair legislation on the people you rely upon to educate your children. There are always alternatives and I am confident that if you continue to work with all stakeholders, you will be able to develop legislation that all stakeholders can support. I urge you to take the time necessary to complete this task.

\* (2240)

A couple of other comments before I respond to questions. First, I dispute the fact that arbitration has always increased teacher's salaries. Teachers have lost

their wage-earning potential over the last number of years. My father-in-law has been a teacher for I think 30 years. He has recently retired. He calculated out that he has lost 18 percent of his ability to maintain a standard of living over the last decade or so.

Teachers, I am aware, have taken zeroes many times, in our division and in other divisions either through arbitration or through negotiations. This concept here that I keep hearing about, that teachers do not like the grievance provision, I wish to dispute that. That is not what I have heard tonight. What I have heard is that this grievance provision does not protect teachers and it does not compensate for the inclusion of ability to pay. That is the message I have been hearing, not what the minister has said. The grievance provision can be a good thing, but it does not compensate for ability to pay.

The second thing, I would really like to thank Mr. McKnight for his discussion here and his comments because I think they painted the whole picture for us and right in public view. He wants to remove fairness, the fairness clause. He is afraid of arbitration, afraid of independent arbitration deciding what is fair and what is not. The board wants to decide what is fair and what is not. Why does he want this? Well, because of the financial restrictions. Well, I do not blame him. If you put him between a rock and a hard place, what is he going to do? Okay. His justification? Well, we think we are pretty fair. That is all that counts. As long as we think we are fair, he should think we are fair too.

Another interesting thing, the questions I hear asking the trustee, you are asking him how teachers feel. Have you not heard tonight how teachers feel? Ludicrous. I do not understand. I do not understand. This many teachers go out of their way to come here to present to you and you ask the trustee how he thinks teachers feel. Go ask his teachers. They are the ones who will tell you.

Finally, when asked a very specific question, what is the problem, is it financial restrictions or is it teachers' wages, what did he say to you? It was teachers' wages, not financial restrictions, so that blows your whole argument out the window for the justification of Bill 72. Everything I hear tonight about Bill 72 is that it somehow is tied to funding education cuts. People are scared of it because they know it is a tool to lower teachers' wages with funding education cuts, and that is

the message I have been hearing here. That is why he supports Bill 72. To me, it is black and white.

Now, as I said, I am a teacher. I am the president of our local association. Do not tell me as a principal who has constantly been working with the parents in my community, as a teacher and as a president of a local association who has visited most of the schools in my division, personally have visited them, I did not wait for them to come to a meeting. I went to them and I canvassed each one of them and I talked to them.

Do not tell me that teachers' morale is not low. Our morale in our division is very high, for one reason only and that is because of the leadership of our superintendent, our current superintendent, and our board and the single-team bargaining process we have been using. We have been very progressive in our division. We are implementing all the New Directions mandates. We are doing a great job. We do not deserve Bill 72 and the board should not have a weapon like that because the current board is not always going to be there.

So while I have no problems right now in my division, I see with Bill 72 there are going to be major problems for me as an administrator, as a teacher, as a future parent, and that is why I am urging you to scrap this thing and start from scratch and do something that is fair, that is truly consensus of all the stakeholders, not this consultation thing where you listen to what we have to say and then go decide on your own. Thank you.

**Mrs. Render:** Thank you for a very passionate presentation. I like your sentence where you talk about if one of the stakeholders is unanimously opposed, then perhaps there is not fairness in how things proceed. I am not too sure if you were aware but, during the presentations, almost unanimously teachers wanted the status quo, virtually unanimously. The other stakeholder in the group wanted change. So, obviously, there was a system in place where one stakeholder felt that the dice were weighted in favour. Now, because trustees and teachers operate under The Public Schools Act, which is under government, we as government had an obligation to listen to both sides and try to make things fair.

**Mr. Lawrie:** You make a very good point, and I will respond to that by saying that I do not think that all teachers unanimously wanted the status quo. I have not

heard that from teachers, certainly not in my division. I do not think all teachers are unanimously opposed to the education reforms or to all aspects of Bill 72, but what I think is that they are opposed to the way it is currently drafted, and what I think is that the way, the method that this government has used to develop this legislation is not truly consensus building and not representative.

**Mrs. Render:** I wonder then if you could expand. What do you mean, the method it was developed? We listened to many, many hundreds of teachers—

**Mr. Lawrie:** We do not agree with what you have done, as teachers. I hear this concept too that teachers have agreed to some provisions of ability to pay. I just talked to Art Reimer of MTS. I have been at the meetings. MTS, as far as I know, has never, ever said that any part of ability to pay is acceptable. What they have said is, if you are going to do this to us and you know we fundamentally oppose it, you are not going to listen to us, you are going to label us a special-interest group, you can do all this to us, then at least consider this.

**Mrs. McIntosh:** That is all we have ever said you said.

**Mr. Lawrie:** That is right. I was here and what I heard was, I am sorry, but what I heard—

**Mr. Chairperson:** Order, please. Please, let us do this through the Chair on all parts. Mr. Lawrie, complete your commentary.

**Mr. Lawrie:** My proposition to you is that I, as an MTS local association president, have never heard any of my provincial executive in any way endorse your support of ability to pay. We have been very concerned with what it could be done. When I first came here and I heard the amendment, to be quite honest, I am so pessimistic even though I talked to my MLA for an hour. I have tried; I have listened very carefully. We have invited our MLA to our thing. I mean, we are in a Conservative riding. We are not antigovernment but, on this issue, you are wrong, and you have to listen to us, because that is the important thing. If we do not agree, you cannot do it to us. It is not going to happen.

**Mr. Chairperson:** Ms. Cerilli and then the minister. I am afraid not, Mrs. Render.

**Ms. Cerilli:** I would like Mr. Lawrie to respond to the other comments that the government has made, that

teachers are misunderstanding this government, that they really support teachers, that this really is not as bad as people are being led to believe. Can you respond to that?

**Mr. Lawrie:** Yes, I have two responses to that. Either the government is full of very well-intentioned but very naive people, I do not subscribe to that. I think that I have great confidence in their intelligence. I think that they are very well aware of what they are doing and what is being done, and I think that the trustees have had their year, that they have gotten themselves into the position where they are already—I see constant backtracking, and I am kind of curious by this, but first that enhancing the quality is ensuring accountability document, okay, and the Dyck-Render report, I go through those things, and I have been reading them.

I have read everything, and I cannot quote it, because I do not have it in front of me, but I have read everything. My impression was, this is incredible. I never believed that this would ever come out about teachers and that the government would take this approach in education. And then each time it seems to soften just a little bit.

I come here tonight with my brief prepared, and I am quite upset. The first thing I hear is that again the government is reaching out to teachers and making another amendment that we are not going to make it the primary thing anymore, ability to pay will not be the primary thing.

Well, my question is, why have they had to backtrack so far? If they were working towards developing consensus and they have been listening to us right from the start, they would not be doing all this backtracking. But the backtracking is not good enough.

**Mr. Chairperson:** Maybe the honourable minister can respond to that.

**Mrs. McIntosh:** I guess we all take a look at these things through our own perceptions and our own experiences. You mention backtracking in naivete and all of those things, and you do not know any teachers that like this, and all of the comments that you have made.

**Mr. Lawrie:** I did not say you did not know any teachers.

\* (2250)

**Mrs. McIntosh:** Okay, thank you. But I have to indicate first of all, there is no backtracking. A year ago, before the election, Mr. Manness indicated that he would try to do something about the problem the trustees had been expressing almost unanimously for over a decade. This is not a new problem, and this was a subject that was of some discussion during the election. This was something that Mr. Manness tried to do by putting teachers and trustees together and saying, please, can you come to a consensus on this?

\* (2250)

**Mr. Chairperson:** Thirty seconds, honourable minister.

**Mrs. McIntosh:** And they could not. Now we see consensus coming in certain areas, and I have never said that teachers wanted ability-to-pay clause. We know teachers do not want ability to pay addressed. We do know, though, that they have said, if you are going to do it, at least do it this way, but we prefer you not do it. And we understand that.

Can you tell me how you think "ability to pay" should be defined? Since it is going to be a clause, how do you think it should read?

**Mr. Chairperson:** I am afraid you are out of time, honourable minister. This presentation is out of time.

**An Honourable Member:** Leave.

**Mr. Chairperson:** Is leave granted? Leave to answer has been granted.

**Mr. Lawrie:** I would argue that in our current independent arbitration process "ability to pay" has always been there. Arbitrators, as you said—and I saw you nodding earlier—that under the current process "ability to pay" was always there. Arbitrators do not—I do know what the conception is, but they do not just go and hand out a 5 percent increase when no one else in the province is getting it. They do not just arbitrarily put a school division out of business by exceeding their ability to pay. I mean we have to be reasonable here but what we are saying is, I have not heard and I have tried to be, over the long time here, very open-minded, but would

someone please explain to me, anyone explain to me, what was wrong with the current system?

The only thing I have heard is what Mr. McKnight just said and that is because of financial problems we need to lower teachers' salaries. That is what I have heard. That is the only thing I have heard through Bill 72. I see nothing in Bill 72 for teachers or for education. I see nothing except that, yes, you are in a financial problem and I am not going to tell you how to run your finances, so you are going to use this instrument to affect teachers' salaries and compensation.

**Mr. Chairperson:** Thanks for your response, Mr. Lawrie, and your presentation.

**Mr. Adam Grabowski:** Adam Grabowski is a new registrant this evening from out of town. There are two out-of-town registrants that registered early this evening. One is Mr. Fred Veldink, who would be called next, and then after that, Lawrie Kyle, who we agreed would be put to the bottom of the list.

Mr. Adam Grabowski, you may begin your presentation.

**Mr. Adam Grabowski (Private Citizen):** I wish I was about two teachers before, but I will take the order I come in. To let you know before I really begin, I am the president of the Birdtail River Teachers' Association.

I was originally coming to plan to speak on behalf of the association, but as I began my report I discovered that instead of that I have come to a more personal writing. So this is why I am down here as a private citizen; it is more for me. The copy you will get and what I will be reading, you will find out that leaving me alone for a couple of hours has allowed me to do a lot more than what I have down, so I hope you enjoy.

I do live in a small rural division. Why? My choice; that is where I want to live. My family knows that living in that rural area does not offer us the same advantages as what cities might have, but my family and I have learned to live with what we get. To us the benefits we receive far outweigh the advantages of a city. What are these advantages I speak of? They are peace and safety, knowing your whole community and everyone in it—I know that for a fact—older cheaper housing, cheaper

taxes, in some cases less services, by choice and because its important to my family. My wife can stay at home and work at raising our two sons, right now the ages of three and one. We were able to take the responsibility to teach them the respectful values that we see. Yes, we give up the extra luxuries but this is a choice that we have lived with. Why am I able to do this? It is because of my profession.

In my profession, I put up with children who do not want to be at school. I put up with children who show no respect, children who regularly vandalize and deface our school, children with such low self-esteem getting them to look at you and communicate is almost nonexistent. I have parents that use me as a tool to take out their frustrations, because I work the mythical nine to 3:30, that I am overpaid, that I am underworked. Why do I stay? Because of the love for my profession.

Before I go on at this point, I would like to add that I do teach children who want to be at school, who are respectful. I have positive parents. I also enjoy when I finally get one of those students to look at me and say, wow, Mr. G., I get it, thanks. That is when I forget reality, but, unfortunately, reality bites back, usually at about minus 2 percent.

Now, I am faced with a tax from my government. The Minister of Education (Mrs. McIntosh) has said, do not worry. Well, I worry. The Premier (Mr. Filmon) has joined the parents I meet on the street and say, I am too overpaid by about 25 percent, or is it about 15? Teachers have too much power. Arbitrators do not listen. My government says we must have Bill 72, but do not worry.

Well, what do I see in my future? Let us take a look. I see school boards that will use the ability of pay to lower that mythical 85 percent of their budgets, teachers' salaries. Since we cannot arbitrate it, I see workload class sizes increasing to get more for the buck. Noon hours will lessen. Why?—because we do need to have a full hour to eat. When we do finally negotiate, why the time lines, 60 days, only really need one meeting. Why does the bill not make it mutually agreeable to have to have the mediation-arbitration route instead of the conciliation-arbitration route. Personally, my wife will probably have to be forced to leave our kids and go to work and make up for lost income. We still have the same amount of less but it will no longer be by our

choice. My kids will become a tax burden because they will now have to use the daycare. You, the government, will have to work more to try and offset this sudden rise in cost. What will you do to make up the loss of taxes that will result in my lowering of income. All right. My wife will probably be working. But, do not worry.

Will my gas prices go down? Will I see the lowering of my hydro rates, the phones? How about my Autopac premiums? Will stress vanish? Will the attacks on teachers by public, by students, by parents, will they lessen? Probably not. Why? Well, one of probably three reasons: ability to pay; restrictions of Bill 72; and the fact that the others do not seem to be of importance to warrant bills.

With all of this, will I be able to stay in my profession? Well, as it was stated earlier, I have had people say to me, if you do not like it, then get something else. When I was in Grade 6, my teacher, Jim Murray, at Jameswood School in Winnipeg, impressed me enough that I decided then to become a teacher. I put four years of university in. I suffered through a break-up of my parents at that time. I have had hundreds of hours of PD. I have had hundreds of hours of working with my staff to come up with decisions to better the schools and the students. I have had to go through the misery of not being able to afford to fix our infertility. I have had thousands of hours of extracurricular, I have had hundreds of thousands of hours of planning and marking. I did this to become what I want in a teacher. As a teacher, I say, damn to anyone who tells me, find something else.

With all of what is happening, will I be able to stay in my profession? I really want to. Lord knows, I really want to, but I do not know. Why?—because of the attack of what I find coming from the government. Thank you.

\* (2300)

**Mrs. McIntosh:** I found your presentation very moving, and I want to indicate that all that we have determined about the impact of this bill, and if you read it through carefully, which I urge you to do, get a copy of it, and read it through very carefully, our expectation is that the net impact of this will be that for the future the increases that teachers experience, the percentage change in their salaries, will more closely resemble the percentage increase in the other groups in Manitoba. This does not

mean a cut for you; it does not mean a change in your working conditions. It means that that gap that trustees were worrying about that was beginning to widen will just remain more or less where it is. I know you do not want to listen to me saying do not worry, but read it through clause by clause and ask yourself what you think the impact of the words in the bill will be, not what you have been told by people who said that your salary is going to be rolled back. Those things are not part of the bill. I urge you to do that for your own comfort's sake, because I think you have, in your speech and the way you are talking tonight, a dedication to the classroom that needs to be fostered and encouraged, not thwarted by false rumours, innuendo and scaremongering.

The question I am asking is, would you do that?

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

**Mrs. McIntosh:** Why are people thinking that is a funny thing to ask? I am being sincere.

**Mr. Grabowski:** I can see the sincerity in your face, but I know I am also with the bargaining unit and I know that we are going to be receiving zero, because that is what has been happening throughout the province with the current session, with the current way that we negotiate.

In that reading that I can see, I know it states in there, boards are not expected to roll back teachers' salaries. Unfortunately, it is like if I give my kid a bowlful of candy and said, now, only one. Pretty soon he is going to take advantage of it, and that is what I see from boards. If funding continues to be cut back and if the boards and that ability to pay is still in there and still being used, they are going to be able to use that by blackmailing, saying, courses for salaries, layoffs, salaries. That is what I see coming.

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

The minister has asked you to read the bill, and I understand from your recent answer that of course you have. But I did want to specifically ask you this question. The minister has said, please read the bill. The bill says that the arbitrator will be expected in respect of matters that might reasonably be expected to have a financial effect on the school division, et cetera, et cetera, to look at the school district's ability to pay as determined

by its current revenues, including the funding received from the government, which, as you know, has gone minus-2, minus-2, minus-2, and the Government of Canada, which the minister tells us has also been down and its taxation revenue. From that reading of the bill, can you give me a sense of what you think the implications of this will be for teachers' salaries?

**Mr. Grabowski:** I sure hope that the boards will continue to support us, but, unfortunately, if they have that right in that legislation and funding continues to cut or boards decide to give taxpayers breaks, I cannot help but believe that the salaries will go down and we will suffer that way.

**Mr. Pallister:** Thank you for your presentation, sir.

I have consulted with a number of school divisions and spoken to their trustees—and this is prior to this amendment, of course, today, sir—and they uniformly have said that their greatest concern was in the area of ability to pay and that their concern was that that would have the effect of increasing teachers' salaries. How do you respond to that?

**Mr. Grabowski:** That the ability to pay in this legislation will result in the increase of teachers' salaries?

**Mr. Pallister:** Yes, that is correct.

**Mr. Grabowski:** Well, I never thought of that really, you know. Boy, the ability to pay allowing our salaries to go up without government increasing going up. Whew, that would be pretty good, would it not? But I am sorry, in the whole point to this, I cannot see it. I know boards, as well as other people, can be very vindictive, and that is what I believe.

**Mrs. McIntosh:** Are you aware that the Manitoba Association of School Trustees conducted a series of regional meetings for every board in the province of Manitoba and that they approached me last week with the very grave concern that the ability-to-pay clause, the way we had it worded, would in years of leanness be of some assistance to boards, but that as the economy recovers, which it is doing, in boom years when the funding is back up, teachers could use it on the theory basis the sword cuts both ways, that it could be a very powerful weapon for teachers. Of course, I have been saying that all along.

Therefore, the board of MAST passed the resolution and came to ask us please to change the clause to the wording that teachers had requested, so that there would be not so much of a chance that—they would be more level—and that is why we have the amendment you see before us tonight. Trustees formerly asked to have the wording that teachers said they could live with if there had to be an ability-to-pay clause. I wonder if you could comment upon that in light of your reaction the trustees must be, I guess, very naive as well, all those 57 school boards who believe that there might be an advantage for teachers in the wording. Are they wrong?

**Mr. Grabowski:** I guess that that would be under the belief that funding will go up, that times will get better. If that happens, maybe then it will be time for the trustees again to be worried, but then again what is it to change the law one more time.

**Mrs. McIntosh:** Thank you.

**Mr. Chairperson:** Thanks for your presentation, Mr. Grabowski.

Mr. Fred Veldink. You may begin your presentation, Mr. Veldink.

**Mr. Fred Veldink (Private Citizen):** Good evening, ladies and gentlemen. My name is Fred Veldink and I am here as a parent and as a teacher to express my opposition to Bill 72. Bill 72 does not in any way improve the public education system. It rather provides a framework for further cutbacks. Cutbacks have been a fact of life for the past couple of years and what I would like to do here is to give you some concrete examples of the kinds of experiences I have had as a teacher and as a parent.

(Mr. Vice-Chairperson in the Chair)

My two children go to Selkirk. They both attend the Selkirk Regional Comprehensive High School. When my son was taking Mathematics Senior 1, Senior 2, Senior 3, on two occasions textbooks were not issued, the reason being there were not enough for the number of students in the system, which of course created problems for us as parents because what can you do as parents? Either buy textbooks or find sources otherwise. My daughter in fact last week had the same experience in one of her courses.

Maybe more significant is an example I can give out of my own school. I am teaching at Collège Beliveau, a French immersion high school in St. Boniface and I am using a text that was printed in '78 but in fact was first published in '69. This is what I have to work with, that data from 1969. This is not the only one. My history text was published in 1980, 16 years old which puts a tremendous amount of extra work on me as a teacher to keep things current. In addition, my budget for social studies is so low that, if I were to replace the textbook in geography which at the moment is \$51.30, with the amount of money I have, I can only supply five students out of 75 with the necessary text, which means that with the money I get, it will take me 15 years to supply just my geography kids with the textbook they need, which means, of course, that my history students will get nothing.

\* (2310)

This is a concrete example of the cutbacks that have an effect in the daily classroom. In addition, I do not have a single wall chart or map that is current. If you are looking for Russia or Bosnia you will not find it. In fact, I have a map of Africa that is 30 years old. It has practically the whole colonial situation in Africa. Nothing, nothing is current.

In addition to the materials, materials can always be overcome, but I think a far worse problem, a much greater obstacle to learning is class size. Class size has increased over the past few years. At the moment, I have groups of 30-plus. I can teach 50 kids, I can teach 30 kids, but the question here is, what it really comes down to is, how effective is learning in a large group? We all know that the most effective learning is one to one and, as the size of the group increases, the effectiveness of learning decreases.

Of the students I have in geography, history and social studies, I have a total of 39 right at the moment who have difficulties. These kids I cannot help in a regular classroom. So for these kids I have time in the morning, eight o'clock in the morning and the lunch hour, and we have lunch while we work. But even with that extra effort, which I will not be able to continue forever, some of them are going to fall through the cracks, and I want you to be aware of the cost of these students who will not be able to make it.

I got a figure from the director of finance of the St. Boniface School Division, who told me that the cost of keeping a student an extra year in school is \$6,036, which means that any student who fails, who has to spend an extra year, is an additional cost to society. In addition to that, that student will enter the workforce a year later, he will pay taxes a year later, so there is a cost to society in that.

So, in other words, if you cut back in education now, the consequences are going to be felt, maybe not directly, but further down the line. I urge you to restore funding the way it was a couple of years ago.

In addition, I would like to point out a worse scenario than the one I mentioned where a student simply fails and spends another year is a student dropping out of school. I have had students who have dropped out. Despite the efforts by colleagues, administration, counsellors, students have dropped out. These students might present a much greater problem.

Going into the workforce with an inadequate education, inadequate skills, leads to failure. These kids might very well become a burden on society with social and other costs.

So, again, I will give an example here. Recently, the government announced the intention of spending \$6 million on fixing up Headingley. I would like to suggest that the \$6 million be invested in education. I guarantee you that the payback will be much better and will be far more.

In closing, I want to reiterate my opposition to Bill 72, and I respectfully ask that you do not pass this bill into legislation. Instead, what I would like you to do is take a totally new look or start from scratch with new legislation in which funding for education is guaranteed and adequate. Thank you.

**Mr. Vice-Chairperson:** Thank you, Mr. Veldink.

**Mrs. McIntosh:** I appreciate your comments about funding and indicate to you that as a percentage of our budget, both in real terms and in percentages, our funding for education has increased substantially. When we first came into office, it was 17 percent of a \$4-billion budget. Now it is 18 percent of a \$5-billion budget. So we have

not neglected education. It is our second-highest expenditure. We have had financial problems of our own and I know people want to discount them, but one only needs to look at what the bond rating agencies say and have the power to do if we do not follow the fiscal tight rein that all Canadians and Americans are having to face these days. Anyhow, I just present that to you.

I wanted to ask you, because you indicated that, you said class size is extremely important. I want to present a progression of thought to you and then ask you to point out where the flaws in that concept are. It goes like this. You obviously do not have a class-size agreement if your class size is out of control and you cannot do anything about it. I think there are only a couple of divisions in Manitoba that have succeeded in bargaining in class size. What could happen to make trustees more amenable to negotiating class size in a collective agreement? I believe pressure on the boards to negotiate a class-size agreement—will it be more likely to occur if trustees know that teachers can simply skip over the board, use this public school act and go directly to an arbitrator on their class size, which of course is what we are proposing.

So on two counts, I think that there is a solution to your problem inherent in Bill 72. Please tell me where I am wrong in my analysis, if you think I am. You cannot grieve class size to your school board right now because it is not in your collective agreement. If this bill passes, you can start to grieve that type of thing to an arbitrator. If that happens and your board is concerned about what an arbitrator might hand down for you, your board will be more likely to negotiate a class size in your collective agreement for you. If they do not, it does not matter because you no longer have to worry about trying to get the collective right. You have received it as an individual.

That is why the trustees are asking to have this clause pulled, because they have come to me and they have said in a formal presentation, Mrs. McIntosh, do you not realize what you have done is you have given teachers these four things. In their ability to grieve them, it is as if they are now in the agreements. As you have said, one presenter here tonight say, you have negated that clause. I have said, no, fair is fair, and if you feel your treatment in those four areas is fair, you have nothing to worry about, nothing to fear.



Can you tell me what is wrong with my thinking that teachers seem to not like this thinking? I can pull it if it is something they do not like, because they keep saying they do not like it, but I cannot understand why that would not be something that would be good for them.

**Mr. Veldink:** My answer is really short and simple. I am working with a board, I am working for a board that has been extremely co-operative. We have the same goals. Our basic goal is to educate the children and to provide the best possible learning environment for them. There has never been a problem, and I am absolutely sure the board has always done up to now what was best for the children. So I really do not see any need to go into a discussion as to what extent we should use the law, because I think there has always been a reasonable approach and a reasonable working together with the board.

The essence of the problem is not our relation with the board or us being able to grieve with the board; the essence is that funding is not adequate. That is why we have large classes. So I think the ultimate responsibility rests with the government to provide adequate funding.

**Ms. Friesen:** You have focused upon the lack of funding, and I wondered if you were aware of the rate of increase in funding to private schools over the last few years and that elsewhere in the budget, the government has been spending in the region of \$9 million on corporate training grants to companies like Safeway and IBM and Holt Renfrew and a number of other companies which already do a great deal of training. I wondered if you felt that was an appropriate way for education dollars to be spent.

\* (2320)

**Mr. Veldink:** I think that a responsibility of the government is to provide a solid, sound, basic education to all Manitobans. I think the other thing in public education is public education has to be a general education. When it comes to specific training, I think business has a responsibility, but I think basic education is a responsibility of government and secondary school boards. School boards are basically delegated to provide education in the name of the government. So I think when it comes to giving grants to corporations, I think it is the wrong direction. We have to fund the public

education system, and we have to keep it accessible, open and equal to all Manitobans.

That is why I am also against funding private schools. If somebody wants to set up a private school, with our democratic system, that is possible. That is a right, and it should not be taken away. But I still believe that our society needs a good, functioning, quality public school system, and I think all efforts should go towards that.

(Mr. Chairperson in the Chair)

**Mr. Chairperson:** Thank you very much for your presentation. I would now like to call Lawrie Kyle. You may begin, Mr. Kyle.

**Mr. Lawrie Kyle (Private Citizen):** Mr. Chairman, Madam Minister, ladies and gentlemen. First of all, I thank you for allowing me to speak tonight after having been called home for another meeting and coming back again. I appreciate this opportunity. It is not my intention to be confrontational, nor am I here to speak for any group. I am here to speak for myself, and I am here to tell you how I feel.

I am a resident of Oakbank, and I am employed by the Transcona-Springfield School Division. I do not know if any of you have ever had the experience of having your family let you down, in fact, purposely doing you wrong. During my career in education, which has spanned over 30 years, I have been involved in my community and I continue to do so. When I signed my first contract for \$2,800, I was told by the secretary of the school district that it was an expectation to be involved in the community. I have been involved in my church, the agriculture society, the Costume Museum, the curling club, Cubs and Scouts, and was involved in a political party having run unsuccessfully for nomination on two occasions. The Honourable Mr. Reimer can tell you how thoroughly I got beat.

Having been president of the riding association, having worked for several Progressive Conservative candidates in provincial and federal elections, I was proud to be associated with politics and that particular political party because in my perception it was a party that stood for democratic resolution to labour conflict, for fairness in dealing with any group of labour or professionals in our province. It was a party who represented the average

Manitoban, and it was a party that was progressive in education under ministers of Education such as the Honourable Keith Cosens. I am ashamed to admit that I have worked two decades for a political party who has, in my perception, become arrogant in government, a government who has now a vendetta against my profession, and some here might suggest that I am disillusioned because the actions of this government have hit my pocketbook. Of course, anyone is concerned when their family earnings are decreased in times of higher costs to run a home and at the age when you have children attending university. But that is not the point at all.

I am disillusioned, in fact I am angry when a government, through innuendo, or by other actions, discredits my profession. There was a time that a Minister of Education would defend the public school system, that would make changes seem necessary to improve it rather than publicly criticizing it through the media. There was a time when a Minister of Education would challenge the media and correct erroneous information or perceptions that were being propagated. I just heard the Honourable Mr. Derkach say that he was proud of the teachers, and I thank you for that. I just wish I could see that in print in the paper. It would mean so much to us.

Having discredited my profession, the government now feels the time is ripe to bring in dictatorial legislation of Bill 72. In our schools we teach our students the skills of mediation and conciliation in working out their differences with others only to have them realize that in the real world of Manitoba one no longer has that opportunity but rather working conditions can now be dictated by your employer.

After my school division is told what education grant it is receiving from the province, after the school division sets its budget, then it will open negotiations with its employees, only to say that they have no ability to improve working conditions or salaries. Teachers in Fort Garry, for example, will be having higher salaries than those in Transcona-Springfield or Beautiful Plains. By using the same concept and applying it to our elected representatives, would the MLA for Springfield or Transcona have the same working benefits as the member for Tuxedo or Fort Garry?

Has any member of the Legislature present taken the opportunity to spend time in a public school, and I mean spend some length—

**Mrs. McIntosh:** I am just saying yes.

**Mr. Kyle:** Oh, thank you. Of course, I did not see you in my school, but I appreciate that you were in the schools.

**Mrs. McIntosh:** Well, I will probably get to it. I have been in hundreds of others.

**Mr. Kyle:** You are certainly invited. Wayoata School in Transcona. I mean, spending some length of time, though, Madam Minister.

**Mrs. McIntosh:** Right. A day or two, yes.

**Mr. Kyle:** As teachers meet larger and larger challenges each day, new curricula, new strategies, larger class sizes, inclusion of special needs' students, more expectations from parents and government, student behaviour, parent behaviour, trying to please a wide spectrum of expectations of parents and discrediting from the ministry that it is the fault of educators for any or all problems in the system today, they need not be embarrassed of their salary. Get into the public school, not a private school that caters only to the academic or the financial elite. Walk the shoes of a teacher for a day, and then you may reconsider legislation such as Bill 72.

Yes, I am saddened that my political family has let my profession down. I am also frightened though that the other two alternative political parties, in my mind, have not done their job in informing Manitobans of proposed legislation of Bill 72. Having listened to them tonight, that might change.

Ladies and gentlemen, as we coach students to do, take a deep breath, a second look, and question yourselves about what the consequences are of your decisions. If you did, I am sure you would realize that because of its terrible ramifications to fair collective bargaining that Bill 72 is bad legislation.

Ladies and gentlemen, thank you for this opportunity.

**Mr. Chairperson:** Thank you, Mr. Kyle. Madam Minister and then Ms. Cerilli. You have a question, Madam Minister?

**Mrs. McIntosh:** Yes, you have a number of statements in here that imply some things that I am puzzled about. I think all but four years of my life have been spent in some way or another every September waiting for the public school system to start again, because it has been part of my life. Now, you have made a statement here that there was a time when a Minister of Education would defend the public school system and would make any changes to improve it rather than publicly criticizing it in the media, and I am wondering if you could indicate which Minister of Education were you referring to that by implication here has been publicly criticizing the education system in the media, and what was the criticism?

\* (2330)

**Mr. Kyle:** Madam Minister, I do not mean to point that directly at you. It is more of a generic statement. But just for an example, I can recall the Honourable Mr. Manness in terms of some testing that was being done—just as an example—I believe it was a math test. Some students in some area on a particular day did poorly, and there was public criticism from the ministry in the media, assuming he was quoted correctly. Not too long after that, there was a test in English—I think it was English. Students did very well and his reaction was the test was too easy. But it is that type of response in the media, whether intended or not, that has made people like myself say, why am I not being defended by the Ministry of Education? That is not to say that we should not be taken to task; that is not to say that we have not done things wrong. I am just saying that in the media, I think my ministry should be defending the public school system and not giving the impression rather, intended or not, that we are not doing our job.

Another case in point, Madam Minister, is when this whole idea of standardized tests came out. We are finally having testing; we are finally having evaluation in the school. The implication to parents was, hey, we have not been testing before, but we all know that is incorrect. We certainly have been evaluating, have been evaluating for 30 years, but that is what the public sees. It is not the public that has students in the school. I think anybody

here will attest to the fact that their parents and their school are very supportive of their school; but, as you know, only one-third of the taxpayers out there are parents. It is certainly what other people perceive, and our media has really butchered our profession in the last few years. I am asking you as minister to defend some of the good things that are happening in the school and correct some of the erroneous statements that are being made in the paper.

**Mrs. McIntosh:** If you could get the media to print our words, I would be grateful.

**Mr. Kyle:** I do not mean the Winnipeg Sun.

**Ms. Cerilli:** Thanks for your presentation. I was going to ask a very similar question that the minister asked and give you a chance to give us more specific examples. I am not even concerned with things specifically that the ministers may have said, but I want you to maybe talk about the whole package of their approach to education, the other bills that are coming in that are developing school choice, the effect of the balanced budget act, and all of their other proposals through their blueprint and some of the things that are in those documents. I wonder if you could comment.

**Mr. Kyle:** Mr. Chairman, let us go back to the parent councils. I am sure in the end after the dust settles down, parent councils themselves will work out, but it was some of the documents that earlier came out. One of the things that hit me—particularly as a parent—was that one of the first drafts of the document, that as a teacher I could not even be on my own child's school parent advisory board, and I wonder why. Things like that just might be little to you as legislators but certainly large to me. I guess just trying to answer your question, Ms. Cerilli, Bill 46—and correct me if I am wrong here—but I believe 46 deals with the opportunity of students to attend any school in the province.

**Ms. Cerilli:** 47.

**Mr. Kyle:** Bill 47. Okay, I am not up to date totally in legislation. That sounds great. That sounds great for the opportunity of parents. But if you come from an inner-city school like we do and you have a parent working in Fort Garry who has the industry, and if I have to pay to get my child to school anyway because the busing has

been cut off, I might as well drive my child to the school down the street where I work in Fort Garry, and, unfortunately, that takes the grant money with it. I guess, in the end, I just do not believe that there should be have-not divisions. I do not see any reason why there should be a have-not division in Manitoba, because the grant system should be such that every student in Manitoba should be able to receive an equal amount of financial assistance from the provincial government.

**Ms. Cerilli:** Just further to that, you are the second teacher that has come before us as a former member of the governing party, and I think that that is a strong statement in itself for the government, but it still seems that the minister continues to try and suggest that teachers are being misled and this bill really is not going to have the effect that you are all telling us it is going to have. So I just want to give you a chance to express to us again your concerns and why it is that you believe that this bill should be withdrawn.

**Mr. Kyle:** First of all, I want to clarify here for me to publicly say that I am not a member of the Conservative Party. I came from a family that, before breakfast every morning, we had to say, I am a Conservative, I am a Conservative, and I do not mean to embarrass anybody here, but to publicly say that I have now left the party has been very hard for me to do. I cannot tell anybody that I have gone to another party because I do not see an alternative. I will be very honest with you.

I forgot the other part of your question.

**Mrs. McIntosh:** Tell us what you do not like about the bill.

**Mr. Kyle:** That is what you want to hear about. I really believe this bill is dictatorial, Madam Minister.

**Mr. Chairperson:** It is the honourable minister that has just re-posed the question put by Ms. Cerilli.

**Mr. Kyle:** Okay. I believe it is dictatorial because I do not believe—I believe that not my particular board at this particular time, but I believe it is set up that boards can in such a way construe the political, the financial situation in their division. I just thought, it came to mind, a couple of years ago, if you recall, Fort Garry was in a difficult financial situation and suddenly they found

a million dollars. Now, that must have been accounting problems, but if that was during a time of an arbitration hearing—

**Mr. Chairperson:** Honourable minister, we have a minute.

**Mrs. McIntosh:** In the bill, as you know, of course, that would not happen now because now the bill is forcing full financial disclosure to teachers' associations on everything so, I mean, that is a little different.

But what I would like to know is what you do not like about the definition of ability to pay and why you do not like the fairness and grievance, because those are the four things that cannot go to arbitration. Those are the changes. What is it about them you do not like, and why do you not like it?

**Mr. Kyle:** First of all, as I said before, I do not believe that any division should be in a situation where they can say they do not have an ability to pay, because they should be financially granted monies equally per student by the province of Manitoba. What I really do not like about it is because a division like Fort Garry, as an example, certainly at any time has a greater ability to pay than a division like Transcona simply because of its tax base. We cannot compete.

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

**Mr. Kyle:** Thank you for the opportunity.

**Mr. Chairperson:** The out-of-town presenters have now made their presentations, so we go back to the beginning of the list, and Rob Hilliard is the next presenter in order. You may begin, Mr. Hilliard.

**Mr. Rob Hilliard (Manitoba Federation of Labour):** Mr. Chair, the Manitoba Federation of Labour is deeply concerned about the course that this government of Manitoba is leading us on through Bill 72. We believe that it has profound ramifications for both teachers as workers and the elementary school as a whole.

In 1956, government, school boards and teachers mutually agreed to a trade-off. In return for teachers and trustees giving up entitlement to the provisions of The

Manitoba Labour Relations Act, including the right to strike or lockout, the government enacted The Public Schools Act. Under its terms, collective bargaining disputes were resolved through binding arbitration. The result was 40 years of kindergarten to Grade 12 education that was uninterrupted by work stoppages. All parties were relatively content with the arrangement.

While mandatory binding arbitration is rarely something pursued by many workers or their unions, it is a process that teachers willingly entered into in a desire to find a fair method of balancing the interests of teachers, taxpayers, students and the general public. It is for that reason that the MFL supports requests from teachers and their union, the Manitoba Teachers' Society, that the government withdraw Bill 72.

This is not to say that the existing Public Schools Act cannot be improved upon. However, that is a discussion that should occur in close consultation with teachers through their union and the Manitoba Association of School Trustees.

\* (2340)

The MFL is suspicious about the context of the government's legislative initiative. In the 1995 Manitoba general election the Manitoba Teachers' Society exercised its democratic right to free speech by undertaking a public awareness campaign about education issues. This was not a partisan political exercise in the least. It was designed to raise teachers' concerns about the state of education in the province at a time when Manitobans were about to elect the next government. Teachers not only have a democratic right to undertake this kind of communication through their union, there is compelling jurisprudence that describes their union's responsibility to do it.

It is well known that there was a great deal of discussion about advertising paid for by MTS and other unions during the provincial election at the 1995 Manitoba Conservative convention. It is also well known that delegates and members of the Conservative caucus expressed outrage that teachers and others would have the temerity to voice their concerns this way. Indeed, some urged retribution.

There is also concern that the government of Manitoba is embarking on legislative initiatives at this time to help

school boards offset the impact of eight years of Conservative cutbacks to public school funding. The MFL suspects that Bill 72 is the tool that the government is supplying to school boards to transfer that financial pressure to teachers in future contracts. In other words, the government is cutting public spending in education and laying the groundwork for working people to absorb the financial loss.

There is an arbitrary nature to Bill 72 that offends all fair minded Manitobans. In 1956 teachers were consulted by the government of the day and they freely gave up their right to strike, no small sacrifice. Now in 1996 the Conservatives are acting unilaterally to break that agreement without restoring what teachers gave up or consulting with them to draft a different arrangement that meets the needs of both parties. This is wrong. The government knows this is wrong and Manitobans know it as well.

How the Manitoba Teachers' Society and whatever number of school divisions the government decides to create will conduct collective bargaining will be greatly different than it is today if the provisions contained in Bill 72 are enacted.

First of all, by mandating that bargaining should begin during the month of April, the government is ensuring that teachers will be struggling to bargain wage and benefit increases after budgets have been approved and mill rates for the coming budget year have been established. This is exactly backwards from the way it should be if genuine free collective bargaining was the objective. Budgetary requirements and how they are affected by fair and good-faith contract negotiations must be known before budgets and mill rates are set.

By setting April as the month when teachers can begin to negotiate, the government is setting up one of two scenarios.

On the one hand, the government is willingly creating chaos for school boards, municipalities and taxpayers. Judging by the number of government MLAs who have experience as school trustees or municipal councilors, we simply do not believe that to be the case. On the other hand, could the government be setting the scene for school boards to unilaterally control wage-and-benefit negotiations with their teachers by setting a budget and

mill rate and then declining to exceed it? This makes more sense to us, particularly in light of Bill 72 provision that requires an arbitrator to be guided by "the ability to pay," that is, the budget and mill rate set by the employer.

Even allowing the parties to depart from this time line through mutual agreement, we still have concerns. All the employer has to do to take advantage of the scenario that we have outlined is to withhold agreement, a virtual employer veto. In fact, the entire time line for bargaining as set out in Bill 72 seems more a fast-paced process that leads quickly to arbitration than it does a process that creates an atmosphere for good-faith bargaining.

Bill 72 removes from the arbitration process some important issues that are the legitimate domain of collective bargaining and most certainly are workplace concerns that teachers have a right to be involved in. Issues such as the selection, appointment, assignment and transfer of teachers and principals; the method for evaluating the performance of teachers and principals; the size of classes in schools; and the scheduling of recesses and the midday break, these important issues appear to be subject to negotiation at the will and pleasure of school boards only. If there is no resolve at the bargaining table, they cannot be referred to arbitration and teachers cannot back up their resolve with the withdrawal of services. All that can occur is for teacher discontent to continue on unresolved issues, poisoning the workplace for an undetermined length of time. Removing mechanisms for the resolution of disputes does not eliminate the disputes, and disputes that linger and go unresolved are powderkegs waiting to go off.

This provision hardly seems designed to promote fair working conditions and a harmonious relationship between teachers and their employers. In our experience legislative frailties that lead to labour relations problems are most often the product of unanticipated challenges or changing circumstances. One does not often see them intentionally built into legislation.

Another aspect of Bill 72 that we believe to be without precedent is the explicit direction given to an arbitrator to take into account ability to pay when the employer has the ability to set its own budget and finance it through a tax structure. Ability in this context means willingness to pay. It also means willingness on the provincial government's part to allocate sufficient funding in order

to harmonize school budgets to take into account different sized tax bases from division to division. This is the only effective way under the property tax model to ensure that poor school divisions and rich divisions are both able to pay a fair wage to education workers and to deliver high-quality education to students no matter where they live in Manitoba.

By directing the arbitrator to consider this definition of ability to pay, the government is forcing the arbitrator to be an accomplice to school trustees that load the dice in their favour before bargaining begins. When trustees pass budgets and set mill rates before the parties begin to bargain it amounts to bad-faith bargaining. They are predetermining the wage and benefit settlement before any attempt at negotiations has even taken place. The provincial government is removing the teachers' last hope of a fair settlement by directing the arbitrator to go along with the charade.

Section 129(1) of Bill 72 is another unusual aspect of an unusual bill. It appears that if the Minister of Education is still not happy with the arbitration process then the arbitrator can be directed to reconsider the award. Indeed, the award is deemed not to have been delivered to the minister until a reconsideration takes place. Just what does arbitration mean? In the experience of the MFL it does not mean an arbitration award is final, but only if the government likes it.

We are unsure what the intent of the government is by including this section in the bill, but we are uneasy that it can be used as a trap door by the employer and the government if, at the end of the day, they still do not like the contract that teachers have been awarded. It seems once again that the system is being designed to ensure that there can be only one possible outcome, that is, whatever the provincial government wants the provincial government will get, and all those who differ will be ignored.

At the outset of this brief the MFL voiced its concern about the impact of this kind of legislation on public school education. Aside from the obvious morale problem created when a group of working people may be in a climate where they feel victimized by both the employer and their government, there are critical dangers to the system itself.

The government is creating the circumstances where Bill 72, combined with the long-term decline in provincial funding, will create school divisions with vastly different working conditions, wages and benefits. This means that teachers will gravitate to school divisions that negotiate superior contracts within Manitoba and outside of Manitoba.

**Mr. Chairperson:** You have now reached your 10 minutes. Do you want to continue then do your question and answer? Leave of the committee? [agreed]

Continue, Mr. Hilliard.

**Mr. Hilliard:** The result will be unfairly different collective agreements within the province and higher levels of education excellence in wealthy school divisions and a lower standard of education for school divisions with a population base made up primarily of middle- and lower-income residents.

It also has implications for future generations. A profession marked with this kind of collective bargaining practice, and what we believe will be the result, will have a more difficult time attracting future teachers. The best, most innovative students will be attracted to other professions where it is more likely that they will be able to earn a satisfactory standard of living in a more congenial workplace.

Variations of Bill 72 have been enacted in other jurisdictions, notably California and New Zealand. California has seen its quality of education decline over the past twenty years from among the best in the United States to now among the worst. The government of California has placed itself in the unenviable position of having to take drastic action today to offset legislation like Bill 72 enacted two decades ago. Among other measures, it has embarked on an aggressive program of reducing the size of classrooms by hiring an additional 20,000 teachers. New Zealand, which adopted similar policies, is even now recruiting teachers in Canada because that country can no longer attract their brightest citizens into that profession.

The MFL fears that the government is embarking on a course that will encourage our existing teachers to look for work in another province or even another country.

We are also concerned that today's students will decide not to become teachers, penalizing future generations.

In support of the Manitoba Teachers' Society, and in the interest of preserving some semblance of free collective bargaining, the MFL urges the government to withdraw Bill 72, continue administering The Public Schools Act in its current form or return teachers to the jurisdiction of The Manitoba Labour Relations Act. Thank you very much.

\* (2350)

**Mr. Pallister:** Thank you, Mr. Hilliard, for your presentation, which I think was well put and reasonable for the most part. There is just one part that I wanted to ask you about that I do have to take some exception to, sir. In reference to the advertising campaign of the Manitoba Teachers' Society, you make the statement, or you make the implication, that members of the Conservative caucus urge retribution.

I am in daily contact with members of the Conservative caucus, and I have not heard a single member urge retribution, sir. So one of the things I had reinforced in my public school education was fairness, and I ask you, if you have some charge to make, or some evidence that you want to put on the record, of a member of the Conservative caucus specifically urging retribution to teachers somehow, for something that is within their right to do, and that they have every right to do, I ask you to please put it on the record now or withdraw that insinuation, if you would.

**Mr. Hilliard:** I will put it on the record, Mr. Pallister. In a meeting that the Manitoba Federation of Labour table officers had with the Minister of Labour, Mr. Vic Toews—I believe it would have been last fall, I do not recall the exact month—that was the first time when we became aware of the provisions that are now in Bill 26, which included a prohibition, or at least hurdles, put in the path of labour organizations to participate in the political process. When we asked the minister specifically why that was there, he sat back in his chair and he said, many of his caucus colleagues were unhappy with the role the labour movement played in the last provincial election. When we asked him to explain what he meant by political activity, he said, like the ads that

the nurses and the teachers ran in the last provincial election.

**Ms. Friesen:** Thank you for the presentation. I think it is very good to have that clarification on the record, as well, of the attitude of at least one member of the Conservative caucus.

I wanted to ask you about some specific labour issues that you have in here. One is the reconsideration of award. You are the first presenter that has drawn that to our attention, and I know that you have a lot of experience in negotiation and I wondered if you could expand on that for us. Do you know of any other jurisdictions where that takes place and what the impact of it has been?

**Mr. Chairperson:** We have 15 seconds.

**Mr. Hilliard:** No, I am not aware of any other place where that has a similar provision. It, frankly, just seems to invalidate the whole process completely, as far as I am concerned, because it suggests that if one of the parties does not like the award they have the ability to change it, but only one of the parties.

**Mr. Chairperson:** You would have to get leave, Ms. Render, if you want to put a question. You wanted a question too, Ms. Cerilli?

**Ms. Cerilli:** Yes.

**Mr. Chairperson:** Is leave granted for either, each, both.

**Some Honourable Members:** Leave.

**An Honourable Member:** No, neither.

**Mr. Chairperson:** It has to be unanimous. Leave is not granted, I am sorry. Thank you, Mr. Hilliard.

We now like to call—we are approaching twelve o'clock, so maybe it is good now to canvass, and I will call out the names. Henry Wedel. [interjection] Would you like to present? You may start now then. Begin your presentation, sir.

**Mr. Henry Wedel (Transcona Teachers' Association):** Thank you. My name is Henry Wedel. I

am president of the Transcona-Springfield Teachers' Association. I would like to thank the committee, even at this late hour, for the opportunity to present the comments on behalf of the association on Bill 72.

We have 542 teachers in our association, and I can tell this committee that they stand united against Bill 72. I would also like to make it clear for the record that our association of teachers joins with the other Manitoba teachers and The Manitoba Teachers' Society in opposing Bill 72. We are all real teachers. In speaking to hundreds of my colleagues, regardless of whether they are new to the profession, whether they are at mid-career, whether they are closer to retirement, whether they teach kindergarten, junior high band or senior high physics, I have never before encountered such united resolve against any government education initiative as their opposition to Bill 72.

The teachers of Transcona-Springfield wish to state that Bill 72 legislates a bargaining and arbitration process that is fundamentally not fair. Bill 72 is not just a one-time freeze or a rollback of wages and benefits. It does not address a particular revenue shortfall in any one year. Rather, Bill 72 sets up rules that will never again allow teacher associations to bargain fairly. This law becomes permanent and will be applied to teacher bargaining processes year after year.

In the last four years, the Manitoba government has reduced funding to Manitoba public schools by \$43.5 million. This reduction is particularly puzzling in light of Premier Gary Filmon's comments in the Throne Speech Debate, December 15, 1995, where he said, last year, in '94, our growth rate was 3.8 percent, this year in 1995 it is expected to be 2.5 percent, which is going to be above the national average. The Manitoba economy in every area is doing well and doing better than in most areas of Canada.

Yet, not too many weeks ago, the Premier said in a meeting in St. Vital, I believe, that teachers were paid 25 percent too much. When he was challenged he said, well, no that is just 15 percent too much. Now, that is particularly puzzling in light of the comments that he made regarding the sort of a flush situation that Manitoba's economy is in and in light of the budget surplus that the Manitoba government ran last year.



From 1992 to 1996, Transcona-Springfield School Division has seen its funding from the province reduced by \$3 million. I am also puzzled by that in light of the comments I have heard this evening from the minister that this government has somehow increased funding, and yet our funding in the last four years has gone down \$3 million. I find it difficult to sort of equate that.

Under Bill 72 an arbitrator must base his or her decision primarily on the division's ability to pay. Now, this is apparently being amended, but the ability to pay remains a restriction for any arbitrator. The school division's ability to pay is based on its local levy and on government revenues, thus, in spite of government's assurances that Manitoba's economy is doing well in every area, it unilaterally has decided to reduce the division's ability to pay and can continue to do so each year. The arbitrator, under the new rules of Bill 72, will have no choice but to rubber-stamp the government's and board's decision. This, ladies and gentlemen, is not bargaining, and you certainly cannot call it arbitration. An arbitrator or arbitrators must be given leeway based on the needs and circumstances presented by both sides at an impartial and binding arbitration process. Bill 72 will force the arbitrator to take into account the impact of his or her award on services—example, reduction of programs or layoffs. The clear implication seems to be that teachers' salaries, benefits and working conditions will need to be sacrificed in order to preserve programs in the division. Again, this seems blatantly unfair.

Bill 72 eliminates the selection, the appointment and transfers of teachers and principals, class sizes, recess and noon hour schedules from arbitration. This also is not fair. Other labour groups have the right to negotiate items like this. Removing these items from the normal scope of bargaining is a fundamental breach of trust. In 1956, Manitoba teachers agreed to be excluded from The Labour Relations Act in exchange for binding arbitration. Under that agreement all items related to teachers' benefits and working conditions could be pursued through negotiations and arbitration. To limit or narrow the scope of arbitration now without giving teachers the option of returning to the governance of The Labour Relations Act is a fundamental violation of that agreement.

\* (0000)

Finally, Bill 72 will have a profoundly negative effect on Manitoba. Some divisions, and we have heard this many times this evening, will maintain a superior ability to pay while others in poor areas will not. The results will be that the best, the brightest, the most creative, the most talented teachers will leave the poorer divisions and go elsewhere. Widely disparate wages and working conditions from one region to another will ensure this disastrous result. A fundamental tenet of the public school system has been, continues to be hopefully, that all Manitoba children should have access to a good solid education regardless of where they live or how wealthy their parents are. Bill 72 will destroy that equality of opportunity. Eventually, under Bill 72 low teacher morale in this province will discourage undergraduates from entering the teaching profession. Many teachers will seek employment in other provinces or other countries.

Simply put, Bill 72 is a bad piece of legislation. Its unfortunate results will be felt across Manitoba. The teachers of the Transcona-Springfield association urge the government to turn back from such ill-advised action and stop Bill 72. It is retrogressive, unfair and harmful. Thank you.

**Mr. Chairperson:** Thanks, Mr. Wedel. Honourable minister, and then Ms. Cerilli.

**Mrs. McIntosh:** Thank you very much, Mr. Wedel. I am noticing a sort of common thread that has been mentioned in a lot of the presenters tonight, and I would like to get your opinion on it. There has been a lot of reference in your brief and in others to the fact that in 1956 teachers exchanged the right to strike for tenure and binding arbitration. That, as I recall, historically was something that teachers sought. It sort of sounds almost like it was a big sacrifice, but it was something teachers eagerly sought, that they preferred this to strike. Now, you know, historically you can go back and check the records, but I believe that is the correct interpretation of history on this. So I do not believe it was a sacrifice from what I have been understanding, but now I hear that because of Bill 72 it would be better, I think I am hearing you say you would rather be under The Labour Relations Act.

Okay, that is correct, and I hear applause in the audience.

So I guess the question I am asking you is, would you rather, then, take away what you have got now completely and put you under The Labour Relations Act like any other employer group, give you back the right to strike that you seem to now be indicating you had to give up against your will and live by that instead of by The Public Schools Act? Take you out of The Public Schools Act and put you—that is the threat I am hearing here. I am wondering if you could tell me, is that what you and your teachers' association are seeking?

**Mr. Wedel:** Well, we are not seeking that, but this is a question that you might perhaps wish to ask teachers in light of Bill 72.

**Mrs. McIntosh:** I am asking it. You are a teacher representing your association, and I am asking you.

**Mr. Wedel:** You might want to ask teachers collectively across Manitoba. I am not able to speak for teachers across Manitoba, but I can assure you that at the time when we gave up the right to strike we got something fair in exchange for it. Now the government is proposing to take away half of the equation but not give us the other half even to consider it, and we think that is a fundamentally unfair premise on the part of the government.

**Ms. Cerilli:** Thank you for your presentation. I want to ask you some questions specific to Transcona-Springfield School Division. A number of presenters have made references to have-not school divisions, and Transcona-Springfield is, in some ways, a have-not with very low, especially for a suburban division, assessment, and they have high transportation costs, but they have some of the lowest per-pupil costs in the province. I am wondering if you have had meetings with the trustees in the Transcona-Springfield School Division to discuss this bill and if you have a sense of the effects that it is going to have in Transcona-Springfield.

**Mr. Wedel:** I can assure you that the trustees of Transcona-Springfield, in my discussion with them, are appalled at the underfunding of the government for our school division. They concur with us that the funding for Transcona-Springfield has become practically untenable, and a trustee, perhaps in jest, perhaps seriously, remarked to me in passing just a few days ago that perhaps the trustees ought to take the entire division and transfer it

back to the government because future cuts would mean they would not be able to run it any longer.

Now, we have certainly seen negative effects in our school division. We have lost counsellors in all of our elementary schools. We have had cuts to caretakers. We have lost paraprofessionals. We had one school with increased enrollment lose three and a half teachers. We have had libraries closed on alternate days. In some schools they have been locked, the lights have been out. We have lost a number of teachers in the last two years. We have had larger class sizes. We have lack of equipment and, believe me, we do have low teacher morale. I listen to these teachers each and every day, and that is a reality. So in spite of all the assurances that this bill is not harmful, our teacher morale is low, our programs are being negatively affected.

**Mrs. McIntosh:** That is because they have been told the bill is harmful.

**Mr. Wedel:** That is absolutely not true. They have read it. Our teachers are literate and they can read and they can see for themselves, and they are very, very, concerned.

**Mrs. McIntosh:** Good. That is very helpful.

**Mr. Chairperson:** Ms. Cerilli, you had another question.

**Ms. Cerilli:** Yes. I also wanted you to comment on this whole issue of being able to grieve issues around working conditions and to compare that with this ability-to-pay clause, and I think that the presentation earlier from the Manitoba Federation of Labour laid this issue out very clearly. I am wondering how teachers that you represent would see that.

**Mr. Wedel:** Question.

**Mr. Chairperson:** Ms. Cerilli, or do you want to question back to Ms. Cerilli.

**Mr. Wedel:** I thought you had another question for me. Okay, in response, teachers absolutely want these things to be arbitrable. I am not sure where anyone heard anything else. I heard a MAST representative say before, in the first presentation of the evening, that they agree

with Bill 72, that these items should not be arbitrable, yet they do not want to be held accountable, and that seems to me a completely untenable and unfair position on their part. I was very disappointed in the MAST response on that one. In other words, if the board acts unfairly and unreasonably, they do not want teachers to have the right to grieve that.

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

Next presenter will be Donald Teel. I need the translators back.

**Ms. Cerilli:** We agreed at the outset of the committee tonight that there would not be a calling of names after midnight. It is—

**Mr. Chairperson:** This is being honoured, Ms. Cerilli. I am well aware of the agreement of the committee. If someone does not respond, they will not be dropped from the list, but if someone wants to come forward we are going to hear them. That was the arrangement.

**Ms. Cerilli:** Okay, I just want to make it clear to presenters then that they have the option to present tonight or not, and the reading was that they would not be dropped even once to the bottom of the list.

**Mr. Chairperson:** That is correct, Ms. Cerilli.

Mr. Teel, you may begin your presentation.

**Mr. Donald Teel (Winnipeg Teachers' Association):** Thank you, honourable members of the Legislative Assembly, as constituted in this committee, and fellow Manitobans.

I am here to speak on behalf of the members of the Winnipeg Teachers' Association. We are a group of approximately 3,000 teachers, lab assistants, clinicians and consultants employed by the Winnipeg School Division No. 1. Parenthetically, we are also the largest teachers' association in Manitoba. Our history of collective bargaining has been a positive one. Our negotiating committees meet to discuss real issues that cause concern to us, that affect the morale and the well-being of our members and that impact on the education of our students.

We have found the process of conciliation and binding arbitration that we follow to be fair and reasonable for the following reasons: we bargain in good faith; we are honest in sharing our concerns; and we start on a level playing field. Neither side has an advantage as a result of restrictions placed on the other or on the process. Second, conciliation may be requested by either party and, where discussions get intense or frustrating, the service of a conciliator allows the parties to maintain a good working relationship outside the bargaining environment. Third, an arbitrator, if required, views the whole matter with new eyes. He or she is not biased by any previous interactions. Finally, we are able to discuss all matters openly. Working and learning conditions, wages and the manner in which employees are treated as individuals are of equal importance to both parties.

The proposed Bill 72 claims to be a fair document. In a September 20, 1996 letter to River Heights constituents, MLA Mike Radcliffe quotes the Minister of Education's (Mrs. McIntosh) claim that Bill 72, quote, provides a fairness and balance for teachers. Let us take a look at the fairness issue with reference to the points that I made earlier.

Bill 72 prohibits bargaining in good faith. When a board comes to the table, having already decided how much is budgeted for salaries, are they in fact truly negotiating? Their decision has been made as a result of the government grant. What board would budget an increase in their salary line before employee groups request it? As in any business or organization, or government for that matter, the needs are assessed and then a budget is prepared to meet the needs. Bill 72 takes this practice and reverses it, tying the hands of the board and creating unfairness for teachers. This process may encourage school boards to consider rollbacks in teachers wages as a way to maintain programs. In other words, teachers will pay for education rather than taxpayers paying for education. Implementation on the time lines mandated by Bill 72 will be unfair to teachers—this, acknowledging what the minister announced this evening.

\* (0010)

Bill 72 limits arbitration in four areas: selection, appointment, assignment and transfer of teachers and principals; evaluation; class size; and the scheduling of recess and the mid-day break. Three of these issues deal

with working and learning conditions or the welfare of individuals. These issues are of great concern to teachers. The fact that they are not arbitrable precludes any meaningful discussion of these issues. Present policies and practices in these areas will never be tested for equity and fairness by a neutral third party. Inability to resolve these issues at the bargaining table creates unfairness for teachers. We should not confuse a board's ability to manage with fair and reasonable management practice—the pause is deliberate. Mrs. McIntosh states that the clause ensuring boards act fairly and reasonably in administering their policies and practice is a safeguard for teachers. This is only the case if the policies and practice in question are of themselves fair and reasonable. Policies and practices are changed regularly by a single motion at the school board meeting, frequently without regard to long-term implications or consequences, but rather under pressure of time or political lobby.

Are we really only examining the fairness and reasonableness of how a board carries out their own rules? We need a process to determine the fairness of policy and practice. Bill 72 does not provide such a process and in fact sets up a situation that is unfair to teachers. Teachers must be able to grieve not only the fair implementation of policy but also the underlying fairness of the policies themselves.

Conciliation prior to arbitration allows for the exploration of options and possible alternatives that are agreeable to both sides of a negotiation. Bill 72 effectively renders conciliation an improbable route to the resolution of negotiations as it relies on mutual consent. It virtually ensures the service of a mediator who then must don the hat of an arbitrator, an arbitrator who has seen both parties at their worst and weakest, so to speak; an arbitrator who is only human after all and will struggle not to be biased by the emotion and candour that rises out of mediation. Or, perhaps, both parties will be able to suppress that candour and emotion and guardedly save their best arguments for arbitration. Will we still be bargaining in good faith? Will this be a fair process? Where is the incentive to compromise during the mediation phase of the process? Perhaps we should go directly to arbitration?

Should the arbitrator ultimately have to decide on the issues, Bill 72 restricts the fairness of his or her ability to arbitrate. The unprecedented directive imposed upon

arbitrators to consider ability to pay may result in the making decisions that are better left to elected officials. Section 129(4)(a) specifically states that an arbitrator shall consider services that may have to be reduced and may, in fact, decide that a reduction is appropriate in awarding an arbitration. Political decisions should not be made by an individual who is not answerable to the electorate. Are we taking powers away from our elected officials? They already raise the ire of taxpayers when they must pass on the news that provincial grants have decreased and school taxes must go up to meet the needs of our students. Bill 72 is not fair to anybody involved at this point.

Finally, Bill 72 restricts our ability to bring all issues to resolution at the bargaining table. The stated nonarbitrable items deal with how individuals are treated and with working conditions. Where working conditions deteriorate, learning conditions also deteriorate. These are the very types of fairness issues upon which the practice of arbitration is founded.

When workers first recognized the need to organize in order to bargain with their employers, it was a time when employers were often cruel, callous and exploiting, to quote Tom Oleson in an article dated May 26, 1996, in the Winnipeg Free Press. However melodramatic this may appear to you, our association has many members who have voiced their concern and, indeed, feel exploited with the ever-increasing responsibilities and expectations placed on them, both in and out of the classrooms. They feel the current proposed legislation constitutes a callous disregard of basic fairness in collective bargaining.

In our school division, we have resorted to arbitration only twice in 20 years. These arbitrations focused mainly on working conditions and only average salary increases were awarded. The last arbitration in 1991 gave us a duty-free lunch and a clause on limiting increases in workload. Teachers of today need a collective bargaining process that will ensure they are negotiating in a system that is not biased against them and their legitimate aspirations. Bill 72 undermines an already effective, fair and balanced process.

This bill is being condemned across the country as an unparalleled singling out of teachers. We ask why this is happening? The needs of Manitoba students are being met by a highly skilled and qualified body of

professionals. Teachers have the support of parents and the communities in which we serve. Treat us fairly. If this is truly the government's intention, then on behalf of the Winnipeg Teachers' Association, I ask you to reflect on the issues that we have raised. In the absence of any major revision, we urge you to oppose this unfair and unbalanced legislation.

Thank you for your time and consideration.

**Mr. Chairperson:** Thanks for your presentation, Mr. Teel.

**Mrs. Render:** I am not too sure whether I have understood one of your points here. You seem to be suggesting that mediation is not a good way to go. You use the word "biased". You seem to be presenting a rather negative outlook that a mediator is not going to be good. Am I interpreting what you are saying correctly?

**Mr. Teel:** Mr. Chair, in the context of the proposed model, we find that the mediation-arbitration route proposed, where the mediator is actually the arbitrator, takes away some of the flexibility that both parties have during the mediation process when in fact you go to an arbitrator who is another individual.

**Mrs. Render:** Perhaps after I could just explain to you the difference between conciliation-arbitration and mediation-arbitration, both routes have their good and their bad points. May I just let you know that your own MTS society also suggested a change, and they have suggested adding a mediation process. The Teachers' Society actually had made that recommendation. They felt that there was value to a mediation process.

**Mr. Chairperson:** Mr. Teel in response.

**Mr. Teel:** Yes, I am quite aware of the issue that Mrs. Render raised. Again, I return to my point that the new model is one that the Winnipeg Teachers' Association opposes for the specific reason that having the mediator become an arbitrator and having heard all of the arguments, prejudice is the result of the arbitration. Thank you.

**Ms. McGifford:** Mr. Teel, thank you for your presentation. Since I regularly attend the southend Parents Advisory Committee, I was present when parents were agonizing last spring about how to give trustees

advice on implementing government cuts to education in School Division No. 1. But I wonder if you could give us some indication of the implication and effects of cuts from your perspective, that is from the perspective of a teacher.

**Mr. Teel:** From the perspective of a teacher, I have observed the same sort of deterioration of services and resources that previous speakers have noted. I am not going to waste everybody's time at this hour. I have also noted, for example, in Winnipeg No. 1 School Division, the reduction of the nursery program after great debate by the board to an 80 percent program. That decision is up for reconsideration the following year. Also, discussions again on reduction of transportation of students to programs, language programs and other programs where right now transportation is provided for parents. In the future, again, due to finances, due to the increasing cuts from the provincial government to school divisions, we are having trouble maintaining that sort of service. Those are really the two specific items that I can bring about with Winnipeg No. 1 School Division. Again, not to belabour the point, but other speakers have already said what I would say about classroom conditions.

**Ms. Mihychuk:** Thank you for your presentation. One of the goals of many trustees is when they are looking at budget reductions, with the sort of sense that we are going to try and minimize the impact on children, they are going to cut virtually everything else but the classroom. Can you tell us, how does that really impact on the classroom teacher and, you know, all of the things. I mean, you cut resource, you cut—go ahead, from your perspective.

**Mr. Teel:** Yes, in fact, before I returned to a school, I was a program consultant for the Winnipeg School Division. As a result of funding cuts, the trustees took a decision to reduce support services. One of the things I did was I worked with teachers who requested help within, in my case, French immersion or basic French classrooms. I also helped administrators when there was a teacher in difficulty, and I was asked to come in and help support the teacher. I provided those sorts of services. Very often parents only saw me if I did an evening presentation at the school however regarded the service that I and the other complement of consultants at the time provided to the schools as being essential to supporting learning and teaching in classrooms.

I think it is reductionist thought, it is Luddite at the very worst, to think that one teacher and 30 children in a classroom with adequate materials is all you need ever in an education system. I think there are all sorts of players behind the scenes in our school divisions, and the funding that the province and that the levy in property taxes assures to school divisions should be able to build in and account for that type of support if we need to have a growing, progressive education system in Manitoba.

**Ms. Mihychuk:** Is the province then responsible for providing those consultant services to those teachers in the classroom?

**Mr. Teel:** My response to that is yes.

\* (0020)

**Mrs. McIntosh:** Thank you for your presentation. I wonder if you could indicate to me what your impression is of the financial situation in Manitoba as it relates to the international bond rating agencies and the Canadian scene. In other words, we know that they measure credit ratings in tenths of a percentage point and that is \$3 million, and a percentage point is \$30 million. Are you aware of what they are saying about what Manitoba, Saskatchewan—we will just deal with Manitoba because it is saying the same thing to all provinces—as to what they think we should be doing in order to not to be having to spend that \$30 million that comes with every percentage point change in our credit rating?

**Mr. Teel:** To respond to the minister's question, in fact, yes, I am very aware. I am becoming quite a keen observer of investments. In fact, every time Mr. Stefanson or Mr. Filmon makes a statement about how well the Manitoba economy is doing, I as a Manitoban rejoice. As I see interest rates declining, I also think that that helps our provincial economy too, because it reduces debt carrying costs. I congratulate the government for having addressed this issue. I also think though that when I see a government that we do not have a deficit—I looked at some of your own information that indicated you have an operating surplus. I think that when we have made this much headway, we should look at what are our priorities for the system. What can we do? Where do we need these services? I also think that—

**Mr. Chairperson:** Your time is up now. Thank you. Thanks very much for your presentation. Mr. Ron Munro. Is Ron Munro here? Mr. Munro, welcome.

#### Point of Order

**Ms. Cerilli:** On a point of order, I want to again remind you of the agreement that we made at the outset tonight, which was not to call the names but was to canvass the room and have an indication made by the presenters, if they wanted to present tonight, that they would be then put up onto the list to make their presentation tonight. So I am not suggesting that we do not want to hear Mr. Munro. Actually, I really want to hear Mr. Munro.

**Mr. Chairperson:** Can we hear Mr. Munro and then discuss this later?

**Ms. Cerilli:** I do not want to have all the presenters sit here thinking that this is the way that we agreed to go. Will you please, Mr. Chairperson—

**Mr. Chairperson:** Please—through the Chair. Order, please. Through the Chair. First, Ms. Cerilli, you have made your point. Ms. Friesen wanted to make a point, and then Mr. Pallister wanted to make one.

**Ms. Friesen:** It was a similar point. I think we are looking for certainty for those people who are in the audience, and so an indication of how many people are going to present I think is what we had agreed to. I realize that you are proceeding on a different basis, but that issue of how many people are going to present, what time are we likely to finish, I think was the certainty we were looking for.

**Mr. Pallister:** On the point of order raised by Ms. Cerilli, that was not my understanding. My understanding was, and we perhaps can visit the—

**Ms. Cerilli:** The other night you violated an agreement that you made sitting at—

**Mr. Chairperson:** Order, please.

**Mr. Pallister:** Perhaps, Mr. Chair, if I could suggest in the interests of flared tempers, et cetera, that we revisit the minutes. My understanding of the agreement we reached was somewhat different from Ms. Cerilli's, and

I believe other members of the committee may not share her view on this. Perhaps we could revisit the minutes as to the agreement that we made, which my understanding was we would be calling people and that they would not be bumped as a consequence, after midnight, of failing to speak, but that we would continue to call the names in order of the persons registered to speak, to allow those who have persevered and are here to present if possible, regardless of the fact that some members of the committee may wish to terminate the discussions. I do not, and I do not believe those who are here to speak do not.

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

**Ms. Cerilli:** It is on the record, canvass the House.

**Ms. McGifford:** It is on the same point of order, Mr. Chairman, and I want to suggest that Mr. Pallister is imputing motives to me. I am happy to stay here as long as presenters want to, as long as presenters wish to make their presentations. The point that we are trying to make is to have fidelity to a process that we understood to have been established earlier in the evening and my understanding of the process was exactly that of my colleague for Radisson, Ms. Cerilli. So I endorse Mr. Pallister's motion or suggestion that we revisit the minutes.

**Mr. Chairperson:** I have just revisited the closest thing to a minute-taker, the clerk, and the understanding that the clerk had was that at 12 midnight we would revisit where we were, and all of those who wanted to present after midnight would be given that privilege, which, I am adding to what the clerk's understanding was, implicit in that as we discussed previously is that anyone who was not available, was in sequence on the list, would not be dropped off the list. So that is the understanding, that is the ruling, that is the agreement as we have recorded, other than checking Hansard which we cannot do. I rule without further discussion on the issue on the point of order. That is the agreement and—

**Ms. McGifford:** No, that was not the agreement.

**Ms. Cerilli:** Mr. Chairman, on a point of order, again. I explicitly on a point of order at the outset of the committee asked it to be recorded on the Hansard that we

would not call names, that we would canvass the audience and ask for a show of hands, as we did the other night, to see who wanted to make their presentations tonight and we would hear those individuals. There would no calling of names, I specifically said.

**Mr. Chairperson:** Can I suggest this, to accommodate Ms. Cerilli, that point and what appears to be an expectation that there would be a canvassing? How many in the room now wish to present tonight, would you please indicate? Okay, we have a very substantial show of hands. The clerk will now get those names, so you will not be missed and please put your names down and then the commitment is you will have a chance to present this morning. Thank you very much for your cooperation, members of the committee and presenters.

\* \* \*

**Mr. Chairperson:** Now, Mr. Munro, you have been very patient standing there, probably delighted to be standing for a while, would you please begin your presentation.

**Mr. Ron Munro (River East Teachers' Association):** Thank you. I come to you on behalf of the teachers of the River East School Division. For those of you who are in the city will recognize it as the second largest division in the city with about 900 teachers, 13,000 students. We represent a large number.

\* (0030)

I am going to speak to you tonight about the spirit in which I think Bill 72 has been prepared and presented. Other people before me have done a very adequate, very eloquent job of speaking to many of the potential outcomes of this, so I do not need to include them. Bill 72 is an attempt by the government of Manitoba to bring management control and accountability to the realm of education. Unfortunately, Bill 72, if implemented in its present form, will create a step backwards in terms of justice and fair play in the treatment of teachers and in the process of democracy itself as it pertains to the educational community.

Section 131.4(1), Obligation to act fairly, states that "a school board shall act reasonably, fairly and in good faith in administering its policies and practices . . . ."

That section is commendable in its intent. The problem with it is that much of the rest of Bill 72 does quite the opposite. In combination with several other bills that have come before the House, for example 47 and 33, it is improbable that fair and reasonable could be applied to whatever is left of the bargaining process.

Parts of Bills 33 and 47 pertain to school plans, consultations with parent councils, the setting of budgets. All of those activities have to be completed by the end of March, as stated in Bill 47, so that the budget proposals could be presented to the province on March 31 of that year. By itself that does not seem like such a bad thing, however that activity does not travel alone, and it has some sister activities that create a problem. A noteworthy peril for teachers is related to the timing of it—and people have spoken to this already. It is the timing of their ability to negotiate after divisional budgets have been struck.

Now please note that the teachers groups—and I had “are not permitted” and now you have made an amendment tonight and say “may not be amended”. I say, big deal. Through the negotiations that I have gone through, one of our stumbling blocks with the boards and the parts of our contracts has been this nice little fight about the words “may, shall and will.” Whenever you have the word “may” in there you bloody well know that the board is going to press it and take it some other direction except “shall.” So it is a big problem.

I doubt that real and honest bargaining will ever become possible with this bill. Also in question is, to its degree of being reasonable and fair let alone democratic, Section 126(2), titled Matters not referable for arbitration. Teachers bring items to a bargaining table in order to produce an optimum learning environment for the students. I mean, that is what we are there for.

Teachers are the best people to describe and assess matters which impact on their ability to teach because they are in fact the frontline troops who are doing the teaching and assessing the results of that teaching. They must, therefore, through the bargaining, maintain an ability to address the concerns through a fair and a reasonable bargaining process. By making some items nonarbitrable, as you have done in Bill 72, the government is in fact making them non-negotiable.

School boards will find very little reason to discuss matters with teachers after a government, the government of Manitoba, has told them they do not have to do so, and therefore that process becomes one-sided. At issue also is the nature of society in which we choose to live. Democracy is built on the concept that everything is negotiable and debatable, and Section 126(2) is a limit on democracy, a limit on debate. It is the fine edge of an autocratic workplace. Surely you do not want to do this to us or to yourselves.

Section 126(1), Statement of matters referred, is also flawed. It contains limits which are undemocratic. They are unfair. They are unreasonable. A further erosion of public democratic decision making is found in 126(1)(b). That is the statement in Bill 72 which gives the Minister of Education (Mrs. McIntosh), however wise she may be, the power to interfere in the negotiating process when it says in (b) part, the minister “may amend or add to the statement at any time before the arbitrator makes an award.” In other words, you can change the rules of the game while the game is going on. A very interesting game, but there is no credibility in the process of bargaining here.

Section 127(9), titled Weight of evidence, also flies in the face of justice. That is the one that says you do not have to give full proof. What kind of a justice system are we trying to put forward here? When you are bargaining, both sides have to give proof.

The flaws in the previously mentioned sections lead us to that most exasperating one, the one that you have been talking about for a fair while tonight, 129(3), Ability to pay, and also 129(4), because you were not quite done, Other factors. Again, taken at face value, we should not do anything that we cannot afford, whether we are an individual or a government. But is that really the concept that you are working with here? Anyone can create a scenario where you are able to demonstrate the affordability of one thing and the lack of affordability of another thing. It is really a question of choices. To use a very sad analogy in this case, alcoholics make choices. They make a choice between that booze that they want or the food, clothing and shelter that they and their families need. We know that they do not always make the right choices; they do not always make good choices. With this bill, the choices will be driven by one idea, just one idea only, and that is less dollars for public education.



A more suitable topic for this section would be willingness to pay. You have heard that before. As with any category of choices in life, what we must determine is the value of the choices before us. Education is a national asset; its final value is difficult to assess because individuals make varied use of it as an asset. There is, however, a very direct correlation between the quantity and quality of education found in a nation, our part of the nation, such as Manitoba, and that nation's place in the world as we describe it the terms "developed, developing or underdeveloped." Now, many years ago, our nation and our province made a conscious choice to fund public education. As a result, we are at the top group of the developed nations in this world. In order to remain there, near the top, we have to continue to make conscious choices to fund public education properly.

At this time, I am going to refer to some words from Mr. John Scurfield, who was the chair of our contract arbitration for River East last June. He spoke to the issue of pay scales and the willingness of school boards and the general public to do what would we be called fair and reasonable. I am going to leave out a lot of the text, not because it goes against what I choose to quote, it surely supports it, but because a few lines will do the job.

In his arbitration decision given in June '96, this is not very old history, he said several of the following: There is little or no fat left to trim from the teachers' professional diet. Their real pay package has declined roughly 17 percent, and their responsibilities have increased. You have heard a number of people talk about that.

He goes on: We have nothing but sympathy for the honest attempts of a school board to maintain quality and balance a budget which is by now devoid of obvious waste.

Further: Teachers cannot escape fiscal realities, but they should not be asked to shoulder the entire burden of decisions to reduce funding by senior governments. Again, it is difficult to conceive of how the offer by the teachers to accept zero percent could be portrayed as unreasonable. That is what we went to the arbitration board with; the school board went with negative 3. A decision which is supported solely by the object of avoiding a tax increase is inherently a political decision, and, finally, taxpayers, not teachers, must be prepared to

shoulder the burden of educating young people in our community. And those are the words of an arbitrator.

Many parts of Bill 72, and especially the ability-to-pay statement, are neither fair nor reasonable, if you take a look at those lines. We do not need an ability-to-pay section in order to make education accountable, the weight of evidence we need to continue with when it comes to decision making. In order to be a fair and reasonable process for bargaining, there must be fair negotiation time lines. Teachers must be able to present their cases before budget decisions and working condition decisions are made.

In summary, in conclusion, we submit that the presentation of Bill 72 in its present form is a mistake. School boards and teacher groups already have a workable mechanism by which they can seek resolution of differences. The current mechanism contains the ability to bring any and all issues to the table, and this characteristic is critical to the maintenance of an insightful public school system.

For those issues that are brought to the table that are money issues, the imposition of Bill 72 is both unnecessary and punitive. Bargaining groups have always been made aware of a division's ability and willingness to pay for services. Settlements over the past few years demonstrate the willingness and ability of teachers to do their share in the curtailment of costs.

It has become painfully apparent to teachers that much of what is contained in Bill 72 and several other bills is not a well-intentioned maneuver by the provincial government to get its financial house in order but rather a politically motivated attack on the ability of working people, in this case teachers, to maintain some reasonable control over the management and operation of their workplace. Bill 72 would create a bargaining process that could never be described as a level playing field. As such, it is extremely unfair, and because of the arguments presented by myself here and people before me, we urge the government of Manitoba to either withdraw Bill 72 or significantly modify its form so that it can become a fair and reasonable exercise of political decision making.

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

\* (0040)

**Mrs. Render:** Thank you for your presentation. I gather that you much prefer the current legislation as it stands and not what is before you right now. Is that a correct assumption?

**Mr. Munro:** That would be a fair assumption. There may be a couple of problems with what is there now, but I think you would be better to tinker with that.

**Mrs. Render:** I gather that among your problems you seem to be saying, as Mr. Hilliard had said before, that you feel that the legislation is now going to allow the minister to interfere, not with the appointment of the arbitrator, but can make statements or amend or do things to the arbitrator's statement. Are you aware that the current Public Schools Act has these very same statements in it? If there has been no problem for 40 years, why are you anticipating that all of a sudden now the minister is going to—let me use some of the words that Mr. Hilliard—he uses a trapdoor, and you use words like the rules of the game are being changed while the game is going on, the credibility of such a process is open to question.

So I guess what I am asking you, if these, a statement of reference and recommendation of an award have been in the current act, why all of a sudden do you see a problem when you have not seen a problem in the past?

**Mr. Munro:** I have not actually read the current act all that carefully. I have read it, but it has been some time ago. I doubt that in there, quite frankly, it says that the minister can interfere.

**Mrs. Render:** Well, let me just read into the record.

“Recommendation of award. After a board of arbitration has made its award the minister may direct it to reconsider, and clarify or amplify the award or any part thereof, or to consider and decide on any new matter added to the statement of matters referred to it, and the award of the board of arbitration shall not be deemed to be received by the minister until the reconsideration award is received.”

Actually, under the new act, Mr. Munro, the wording is tame somewhat. Now the minister may do so only at the request of either party.

Statement of reference—I shall read into the record. Current act, where the minister—

**Mr. Munro:** This is a long question.

**Mrs. Render:** Well, you said that you were not too sure—

**Mr. Chairperson:** You had a 10-minute presentation; she is making it.

**Mrs. Render:** —that it was in here, so I want to reassure you that this is what the act is saying: “Where the minister has appointed a board of arbitration, he shall forthwith deliver it to a statement of the matters referred to it and may amend or add to the statement either before or after the board of arbitration has made its award.”

Again, I would like to let you know that under the proposed legislation, it is rather softened. Now the minister may amend or add to the statement at any time before the arbitrator makes an award, whereas before the arbitrator could do it before or after.

**Mr. Chairperson:** Do you have a question, Mrs. Render?

**Mrs. Render:** So, as I say, I just wanted to check with you. You seemed satisfied with the current act, and I just wanted to know why you raised that particular point with the present legislation when it was already in the current act.

**Mr. Munro:** I said I was satisfied with most of the current act. You have just pointed out one part that I find that I am not all that satisfied with. It needs to be changed in the old act as well.

**Mr. Chairperson:** We have 13 seconds left.

Thank you very much for your presentation, Mr. Munro.

Mr. Murray Grafton? Mr. Murray Grafton.

**Ms. Friesen:** Point of order, Mr. Chair.

**An Honourable Member:** Trina Gordon?

**Mr. Chairperson:** No, we have now a list, and the list for the benefit of all in the room is Murray Grafton, No. 18; No. 41, Jean Beaumont; No. 42, Jake Peters; No. 47, Phyllis Moore replacing Imogene Williams; No. 48, Patricia Gendreau and No. 58, David Harkness, who registered tonight.

Ms. Friesen, on a point of order.

#### Point of Order

**Ms. Friesen:** On a point of order, I think Ms. Cerilli had her hand up to speak, and there were 13 seconds left. So I wondered if it is possible for that to be completed.

**Mr. Chairperson:** Well, it was the minister that I was cutting off because she had signalled her intention to ask a question.

**Mrs. McIntosh:** But I am happy to come back and ask if you want me to. My name is on the list before Marianne's.

**Mr. Chairperson:** I felt it solved a difficult problem by letting the 13 seconds go by.

#### Point of Order

**Ms. Cerilli:** Mr. Chairperson, on a point of order, I would just ask that you give special caution to giving each party then the chance to ask the first question, and that we not have—because I am sure that we are putting up our hands.

**Mr. Chairperson:** I believe that I have attempted to do that on every occasion where both sides of the table have raised their hands, and I have tried to be scrupulously fair in that respect. I do invite you to raise your hands high if you do have a question, and I assure you I will do my best to be fair.

\* \* \*

**Mr. Chairperson:** Murray Grafton, you may begin your presentation.

**Mr. Murray Grafton (St. Boniface Teachers' Association):** Good morning. My name is Murray Grafton, and I am president of the 350 teachers in St.

Boniface Teachers' Association; but I am first of all a teacher. I started teaching in St. Boniface in 1975, and I have been a full-time teacher since then.

The last few years have been especially difficult ones for our students and our teachers. The vision of the years ahead is very troubling. Last year my class sizes were the largest they have been in my 16 years at J.H. Bruns Collegiate. Having 35 students in a Senior 4 English class limits any teacher's ability to fulfill curriculum demands for oral and group activities. I think we are seeing some of that tonight. The marking load becomes even heavier so that fewer evaluations occur per student. It becomes impossible to give all students the attention, encouragement and motivation they need to do their best. Overcrowded classes are the new reality of Manitoba education.

Last year, my high school's textbook budget for the English department was \$4,000; about \$7.27 for each of our 550 students for books to read and study for an entire school year. The cost of books has risen dramatically in the last few years, yet the textbook budgets keep shrinking. It was discouraging and disheartening to see the Department of Education spend 10 times that amount per student on a single exam for Senior 4 English, especially, while our students are often studying year-round with materials held together with tape and prayer, because the school has so little money for materials. Provincial funding to St. Boniface School Division has been reduced 14 percent over the last four years. Major cuts to St. Boniface schools have meant that school librarians, perhaps the classroom teachers' greatest resource, have all been reduced to half time. A half time library in any school is unacceptable.

Today our newspapers and television news are crowded with reports on youth crime, gangs and teen violence; yet, in this atmosphere, St. Boniface schools have been forced to reduce their vice-principals, the teachers most involved in the schools battles on these issues, to half-time status. To claim that these cuts have not impacted on the classroom is false. Cutbacks are having a negative influence on student learning. The ability-to-pay clause in Bill 72 will be destructive to the quality of education in Manitoba. The level of education will vary greatly based on the different boards' abilities to pay. Better salaries in some divisions will attract the best teachers and increase educational inequality between districts.

Public schools in Manitoba have lost over \$43 million in cutbacks during the past four years. We have lost 600 teachers, yet the student population has remained stable. If teachers are the shock absorbers of society, Manitoba's are getting worn. On September 20 this year, the Free Press reported that the number of psychiatric-related disability claims by teachers has jumped 25 percent in the last six years. Cutbacks are having a devastating influence on teacher effectiveness. The public education system is at a crisis point and needs support. It is time to stop the attack on public schools.

Manitoba is a multicultural, bilingual province. The public school is society's best vehicle for improving social conditions, promoting cultural unity, fighting racism and preparing responsible citizens. The public school classroom is an investment in the future for all Manitobans. Jacques Godbout, a Quebec correspondent, wrote recently that "Le système d'éducation d'un pays est à la fois son visage, son âme, et son avenir." The educational system of a nation is at once its image, its soul and its future. I believe this to be true and agree with what William Hynes wrote recently in *The Globe and Mail*. Despite the constant criticism of Canadian education by politicians, journalists and business people, our schools and their human product, whether judged by exam scores or real-life accomplishments, are the best they have ever been. They are probably the best in the world.

\* (0050)

Bill 72 puts the future of these schools in jeopardy. Speaking on behalf of the 350 teachers in St. Boniface, I think that there is a better way to ensure fairness and balance in the collective bargaining process. Bill 72 is neither fair nor balanced. It is heavily biased in favour of the St. Boniface school board and against the teachers of St. Boniface. Noted arbitrators such as Martin Teplitski have publicly stated that "ability to pay" legislation is flawed.

In my view there is an ethical question of fairness in the collective bargaining issue. Teachers voluntarily gave up their right to strike in favour of binding arbitration. The need for a neutral, impartial and free arbitrator is clear for the sake of fairness to both sides. If the legislation ties the arbitrator's hands, then teachers

have effectively lost their equivalent right to strike. The legacy of this legislation to the children of St. Boniface will be one of decreased programs, overcrowded classrooms and overburdened teachers. To teachers, it will be a legacy of burnout, low morale and bitterness.

**Mr. Chairperson:** Thanks for that presentation.

**Mrs. McIntosh:** Thank you for your presentation, Mr. Grafton. You have waited and we appreciate it. I understand the concern about funding; we share the concern about funding. Before the federal cuts began, we were increasing very rapidly. I do not know if you heard me earlier say that in the period of time that the federal funding to our department declined by 40 percent, we were still giving increases of 8 percent. I do not want to get into a discussion on it at this point because there is no time, but I would like some day to have some opportunity for teachers to hear a presentation on what happens with the international bond rating agencies and why they can make such a dramatic impact on decisions here.

I want to ask you a question that I am beginning to think I should ask to all teachers presenting here tonight. You, again, indicate here, as so many have, that teachers voluntarily gave up their right to strike in favour of binding arbitration. My understanding of history was that teachers very much asked for binding arbitration and tenure, so that they would not have to be bound by strike and lockout. That was something teachers—they did not sacrifice it. They did not want it anymore; they wanted binding arbitration.

In light of the fact that the trustees say binding arbitration cannot and will not work for them anymore—for 10 or 12 years they have been complaining about it, and they have now passed formal resolutions that say that they can no longer live with it—in light of that fact that this is now, according to one side, completely and totally broken, we tried to bring in something that we thought would fix it. Trustees have said, if you cannot fix it, give teachers back the right to strike. Teachers are now saying, we do not like this, we had to give up the right to strike and now you are giving us this.

Do you wish, and I ask you in all sincerity, to give this up in favour of going under The Labour Relations Act and getting back the right to strike?

**Mr. Grafton:** Thank you, Chair. I think that it is probably inaccurate to say that we had to give up the right to strike in exchange for binding arbitration, but I think this is very—

**Mrs. McIntosh:** That is not what I am asking. Sorry. I am asking if you would like to exchange this for going under The Labour Relations Act and getting back the right to strike.

**Mr. Grafton:** I think it is very true that teachers did choose to give up the right to strike in exchange for binding arbitration. I think that binding arbitration is a far more civilized process and it, I think, spares families and children the reality of a workplace strike.

**Mrs. McIntosh:** Do you think it should work for both parties, though, and not just one?

**Mr. Grafton:** I think that a premise of binding arbitration is that an arbitrator is going to be chosen because of their wisdom and experience and that they are going to balance the arguments and come to a reasonable settlement.

**Mrs. McIntosh:** I am not getting the answer to my question, though. If this is no longer acceptable—

**Mr. Chairperson:** Please, I would ask Ms. Cerilli to pose the next question.

**Ms. Cerilli:** I really like a lot of the statements that you have made in your brief. I want to ask you, though, if you would consider that—you have said that you think there is going to be an increase, or a continuation of the increase, in the classroom size, the cuts to programs. You have listed a lot of situations where there are not enough textbooks. I want to say that I think what is going to happen under this bill, the more I listen to presenters, is that teachers are basically going to be paying for those textbooks out of their pockets, and that is what is going to happen with this bill. We have seen the presenter just before you, from the River East School Division, who has shown that their board wanted them to take a 3 percent reduction and they were agreeing to zero. So I wonder if you consider that that is what is going to be happening is those lack of resources that are occurring in your school are going to be coming out of teachers'

pockets, and it is very clear that that is the intention of this bill.

**Mr. Grafton:** I think that unless some funding is restored to public education, those resources are not going to be reinstated, and I think that the only effect of Bill 72 will be to cause teachers' salaries to decrease.

**Ms. Mihychuk:** I would like to follow up on the minister's comment where she was talking about a wish list, do you wish one way or the other. My question is, do you wish that you had a government that would provide reasonable increases of funding to school divisions and then—I do not believe and I am wondering if you do—if we would be in this situation if we would be asking for a review.

**Mr. Grafton:** I can only respond that I believe that education in Manitoba is a provincial responsibility and one of the great issues in this whole legislative arena has been want of accountability, and I think that the government should be more accountable in its responsibilities towards public education.

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

**Mrs. McIntosh:** Thank you.

**Mr. Grafton:** Thanks very much.

**Mr. Chairperson:** Next presenter is Jean Beaumont of the Manitoba Association of School Superintendents. You may begin your presentation, sir.

**Mr. Jean Beaumont (Manitoba Association of School Superintendents):** Thank you, Mr. Chairman. I thought I had experienced long marathon board meetings, but this beats the record. [interjection] It has been a great experience.

Just a brief comment as an aside. I am here as the president of Manitoba Association of School Superintendents. Maybe on some other occasion, I could talk to you about what I understand as working in God's country. They seem to have made some references to that earlier tonight. But I am here as a superintendent and as a representative of the superintendents in Manitoba.

Let me tell you a little bit about that first before I get into the document. Clearly, we have spent the last five months talking to our colleagues from across the province from all the regions, from rural Manitoba, from northern Manitoba, from the city, from the suburbs, and really we spent some of the time doing some research. We spent some of the time talking to arbitrators and trying to get some information as to what this all meant so that we could advise our boards and we could work with our boards and try to really get a perspective about what it meant.

My first point in my preamble is that really five months sounds like a lot of time, I would imagine, except that five months to do this project on top of all the other projects that superintendents and boards and teachers had to do over the last few months is not a good deal of time to do the kind of research that we would have appreciated. I guess that is the first point I want to make.

The other point I want to repeat is that clearly the comments I want to make represent really a majority view of the superintendents across the province, northern, rural and urban. We were in a meeting this afternoon at four o'clock with the Minister of Education (Mrs. McIntosh) and all the partner organizations. The Manitoba Association of School Superintendents were really quite happy and appreciative that the minister was really trying to make some connections for trustees and for teachers under Bill 72, because I hope you notice in our presentation tonight, that is really our task. It is to make those connections between trustees and teachers in the hope that we can get the two groups to collaborate, so I guess I want to express our appreciation to the minister for her attempt to make those connections.

\* (0100)

I think it would take a few more weeks or a few more days than November 7 and a serious attempt to make either connections I believe superintendents would like to see. If I may just very quickly, I hope I can change a bit of the tone of the meeting tonight, because I would really like to leave you with the impression that teachers, superintendents, trustees and the government really have to find a way to collaborate and see if there are not some issues that we could resolve to the mutual satisfaction of all the stakeholders.

This paper was presented in some form to the study committee, so some of you might recognize some parts of it as the superintendents' original position. Clearly then, if I may, The Manitoba Association of School Superintendents submits the brief with the hope it can help find a long-term solution to the problems that manifest themselves in the present system of teacher/school board collective bargaining. We emphasize finding a long-term solution, because we are convinced that the model suggested in Bill 72 has the potential to create further divisiveness at a time where there is a need for collaborative efforts to find creative solutions to problems as important and as complex as collective bargaining.

While we recognize the need to undertake a review of the collective bargaining process, we respectfully submit the process of reforming future collective bargaining as set out in Bill 27 unfortunately leaves itself open to a charge of political expediency.

The legislation proposes only one model for bargaining, and that is rooted in the continuance of an adversarial approach. We believe a government should take leadership in using the political processes to advance a rational dialogue among teachers, trustees and the government, plus establish an expectation that within a realistic time frame a long-term solution could be found.

We recommend that the government delay Bill 72 until the next session of the Legislature to allow teachers, trustees and the government time to consider alternatives, time to consider other connections similar to the ones that the minister has announced today. We believe it is critical that the stakeholders be given that opportunity.

We realize that compensation and bargaining are complex and sensitive issues. Because it involves money, working conditions and control, it can be an emotional topic. Therefore studies, discussions and changes must be done carefully and with consideration for the effect on the lives of employees, taxpayers and, above all, with consideration for the effect of the lives of our students.

MASS enters the discussion as an association of educational leaders who are aware of how important it is to education to find fair, reasonable and just solutions to contentions and conflicts between teachers and trustees.

We understand the nature of the work that teachers do and appreciate the tremendous contribution they make in teaching Manitoba's children. We also work directly with trustees and have a first-hand view of their work, their hopes and their aspirations for public education as well as their frustrations. We talk and meet regularly with parents as well. They tell us their hopes and fears about schools; they talk about their expectations for their children, teachers and school.

Superintendents have an intimate knowledge of what goes on in schools and how they operate. We are particularly aware of the importance of human interaction in the classroom and how easily these dynamics can be influenced by stress, whether generated within or outside the classroom. We know that collective bargaining does influence education. This was recognized in 1957, when the government, trustees and teachers agreed they wanted to establish a model which would have the least unfavourable impact on students. Enhancing accountability acknowledges that model has served education well over the years. Now we must acknowledge that the context of education has been changing and new approaches to collective bargaining need to be found. It is incumbent upon all the partners concerned to work diligently and sincerely to find solutions that can be mutually beneficial and that will continue to have the least unfavourable impact on our students. The partners need time to review and consider alternatives.

We are encouraging another look at collective bargaining and compensation issues by taking the time to do the job thoroughly, time to encourage dialogue and to exchange views, time to make sure that the information used is complete and accurate, time to do the research and to consider methods with which we may not as yet be familiar. We believe that if this process is to be effective, there must be a broad participation, and, as an association, we are prepared to do our role in that process.

MASS urges the government to rethink the process of determining collective bargaining. The paradigm needs to be changed; collective bargaining for teachers should be carried out within the context of teaching as a profession in one of the most valued institutions of our society, the public school system.

We have a number of questions, and here is our first. How will the mediator, arbitrator, function? Can one person truly remain neutral and unbiased? We do not have the answers. We are raising a number of questions based on some research and some discussions we have had with some arbitrators who have been involved across our country.

A new kind of collective bargaining should be worked out that reflects the teacher as a professional in a system where the student who has never had any voice in bargaining is not going to be disadvantaged by either the teacher as an employee or the trustee as an employer.

Other models need to be examined, ones which diminish the adversarial, confrontational approach that traditional collective bargaining breeds. We have not had the time to do the research necessary to suggest alternative models, but we believe they do exist and should be explored. We know that the enlightened corporations are trying to find ways to make collective bargaining a more positive process, one where both employer and employees benefit. Interest-based negotiations is one example of this alternative, and we provide you with the example in Appendix A.

It is recognized that schools must become learning organizations where teachers and students engage in collaboration and teaming and where responsibility and accountability are shared. If these values are to become commonplace in schools, dialogue and decision-making between trustees and teachers must reflect these values as they discuss salaries and working conditions. The government has been rethinking the vision of education as we move towards the next millennium and has been developing curriculum and processes to move schools towards a new vision. The bargaining process must support that decision.

Teachers are central partners in making the vision a reality. They must be treated as such. As well, we must ensure that legislation of this kind will not be perceived as diminishing the importance of public education. We believe schools have to be seen as essential elements of democracy as institutions where students learn how to become, not only economic, but also democratic shareholders. Schools should teach democratic values of respect, fairness and compassion. Trustees and teachers have an obligation to model these values—so, too, does the government through its legislative processes.

Any consideration of new methods of bargaining or modifications to the present methods must be examined in the context of our vision of education and the value we place on it as a society. Education is not a service, rather, it is an investment that will ensure future prosperity. Education must go beyond ensuring basic skills and must ensure that students become knowledgeable, compassionate and contributing citizens. Ability to pay is a very popular notion and a legitimate consideration. However, as superintendents, we believe that ability-to-pay consideration must be balanced against the value of education and, again, we have a question. How will the matter of equity across the province be addressed in the context of ability to pay?

**Mr. Chairperson:** You are into your question and answer portion. Is there leave for him to continue?

**An Honourable Member:** Continue on.

**Mr. Beaumont:** We appreciate that the minister has helped to clarify that issue tonight, and we are hoping that through continued dialogue we can get even more. A couple of other questions for us refer to the time line to the scheduling and, again, we appreciate the information we received today. It seems to make the scheduling a bit more flexible.

\* (01 10)

If I may very quickly, Mr. Chairman, the government has the fiscal responsibility and must be concerned with the level of provincial debt. While spending for education is a large part of the provincial budget, that is so because of the value society places upon it. We are all too familiar with the state of societies which have failed to value education and the resulting social deficits of poverty, hopelessness, violence, crime and abuse.

In summary then, superintendents believe collective bargaining needs to be re-examined. We need to do it collectively and in a way that ensures the fair treatment to all groups. Then we make reference to the appendix.

In closing—if I may go to the last paragraph—decisions need to be made in a thoughtful manner giving due regard to the needs of our students and schools of the future. We see this as an opportunity to jointly plan for some exciting and positive changes in education resulting in

positive benefits for all parties involved. This is not the time for confrontational bargaining and blaming. This is the time for caring, caring for the future of both our teachers and our students. Thank you.

**Mr. Chairperson:** Thank you. Mrs. Render, then Ms. Friesen if there is time, and the minister last if there is time.

**Mrs. Render:** Thank you for your presentation. I just wanted to ask you, did you realize that the bill does not limit your dispute resolution? You can have any dispute resolution that teachers and trustees agree to as long as it is not straight lockout. We did not want to list suggestions and certainly in the years to come, I am sure there will be new ideas and new methods of doing it. So this bill does not limit. Were you aware of that?

**Mr. Beaumont:** I think our point is that we really would like to make sure the trustees, teachers and the government have that same understanding. We are in a position to help promote that understanding in any way we can, and that really the key part of my message tonight is if there is any way that the government can get the parties in the same room for at least another six hours, possibly we can make some other connections. I am not disputing what you are saying, I am just saying we need to make those connections in an effort to collaborate. If after the next session of the Legislature the government finds teachers and trustees cannot still agree, we would be of the opinion that the government would act according to its conscience.

**Ms. Friesen:** Mr. Chairman, thank you for the presentation. I remember that you did give as much of this advice during the Render-Dyck hearings. I think I quoted you during my speech in the Legislature that the advice to take it carefully and to take it conjointly, I think, was an important one.

With reference to something that Mrs. Render just said on not ruling out any dispute mechanism, I wonder, do you take that to include final offer selection, that this then is open to trustees and teachers through this bill?

**Mr. Beaumont:** To be fair to my colleagues, I purposely stated at the outset that we have not had the time to research alternatives to any depth, so I would rather not make a comment on that at this stage, simply reiterating



what I have said, that we believe we need more time to do that kind of study. I am not sure about your lives, although I am getting a snapshot tonight. Five months in our lives to do the research that we think is warranted is not a lot of time, considering all the curriculum implementation and all the exams that we would be involved with in the last five months.

**Mr. Chairperson:** Time is expired. Thank you very much for your presentation, Mr. Beaumont.

Jake Peters? Maybe you would like to identify your partner, Mr. Peters?

**Mr. Jake Peters (Assiniboine South Teachers' Association):** I am Jake Peters, and this is my partner, Val Goodridge. We will be sharing the presentation.

**Mr. Chairperson:** Okay.

**Ms. Val Goodridge (Assiniboine South Teachers' Association):** We are professional partners by the way, as opposed to the other kind. I just wanted to make sure that was clear. Other people might be concerned.

First of all, a thank you to the members of the committee. I am going to begin our presentation. Jake is going to finish it. We would like to thank you for the opportunity to present this brief on behalf of the Assiniboine South teachers. We represent 474 teachers who have very grave concerns regarding Bill 72 and its effect on teacher bargaining and the public school system. These are professionals who work many long hours attempting to develop learning communities based on trust and open communication, who work conscientiously to further their own professional growth, who willingly accept students with learning difficulties into the classroom and then encourage them to set and obtain personal learning goals, teachers who give freely of their out-of-school hours to offer a rich variety of extra-curricular activities that involve so many of our students, teachers who endeavour to be creative, hoping to instill the love of learning in all of our students.

We come to this hearing with the hope that you will consider our concerns and withdraw Bill 72. As you have heard many times tonight, in 1956, when teachers accepted interest arbitration and agreed to give up the right to strike, they expected the process to be

independent of government and to be fair to both sides. For the last 40 years teachers have experienced such fair treatment. All disputes have been settled without any class time lost for the students of Manitoba.

The principles of fairness: In the interest of fairness, when a group of public sector employees gives up the right to strike, some general principles need to apply. First of all, arbitrated settlements ought to be similar to those achieved by groups having the right to strike. This principle appears to have worked as Manitoba teachers receive wages that are in the middle of those received by teachers in other provinces, many of whom have the right to strike. They are also about the same as other public sector employees in Manitoba, some of whom have the right to strike.

Principle 2, neither public sector employers, nor employees, should have to subsidize wages, benefits or working conditions. This gets back to what John Scurfield said in one of the other presentations. These wages and benefits are rightly paid from the public purse through taxation. Up until recently, government funding has allowed for a strong public school system.

Principle 3, ability to pay in the public sector is really willingness to pay and therefore should be awarded little weight in an arbitrated settlement. Arbitrators have always considered the school divisions financial position when determining an arbitration award. What is more, they have always considered other settlements in the province as well as the economic health of the province as a whole.

Principle 4, arbitrators should not make choices about services or programs. This is the responsibility of the elected trustees. Up to now, arbitration awards have always been silent as to how the school divisions will implement the award. This is rightly the responsibility of those elected trustees.

**Mr. Peters:** To spell out some of our concerns, Bill 72 undermines these principles of fairness. This legislation stacks the deck so strongly against teachers during any negotiation that one wonders why try. Many parts of this legislation are of concern to our membership.

1. The speed of the process. After 60 days either side can end the negotiation process and proceed to the next

step. This will cause trouble for associations as the negotiator for the teachers is a full-time teacher doing his work in off hours. Teachers are at a disadvantage.

2. The mediator becomes the arbitrator if no settlement is reached. When the same person hears the wheeling and dealing that is currently part of—and we would like to change that to conciliation process—it will have to spill over into his deliberation as the arbitrator. This is a patently ridiculous idea. Why on earth bother with the sham of mediation? Let us just call it what it is, prearbitration. The spirit of the give and take found in the current, and again, conciliation process will be lost, and teachers will be at a disadvantage.

\* (0120)

3. The selection of arbitrators. If the arbitrator cannot be mutually agreed upon, the Minister of Labour can choose one arbitrator from a preselected pool. In the past, a three-member arbitration board assured that both sides received a fair hearing. The proposed legislation allows for one person appointed by the government to make the arbitration award. Can this be independent or fair? Again, teachers will be at a disadvantage.

4. Bill 72 will substantially change the relationship between teachers and the school boards. There will be little motivation to bargain in good faith if Bill 72 is enacted. As Martin Tiplitsky, a noted arbitrator in Ontario, stated in an address to the Canadian Bar Association, why should public sector employers settle, that is, take responsibility for their decisions, when they can have what they want through criteria that predetermines the results? Arbitration will be a piece of cake. When they cannot settle on their own terms, they will proceed to arbitrate and demand that labour arbitrators do their bidding. Teachers will be at a disadvantage.

5. Bill 72 sets the stage for teachers to subsidize the cost of education through wage rollbacks. Of greatest concern for our members is the clause that requires arbitrators to take as their primary concern—and we realize that there is the plan to amend the bill—even so, we do have a real concern and a remaining concern about the ability to pay when making an award. Government funding to the public school system is set in January. For the last several years, there has been a freeze or a cut to

this funding. School boards set their budgets by March 15 with wage considerations as part of it. Teachers will be allowed to open negotiations on the first of April, after all funding decisions have been made. The ability-to-pay concept may seem logical and reasonable at first glance, but let us consider a school division's ability to pay. Our division's two main sources of revenue are grants from the provincial government and the educational tax levy on property. The trustees of the school board have no control over government grants but have a say in the educational special levy.

Since the '92-93 school year, we have seen the government of Manitoba cut \$43.5 million from public school program services. This has caused a serious difficulty for all Manitoba school divisions in maintaining their ability to pay. One might rightly say that this is not fair to the school board. Our local school board is already covering 38 percent of its revenue with property taxes as compared to 18 percent back in '81-82, and it is loathe to increase its tax levy. The ability-to-pay clause in The Public School Act will allow school boards to pass further funding cuts directly onto teachers through wage rollbacks. With the ability-to-pay clause in place, trustees can now smugly sit back and use this excuse to forget about real negotiations.

In the public sector, ability to pay is really willingness to pay. We have heard that over and over again. Public sector employers do have the ability to raise funds through taxation. If ability to pay is written into The Public Schools Act, all future collective agreements will be unjust, one-sided documents. Surely no government wants to go on record as being the author of such undemocratic legislation, and teachers will be at a disadvantage.

In conclusion, the teachers in our school division, as I believe all teachers, want to teach. Our teachers want to teach in a strong, viable, public school system where inclusiveness and excellence are the guiding words. These are things that we talk about in our staff room. We try to overcome the negativism that there is in society, we muster one another, and we go out there and we challenge each other to do the very best.

During the March '96 teacher collective bargaining and compensation committee hearings, teachers again and again pointed out that they did not desire their right to

strike but wished a continuation of the fair negotiating process. We ask today that you withdraw Bill 72. Let us get back to what we do best, teaching the children of Manitoba.

**Mr. Chairperson:** Thanks for the presentation.

**Mrs. Render:** I am not too sure if I understand one of your statements here. Are you suggesting that the selection of the arbitrator as appointed by the government is unfair, that it is a political appointment? I am not sure what you mean by your sentence.

**Ms. Goodridge:** We really would prefer to keep the chief justice as the person that does some appointing if there is a lack of agreement. We feel that that is a more appropriate place for this kind of decision.

**Mrs. Render:** Teachers have asked, you know, labour board method. Do you understand that if teachers and trustees can agree, it is jointly appointed; but if they cannot, it is the Minister of Labour who chooses from a list that has been put together by both sides which rests—which is housed by the collective bargaining board or by the Manitoba Labour Board.

**Ms. Goodridge:** I am aware of that.

**Mrs. McIntosh:** Just a question. I noticed repeatedly throughout these briefs that teachers are always saying that for the past 40 years this has worked well, and it has worked well, and so on, and it has been fair. I appreciate that it has been that way for teachers and teachers feel that way. I do know that since 1984, when it was first raised at a MAST convention, and when I was president of MAST, that unanimously the boards at that time held a big meeting of all of the finance chairmen and personnel chairmen trying to see what they could do about binding arbitration. It was 1984, so this has been a matter of growing concern for trustees culminating in those three resolutions. The trustees have said, this has not worked well. This is broken, please fix it. And if you cannot fix it, give the field back the right to strike, or they are going to have to start laying off teachers because they cannot close that gap in the wages.

Okay, we are bringing in this legislation in an attempt to try to give back those things that trustees claim they

have lost. The scope of bargaining has widened considerably over the past 40 years. Things are being bargained now that were never envisioned to be part of the bargaining process.

**Mr. Chairperson:** Pose your question.

**Mrs. McIntosh:** I will pose my question. Since this does not seem to be acceptable now to teachers, it is very clear they do not like this proposal we brought forward. Trustees now say they can live with it, but now teachers cannot. How do you feel? Would you want to go back then and go back to 1955, put you under The Labour Relations Act and have you take back the right to strike? Would that be preferable than to live with this which is now acceptable to trustees but clearly not to teachers?

**Mr. Peters:** The principal of our school was in contact with some school officials from the state of Washington and the state of Oregon, and they would die to have this kind of a situation. Now these are administrators, higher level administrators, who are concerned about the fact that their school year gets cut, that again and again their governments and agreements that are made between the teachers and the board interfere with schooling. They look to Manitoba and our present situation, our present conditions, and they say, that is what we should adopt in Washington. That is what we should adopt in Oregon. Personally, I will speak only for myself when I talk about the right to strike. I would not want it, but at the same time, I think that you cannot take all the blocks away. In other words, if back in earlier years, 40 years ago, when teachers in no sacrifice gave up a right to strike, they were given something very important.

**Mr. Chairperson:** I am afraid your time has expired. Thank you very much for your presentation.

Next presentation is Phyllis Moore in place of Imogene Williams. That is No. 47.

Ms. Moore, you may begin your presentation.

\* (0130)

**Ms. Phyllis Moore (The Retired Teachers Association of Manitoba):** Thank you. You will be very pleased to see how short it is at this hour.

**Mr. Chairperson:** I appreciate it. Thank you.

**Ms. Moore:** The Retired Teachers' Association of Manitoba, whom I represent, has a membership of over 2,000. At our annual general meeting in May, teacher collective bargaining was considered the most urgent issue, on questionnaires which we distributed.

We have been active teachers during the 40 years that the present system of arbitration has been in effect. Fair settlements have been made, and our schools have been free from strikes. We strongly oppose the unilateral dismantling of teacher collective bargaining as proposed in Bill 72, The Public Schools Amendment Act.

**Mr. Chairperson:** Thank you very much for that presentation, Ms. Moore.

**Mrs. McIntosh:** Thank you very much, and it is good to see you here. I am just wondering if you could indicate to me what are the main components of Bill 72 that you feel are not beneficial for teachers.

**Ms. Moore:** We believe that this bill may lower teachers' salaries due to the claimed inability of some divisions to pay. Our concern is that teachers will suffer, not only at present but in their future years, because lower salaries now mean lower pensions later. Unjustly, some teachers in the province will have even further reduced pensions because they taught in divisions which had a low tax base. We believe this is unjust treatment of some teachers, and we also believe that the collective bargaining process, which has been working for all of us from 1956 to the present, is fair and is a workable agreement to work under.

**Mrs. McIntosh:** Thank you for that. How do you speak to the point that the trustees, after all their regional meetings which they just had, came to me on Thursday and asked to have the ability to pay changed, which we are changing at their request, asked to have it changed because they felt, in their opinion, the sword cuts both ways, and in boom years, and we have them, as lean years, the ability-to-pay clause as worded would give a distinct advantage to teachers who then could go to an arbitrator and say, based upon the division's ability to pay, this is a boom year, Manitoba's economy is up, there has been a bumper crop, they have the ability to pay us, and that boards then would have to, even though it was in their opinion not warranted, give a raise based on that ability to pay because they said the sword cuts both

ways? They asked to have it changed for the very opposite reason that you are asking to have it removed. How would you comment on that?

**Ms. Moore:** I believe it has always been thus. There have been the years when teachers have made substantial increases in salary, and there have been years such as the past two, three when teachers have made no increase in salary. I really do not understand why the school trustees object to the present system for—there have been the checks and balances. If negotiations did not proceed smoothly, then, of course, there was always the arbitration process in which both sides had equal opportunity to state a case and make a fair settlement.

**Mr. Chairperson:** Ms. Friesen, then Mr. Pallister.

**Ms. Friesen:** Thank you, Mr. Chairman, and thank you for your presentation. I do not know whether you can answer this question, but it seems to me that what we are heading for is a situation not necessarily of strike and lockout in Manitoba education but certainly a situation of strife, and I wondered, if you had experienced, by observation or by membership in organizations, of jurisdictions where there has been strife in education, if you could tell me something about that experience.

**Ms. Moore:** Yes. Manitoba, in, I may not have the correct year, but I think it was about 1972, in Winnipeg schools, we worked to rule, and it was a dreadful, dreadful situation. Those of us who coached teams did not coach teams, and those who had drama clubs, they just lost a year. Every activity outside of the regular curriculum stopped, and it was hardest on your hardest working teachers, those who like to give time. It happened to be in the spring, and many of us just went for a walk at lunch time or did something else during that period, only to be met with very unhappy parents. So, therefore, you had unhappy teachers, unhappy parents. I think the whole system was a very sad, sad commentary because we had not yet gone into arbitration and settled the matter. I think it was a black day. In fact, it ran on for many days, a couple of weeks in fact, and they were sad days for schools.

**Mr. Pallister:** My mother taught for 40 years, and the mind fairly boggles at the contributions that your members, the members of your association, have made to our society and to Manitobans. I know that every

member of the committee would share our thanks to you and to the Retired Teachers Association for the great contribution you have made. I know that time does not allow us to get into great detailed discussions on any issue, but I am curious as to why you chose teaching as a career.

**Ms. Moore:** I did not have the money to be a doctor, which I dearly wanted to be, but I taught for 43 years either as a teacher or a principal, and I loved it very, very much. I must say that every morning when I wake up I thank those special gods who look after teachers that I do not have to go into a school today. I do not know how I could stand to exist in a school today. I, too, remember those balmy salad days that the minister remembers in the '60s, '70s and '80s when mothers were at home and were helpful to the school, where special children were in small classes taught by special teachers, and not as they are today in regular classrooms, where they have to be catheterized and syringed and diapered. I think I would go crazy in this situation where there is no money for books.

I remember in the '60s and '70s, we just gaily ordered a book in every subject for every child and maybe 10 more, we might need those. This is not the situation today. I think the only happy teachers are those in the Retired Teachers' Association of Manitoba.

**Mr. Chairperson:** Thanks very much, Ms. Moore. The next presenter is Patricia Gendreau, No. 48. A visual aid, okay.

**Ms. Patricia Gendreau (Private Citizen):** It helps in education.

**Mr. Chairperson:** You may begin your presentation.

**Ms. Gendreau:** Stop Bill 72. Stop Bill 72. Stop Bill 72.

Good evening, honourable committee members. I am here today as Nellie McClung, not for the purpose of theatrics, but for the purpose of showing the relevance of past history to our present educational dilemma. If we are a collectivity of intelligent human beings, why then can we not learn from past experiences?

I was born in 1873 in Ontario. Before the age of five, my family and I would move to Manitoba on a farm. By the age of 16 years old, having completed my teacher training, I would teach Grades 1 to 8 in a one-room school in Somerset, Manitoba. Upon my arrival, I was informed that there had been a crop failure and the school district could only provide me with board and room but no pay. As I looked around me, I was saddened at the hardships that people in my new community and the province were experiencing. Alcohol abuse, violence, injustices for the destitute and poor working conditions were prevalent problems.

Today, as an educator, I stand before you to address Premier Filmon's government, Bill 72, a legislative project which will restrict collective bargaining and will affect my salary, benefits and working conditions for all my Manitoba colleagues.

In 1956, and you have heard this before, the educators of Manitoba obtained binding arbitration in lieu of the right to strike. Now, 40 years later, the agreement is being modified by the government and is in fact limiting the teachers' collective bargaining process.

Section 129 refers to, an arbitrator shall base her or his decision primarily on school boards' ability to pay. Why not base ability to pay on more objective criteria, such as the Consumer Price Index or the provincial economic growth? This clause is, in essence, a willingness-to-pay clause, as ability to pay is arbitrary. If this clause is passed, Manitoba teachers' salaries and working conditions will continue to deteriorate. Already we have had over 600 teaching positions lost, no salary increase for the past two years and a salary rollback due to Bill 22. With this reduction in salary, will the educational system still be able to attract qualified and competent teachers? It is a fact that some school divisions in Manitoba are only hiring teachers with minimal university training and no experience in order to compensate for the financial cutbacks. I am sorry, honourable members of the Manitoba Legislature, this is not quality of education.

However, Section 129 lists other factors which the arbitrator must consider when making his or her decision.

Factor (a): School divisions may have to reduce other services in light of awards to teachers. This means that

teachers' salaries are pitted against other services offered by the school division. By reducing services such as buses and daycare in order to compensate for teachers' salaries, are we really supporting and enhancing the quality of education?

Factor (b): Current economic situation. This should be one of the first considerations when evaluating ability to pay instead of a possible factor.

Factor (c): A comparison between the terms and conditions of employment of teachers to those of comparable employees in the public and private sectors with primary consideration given to comparable employees in the school division. Does this mean that public school teachers would be compared to private school teachers? When one compares, it is imperative that all factors be equivalent. Private schools have a select clientele based on ability to pay and academic performance of the student. Furthermore, private schools select their students according to set criteria. There is no mainstreaming in the private school sector. We, in the public school system, accept all students who enroll at our school, and our only criteria for accepting a student is that we cannot refuse his or her admission.

With the mainstreaming policy implemented by the government, we have students with special needs, emotional and behavioural difficulties and learning disabilities. With the continuing cutbacks, resource people, teaching assistants, books and teaching materials are severely lacking, but we in the public school system are supposed to be real teachers and shall rise to the challenge and do more with less. I am very sorry, members of the Legislature, something is lacking in the mathematics formula. Two plus two is always four, and the proposed elements of your educational formula are definitely not equal to the proposed answer.

Factor (d): The need to retain and recruit qualified teachers. Again, who will be attracted to the teaching profession when expectations are limitless, salaries are low and working conditions and benefits are poorly defined?

Another aspect of Bill 72 is that all working conditions are arbitrable and negotiable except the following exclusions: transfer, assignment, appointment and selection of teachers and principals; evaluation; class size; scheduling of recesses and lunch hour.

With these four exclusions, teachers lose the right to choose where they wish to work and what they prefer to teach. Does this respect teachers and enhance the quality of education? Even now, teachers are working under duress, overwhelmed by the increasing workload. Morale is indeed low. How can this not affect the services to students in the classrooms? To teach and to learn, one must be in a secure, positive and supportive environment.

Class size must be taken into consideration. With the breakdowns in families, church and the community structures, sometimes the only stable element in a child's life is the school. With larger classes, combined grades, increasing student needs, an educator can only do so much without the necessary resources.

Changes may be needed in the educational system in order to meet the needs of our present-day society. When we are to tune a fine Stradivarius, one does not use a hacksaw but consults with a specialist in that particular field. We, the public educators of Manitoba, are the specialists who are both knowledgeable and qualified in matters of education. We are there at the forefront and on a daily basis, dealing with the educational needs of our youth. Honourable members, when is the last time you have spent one to five full consecutive days working with a classroom group of children from one of our public schools?

In restructuring the educational system, it is imperative that the Filmon government realize that the change must be made with the full collaboration of educators.

If Bill 72 is not repealed, we will indeed not have learned from the past that education is imperative to the betterment of our society. It is because of the educational system and of dedicated educators that you, honourable committee members, and I can read, write and speak publicly.

I trust that you, honourable committee members, have listened with an open mind and an open heart. History tends to repeat itself. Please consider all that you have heard from the public before making your final decision. Listening and considering, honourable members, are worthless without positive government action.

In order to build a strong and efficient educational system, it is imperative that the Filmon government and

the Manitoba teachers work together towards a fair, viable and independent collective bargaining process in regard to salary, benefits and working conditions. Thank you for the opportunity to read my brief this morning and a big thank you to Ms. Cerilli for respecting the democratic procedures. Thank you.

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

**Ms. Friesen:** Thank you for your presentation, and I will resist the temptation to ask you your view of the minister's proposal for the removal of compulsory Grade 11 Canadian history.

I would like to ask you, however, about the minister's proposals for modifications for amendments to her bill, and I wondered if you could give us a sense of whether that meets any of your concerns. Does it go any way to meeting your concerns?

**Ms. Gendreau:** I stand before you to say that I agree with my colleagues that have passed before, and in my class I try to be direct and to the point. I do not believe in resaying things that have been said again.

Bill 72, I am sure that probably it must have been drawn out to solve a problem, but I think it is creating problems. I think Bill 72, we should just put it aside and start all over again. When we have problems with our homework and it is not functioning, we just do it all over again, but this time, please work with the teachers. We are there working with the students. Work with the teachers. Work with us. Let us be part of the process.

**Mr. Dyck:** Thank you for your report as well. Under Factor c, you are using comparisons, and you are using the private and the public schools. We have heard a fair number of presenters tonight talking about these areas.

I am just wondering in comparison, as well, with salaries, are the salaries fairly comparable, those in the private and those in the public schools?

\* (0150)

**Ms. Gendreau:** Well, I am not a financial adviser. I am a teacher. I could not answer that. I have no idea what their salaries would be, only about what mine is.

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

I now call on the last presenter for this evening, David Harkness. I should not say this evening, this morning, or this combined event. You may begin, Mr. Harkness.

**Mr. David Harkness (Private Citizen):** Okay, thank you. Good morning, all. I trust that your tomorrow will be as long as mine, so I will be as uncharacteristically brief as possible.

As was mentioned earlier, I signed on tonight so I do not have copies of my presentation. I have a relatively legible, for me, copy here. However, I can certainly make those available to you by your next meeting.

As a result of that, I am not going to talk about specific details and figures but would instead like to tell you a short story about my family. In 1911, a teenage Polish immigrant, Sophie Shwabowski [phonetic] came to Canada, as did Stephen Drajeck [phonetic], the Czechoslovakian boy she would someday marry. Being illiterate and uneducated, but intelligent, they invested the money they made as a farmhand stooking wheat and as a washer woman washing other people's clothes and floors not in RRSPs but in the education of their children. Their first child, Mildred, was born in 1933. She spoke no English until she went to the proverbial one-room schoolhouse. She was one of a handful of students in 10 grades in that room, a situation which appears to be on our own horizon.

Despite the financial deprivations of the 1930s, she prevailed. Not only did she prevail, however, she conquered. I ask you to consider the pride in the eyes of Sophie and Stephen, [phonetic] still illiterate but still intelligent, when she told them that she was planning to go to Normal School to become a teacher despite the abysmally low wages and incredible demands placed on teachers in a nation which still saw itself as hewers of wood and drawers of water. I, her eldest, watched as she marked and prepared lessons throughout my childhood.

I watched throughout my childhood as she continued to make Sophie and Stephen [phonetic]. She continued her studies at Brandon University while raising three children in Virden, and eventually completed her bachelor's degree the year after I completed my master's. You see, like her

parents, she sacrificed time with her young family and a significant amount of money to ensure that I, too, could pursue my education. Again, like Sophie and Stephen, [phonetic] she sent her firstborn off to become, yes, a teacher. I, like my mother, have seen many changes in education, some better than others. Like my mother and like Sophie and Stephen [phonetic] before her, I see education as the only hope for our children's future, and, yes, I too have children, 340 of them.

Some people in my neighbourhood have asked me why I stay a teacher when cutbacks are regular, job demands are increasing and teachers are burning out. My reply, if pressed for time as we all are tonight, is that I have not yet burned out, but I am getting close. When I am not pressed for time, I explain to them as best I can my real reason for staying in the profession. Education is essential to society and to democracy. Ask the Greeks. Despite poisoning the greatest teacher of their day, they generally revered these pedagogues. Their contribution to western civilization led, and still leads, western philosophies on education.

Mr. Chair, I am sure that the minister, as a former teacher, is familiar with John Dewey. In 1899, Dewey said what the best and wisest parent wants for his own child, that must the community want for all its children. Any other ideal for our schools is narrow and unlovely. Acted upon, it destroys our democracy. How, you might ask, does a system of public schools support democracy? In six ways: It prepares responsible citizens; it improves social conditions; it enhances and enriches individual lives; it dispels inequality in education and ensures a basic level of quality education and opportunity among schools, and it provides self-sufficiency.

How do we achieve these goals, or do we? Responsible citizens start as students. At Nelson McIntyre Collegiate, for instance, our students have made great strides in citizenship. They sandbagged local recreational facilities during last year's flood, and on Hallowe'en, tomorrow I believe—oh, the day after—they are participating in the first of our three annual blood drives, a tradition which we have established in recent years. In fact, they were recognized by the Canadian Red Cross last month at their 100th anniversary celebration for their continuing donations. Many of these students will continue to donate throughout their adult lives.

Education clearly improves social conditions. Any study I have read on this clearly states that increased education decreases the draws on the criminal justice system, a benefit I am sure the former Minister of Education can appreciate. They also note that it decreases the draw on our beleaguered health system as well. A good liberal arts education with many different options enhances and enriches lives. For the want of \$50,000, my local school division had to cut a very successful co-op work education program, a program which was nationally recognized when three of our five applicants placed in the top five of a national essay running competition on the benefits of this kind of education. This includes essays by university students. Neighbouring divisions are cutting technical education courses for junior high students at a time when Canadian industry is crying for people with skills that programs like this suffer.

How can we dispel inequalities among schools and ensure quality education for all students? That is easy. Responsible and sufficient funding for all public schools—Sophie and Steven, illiterate immigrants knew this. They knew that they would have to make sacrifices. Sacrifice is not to pay for education but to invest in it. For them, education was a red line item in the annual budget. They did not budget for a year but for a lifetime and not their lifetime, but the lifetime of a family that crossed generations. Their children and their grandchildren are the richer for it.

Good education will result in economic self-sufficiency, a financial life, if you will, but it does much more. It ensures that the continuation of a forward-moving, compassionate and fulfilled citizenry in a healthy society. As you deliberate on the proposed legislation, I implore you, on behalf of Sophie and Steven, Mildred, myself and my 340 children, to bear in mind that the principles of public education that hark back to Greece. Do not decrease funding, invest more. Do not put your school boards and teachers into conflict over increasing class sizes and decreasing salaries. You will only foster the kind of low morale and social malaise that exists in California and New Zealand after their ill-fated experiments in TQM education.

Do look upon all students in Manitoba's public schools as your own children and invest in their futures. In this regard, you sit in loco parentis. Do what Sophie and



Steven did. Invest in what is the best and what these parents want for their children. Thank you.

**Mr. Chairperson:** Thanks for a moving presentation, Mr. Harkness. There being no questions, thanks very, very much for your presentation.

**An Honourable Member:** Committee rise.

**Mr. Chairperson:** I presume the agreement, the committee will now rise.

**COMMITTEE ROSE AT:** 2 a.m.

### WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Re: Bill 72

The association has reviewed the proposed changes to The Public Schools Act as reflected in Bill 72 and make the following comments:

The association has reviewed and considered Sections 131.4(1) and 131.4(2) in relation to the proviso's found in Section 126(2) of Bill 72.

We believe that Section 126(2) does nothing to assist the parties in ensuring quality education for students in any particular school division.

We note that Section 126(2) does not specifically deal with the issue that (a) through (d) are also not negotiable. It appears that while an arbitrator is prohibited from dealing with clauses (a) through (d), there is no specific provision indicating that these matters are also not negotiable. It would appear that while an arbitrator cannot deal with these issues, the school board may negotiate and include them in a collective agreement. If this is true, then clearly a conflict exists.

With regard to Section 131.4(1), the association supports a deemed provision obliging the employer, in administering the collective agreement, to act reasonably, fairly, in good faith and in a manner consistent with the collective agreement as a whole. We would draw your attention to Section 80(1) of The Manitoba Labour Relations Act which reads as follows: Obligation to act fairly, et cetera, 80(1): Every collective agreement shall

contain a provision obliging the employer, in administering the collective agreement, to act reasonably, fairly, in good faith and in a manner consistent with the collective agreement as a whole.

We believe that Sections 131.4(1) and 131.4(2) should not allow matters not specifically covered by the collective agreement to be subject to the grievance and arbitration procedures under the collective agreement.

The matters raised in Section 126(2) are for the most part public matters that are related to the quality of educational services provided by a school division. As such, these should be left to board discretion.

In addition, we predict sections like these will lower professional standards. We support the concept that the canon of collectivism is to moderate; the canon of professionalism is to excel.

Section 131.5(c) and all related sections: MASBO does not see any distinct advantage in changing the effective dates of collective agreements from January 1st to July 1st with an expiry date of June 30th. This change would only affect teacher agreements and not take into account other collective agreements with support staff. The current date of December 31st has worked well with all divisions and is irrelevant to accounting practices.

Section 110.1 and 126(2): MASBO would reinforce the position taken by MAST with regard to the items to be excluded from the arbitration process: 1) the selection, appointment, assignment and transfer of teachers; 2) subject to the act, the duties a teacher is to perform; 3) teacher evaluation 4) teacher termination; 5) opening and closing time of schools, contact time and preparation time; 6) the number, kind, grade and description of schools; 7) courses and programs of study; 8) class size, teacher/pupil ratio and number of classes; 9) any matter which may be ancillary or incidental to any of the foregoing.

Section 110.2(1) and (2): Relevant financial information: The act should be amended by deleting the words "relevant financial information" and inserting "financial statement." The financial statement and budget will provide the relevant financial information that is sought.

Section 126(1)(b): We require clarification of Section (b). If the intent of this section is the ability of the minister to interfere in the arbitration process, then our association is opposed to the clause.

Section 129(1): Delete the words "or permitted by the minister." If the minister feels the time frame should be extended, both parties should be contacted.

Section 129(3) and 129(4): Rewording to incorporate both sections and delete word "primarily" as follows: 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 on the school division's or school district's ability to pay, as determined by: a) its current revenues, including the funding received from the government and the Government of Canada and its taxation revenue; b) the nature and type of services that the school division or school district may have to reduce in light of the decision or award if the current revenues of the school division or school district are not increased; c) the current economic situation in Manitoba and in the school division or school district; d) a comparison between the terms and conditions of employment of the teachers in the school division or school district and those of comparable employees in the public and private sectors, with primary consideration given to comparable employees in the school division or school district or in the region of the province in which the school division or school district is located; e) the need of the school division or school district to recruit and retain qualified teachers.

Section 129.1: This article leaves some concern in that the minister could amplify or delay an award to the division.

Manitoba Association of School Business Officials Inc.

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To the honourable members of the Legislative Assembly.

Submission on Bill 72, The Public Schools Amendment Act (2).

I wish to make several written only comments concerning Bill 72 in my individual capacity as a private citizen.

As a matter of principle, I respectfully disagree with this bill. It seems too heavily weighted in favour of management. There currently is a sound and equitable system in place. If it isn't broken, don't fix it.

For some time teachers have, with their approval as I understand it, lost the right to strike in exchange for a system of binding arbitration. Certainly a strong argument can be made for abolishing or limiting the right to strike and the right to lockout in areas such as the public sector, health and education. However, this would only be acceptable if it were replaced by equal or superior methods of protecting the rights and interests of workers, which had significant support from workers and their representatives.

The current system of binding arbitration in the existing Public Schools Act may be such a method. Altering the system as proposed in Bill 72 is, I respectfully suggest, a retrograde and unfair step. As you undoubtedly will hear many thorough submissions elaborating on this theme and detailed analyses of this bill, I will limit my comments to several points, some of which may be peripheral to the main issue.

Section 15, new subsection 126(2). It seems inappropriate for matters of such vital concern, in particular (a) and (b) to be removed from the arbitrator's protection.

Section 17, new subsection 128(3). Perhaps stronger protection for certain categories of confidential information is needed. This subsection refers only to the interests of either party. However, there may be other parties, e.g., pupils, individual staff members or members of the public, who have confidentiality and privacy interests in matters that could conceivably come before the arbitrator, although such cases would probably be quite rare in interest rather than grievance arbitration. It is hoped that this problem will be addressed.

Section 22, new subsection 131.4, I respectfully suggest that a school board should be under an express duty to act reasonably, fairly and in good faith towards its teachers in all matters, irrespective of whether or not they are referable for arbitration or covered by a collective agreement. It seems somewhat surprising that a provision analogous to that of Section 80 of The Labour Relations Act was not enacted in the existing Public

Schools Act. It is to be hoped that this omission will now be remedied.

I thank you for your attention.

Edward H. Lipsett, B.A., LL.B., Private Citizen

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MAST Submission to the Law Amendments  
Review Committee on Bill 72  
The Public Schools Amendment Act (2)  
and Related Statutes

Introduction

The Manitoba Association of School Trustees welcomes this opportunity to present to the Law Amendments Review Committee its view on changes to the collective bargaining provisions of The Public Schools Act, as proposed in Bill 72. In recent years, school trustees have pursued with government a number of fundamental changes to the process of collective bargaining between school boards and teacher associations. From the trustees' perspective, the cornerstone of the collective bargaining process is the continuation of bargaining at the local level. MAST welcomes the legislative direction which reaffirms the importance of collective bargaining between school boards and teachers at the school division and district level.

MAST's positions on Bill 72 have been shaped primarily through two processes. As always, the associations's policies, as determined by resolution at its annual convention, are a crucial determinant of any stance taken by the association. Where appropriate, these policies have been forwarded annually to the Minister of Education and Training (Mrs. McIntosh) and other ministers for consideration and possible action. These policy positions were also contained in MAST's brief to the Teacher Collective Bargaining and Compensation Review Committee this spring. We are pleased to see that some of the changes proposed in Bill 72 and other legislation before the Legislature reflect concerns the association has recently brought before the minister.

In light of the extent of the changes proposed by Bill 72 and other legislation, MAST augmented its formal policy positions by holding a series of special regional

meetings on proposed legislative changes this September. Six meetings were held across the province in the first two weeks of September. More than 200 trustees and senior school board administrators attended these meetings, representing all but two of MAST's member boards. The proceedings of these meetings give direction to much of what follows.

Collective Bargaining - The Process (Sections 8, 9, 21 & 28)

Discussion: Bill 72 would mend the collective bargaining process as it applies to school boards and teacher associations. The two groups would be able to jointly request that the Minister of Education and Training appoint either a conciliator, or a mediator-arbitrator to assist them in their negotiations. Sixty days after the notice to begin collective bargaining has been given, either group may ask the minister to appoint a mediator-arbitrator. Sections 8, 9, 21 and 23 of Bill 72 outline the provisions of the conciliation, mediation, and arbitration processes.

Trustees generally support the proposed changes to the collective bargaining process. Several of these changes are supported by resolutions passed by school trustees in recent years. Although mediation has not been considered by a MAST convention, most school boards would seem to view its inclusion as an improvement in the collective bargaining process.

School boards do, however, have some concerns about the changes to the collective bargaining process outlined in Bill 72. One of the most widespread is the offloading of conciliation costs to school boards and teacher associations, and the divergence between The Public Schools Act and The Labour Relations Act in this regard. At present, the government pays the cost of a conciliator in school board/teacher association negotiations, as it does in negotiations conducted under The Labour Relations Act. Amendments contained in Section 9 of Bill 72 would see these costs divided between the school board and the teacher association. We believe that the government should either continue to pay this cost directly, or provide categorical funding to enable school boards to do so.

In a similar vein, we are concerned about discrepancies between the mediation provisions of The Labour Relations Act and those proposed for The Public Schools

Act. At present, mediation under The Labour Relations Act is paid for by the government. If changes proposed under Bill 26, The Labour Relations Amendment Act, are implemented, the government will still pay one-third of the cost of Labour Relations Act mediations. The proposed addition to The Public Schools Act would have school boards and teacher associations splitting the cost of mediation. We believe that the only fair and reasonable approach is that the provisions of the two acts be parallel in this regard. Our preference would be that the status quo of the current Labour Relations Act be maintained, and that these provisions be extended to mediation under The Public Schools Act. At a minimum, we would ask that if the mediation provisions of The Labour Relations Act are amended so that government pays one-third of the associated costs under that act, these same provisions be extended to mediation under The Public Schools Act.

School boards are also concerned about the proposed method of appointing the mediator/arbitrator. We are concerned that the list envisioned in Section 9 would be unduly restrictive. We also believe that the Chief Justice, rather than the Minister of Labour (Mr. Toews), is the most appropriate individual to select the mediator-arbitrator.

#### MAST's Position:

- With the exception of the items noted below, MAST supports the proposed changes to the collective bargaining process found in The Public Schools Act, as outlined in Bill 72.
- Conciliation and mediation services should be made available for negotiations between school boards and teacher associations at no cost to the parties involved.
- A mutually agreed-to list of mediators/arbitrators should be established through the Collective Agreement Board. The Collective Agreement Board should establish procedures for the maintenance of such a list.
- The Chief Justice of the Province of Manitoba should select arbitrators and mediators, using the Collective Agreement Board list, as well as other names that the Chief Justice may choose.

Ability to Pay/Requirement For Financial Information  
(Sections 18 and 5)

Discussion: School Boards support the inclusion of ability to pay as a consideration in an arbitrator's decision, and in fact asked for this inclusion in a convention resolution in 1996. MAST requested consideration for ability to pay because school boards believed that arbitration boards assigned more weight to other bargained settlements than they did to a school board's ability to pay.

School boards also recognize that the implementation of a concept such as ability to pay poses some practical problems. Specific issues that will require further discussion and clarification include whether or not (or how much of) a school division's surplus will be taken into account when determining ability to pay, and the relationship between ability to pay and increasing local taxes (ability to pay vs. willingness to pay).

School boards are also concerned that this legislative amendment not be interpreted so as to give arbitrators authority over programming decisions. A situation could arise whereby an arbitrator decides that a school board would have an increased ability to pay, if that board were to reduce or modify program offerings to students. No arbitrator should have the authority to compel a school board to change its educational program or support services. We are seeking a commitment from the government that authority over the educational program will remain with the elected school board.

Many school boards have also expressed the concern that implementation of this concept will lead to increased inequities in public schools throughout the province unless efforts are made by the province to equalize ability to pay. We would urge the government to implement ability to pay concurrently with renewed efforts to increase equalization support for school divisions and districts throughout the province.

Most school boards agree that, for ability to pay to be a consideration in arbitration awards, teacher associations need to have access to relevant financial information. In fact, many school divisions already provide such information. However, we do have concerns about how "relevant financial information" may be defined. In particular, school boards are concerned that this not be interpreted to include the budget line for projected salary increases. The potential for confusion and conflict in this regard could be alleviated if the legislation were amended

to indicate precisely what financial information boards are required to provide.

**MAST's Position:**

- Sections 110.2(1) and (2) should be amended so as to delete the phrase "relevant financial information", and use instead "audited financial statements and most recent approved budget."

- MAST believes that a school board's ability to pay should be one factor in an arbitrator's decision; we do not believe that his or her decision should be based "primarily" on ability to pay, as proposed in Section 129(3).

- Sections 129(3) and 129(4) should be combined into one section, and amended to read as follows:

The arbitrator shall, in respect of matters that might reasonably be expected to have financial effect on the school division or school district, base his or her decision on the school division's or school district's ability to pay, as determined by:

(a) its current revenues, including the funding received from the government and the Government of Canada, and its taxation revenue;

(b) the nature and type of services that the school division or school district may have to reduce in light of the decision or award, if the current revenues of the school division or school district are not increased;

(c) the current economic situation in Manitoba and in the school division or school district;

(d) a comparison between the terms and conditions of employment of the teachers in the school division or school district and those of comparable employees in the public and private sectors, with primary consideration given to comparable employees in the school division or school district or in the region of the province, in which the school division or school district is located;

(e) the need of the school division or school district to recruit and retain qualified teachers.

**Matters not referred to Arbitration/Obligation To Act Fairly (Sections 15 and 22)**

**Discussion:** Manitoba's school boards generally support the list of matters not referred to arbitration contained in Section 15 of Bill 72. However, serious concerns have been expressed about the way in which the obligation to act fairly, described in Section 22 of the proposed legislation, could affect the policies and decision making of school boards.

The obligation for school boards to act fairly and the legislative recourse in the event they fail to comply [new PSA Sections 131.4(1) and 131.4(2)] are linked with matters not referable for arbitration [new PSA Section 126(2)]. While school boards do not oppose a fairness test, these sections of proposed legislation, read together, expose school boards to literally thousands of individual grievances. These amendments make school board practices and policy grievable under the collective agreement. Grievances not settled locally will be referred to a grievance arbitration board. No process is proposed within which the arbitrator will decide the grievance.

This would be a very different process than the fairness test described in Section 80 of The Labour Relations Act. In that act, the process is clearly defined. Specific collective agreement wording forms the basis upon which the arbitrator settles the grievance. The parties then take the arbitrator's decision into consideration in ensuing collective bargaining and clarify or modify the collective agreement wording.

Bill 72 proposes that arbitration boards review a school board's practice or administration of board policy to determine whether it is fair and reasonable. Arbitrator's decisions would become intrusive in the school board's setting of policy. School boards do not accept the proposition that significant issues such as class size, teacher evaluation and staffing decisions could be decided by an arbitrator. The proposed Section 131.4(2) would allow an arbitrator to usurp the right of an elected school board to decide these matters.

In those few divisions with collective agreement wording covering items contained in Section 126(2), we have further concerns that a teacher could access grievance arbitration both under the legislation and based upon specific collective agreement provisions.

**MAST's Position:**

- MAST supports the list of matters not referable for arbitration contained in Section 15 of Bill 72 [PSA Section 126(2)].
- MAST supports the obligation to act fairly contained in Section 22 of Bill 72 [PSA Section 131.4(1)].
- MAST is opposed to the provisions of the subsection failure to comply, contained in Section 22 of Bill 72 [PSA Section 131.4(2)].
- MAST supports replacing the proposed PSA Section 131.4(2) with the same wording as is currently contained in Section 80 of The Labour Relations Act.

#### Term of Collective Agreement/Notice Provisions/ Transitional Provisions (Sections 4, 23, 32, 33, 34)

**Discussion:** MAST believes that there is no compelling reason for school boards to have a common collective agreement expiry date, and that school boards and teacher associations should continue to have flexibility to negotiate the term of collective agreements and notice provisions.

There are benefits to various different models. A July 1 effective date would bring collective agreements in line with the school board's fiscal year. The budget year would correspond to the term of the agreement, as is contemplated in the proposed legislation. The existing January 1 date is the start of a teacher's work year; for divisions which pay teacher salaries on a 12-month basis, the July and August payments are for work performed in the previous 10-month school year.

Other sections of this legislation support local decision making based on the unique circumstances of the division or district. The term of agreement should continue to be determined locally between the school board and teacher association.

Transition Sections 33 and 34 would provide for a collective agreement of less than one year. If legislation proceeds to mandate a common expiry date for all agreements and that date is other than December 31, MAST proposes that any transition agreement should be at least 12 months in duration plus the number of months to the new expiry date. For example, if there were to be a June 30 expiry date, the transition agreement would be

for eighteen months. As collective bargaining consumes considerable amounts of time and energy, it seems reasonable that the transition should be accomplished by a longer rather than shorter term collective agreement.

#### MAST's Position:

- MAST believes that current Public School Act provisions allowing school boards and local associations to negotiate the term of the collective agreement and notice provisions should be continued.
- Should an expiry date other than December 31 be legislated, transition agreements should be at least 12 months plus the number of months to the new expiry date.

#### Related Matters

#### New Provisions for Part 8 of The Public Schools Act Regarding Employee Vote on School Board's Final Offer

In 1984 MAST adopted a policy that prior to arbitration, the positions of the school board should go before its teachers for a vote of acceptance or rejection. That resolution reads as follows.

Be It Resolved That MAST urge the Minister of Education to have legislation enacted to provide that all of the teachers within a school division or district would have the opportunity to vote upon whether to accept or reject a school board's offer prior to the application for arbitration; and

Be It Further Resolved That MAST urge the Minister of Education to have legislation enacted to provide that the school board vote upon whether to accept or reject the teacher's proposal prior to the application for arbitration.

A proposed change contained in Section 72 of Bill 26, The Labour Relations Amendment Act, contains a provision that would mandate a process such as the one envisioned above. There is no similar clause in Bill 72.

#### MAST's Position:

- MAST proposes that The Public Schools Act be amended so as to include a process to allow employees to

vote on an employer's final offer, similar to the amendment proposed for Section 72 of The Labour Relations Amendment Act.

#### Bill 57, The Public Sector Compensation Disclosure Act

MAST has not taken a formal position on Bill 57, The Public Sector Compensation Disclosure Act. However, we would ask that the Legislature bear in mind the views and concerns of Manitoba's public school boards when considering this legislation.

The most frequently voiced opinion on Bill 57 is that the \$50,000 threshold is inappropriate, and that if anyone's compensation is to be disclosed, everyone's should be disclosed. Many trustees also question the wisdom of this legislation in light of its potential negative impact, particularly in small communities. They are also concerned about the increased workload this would cause, and have suggested that if such legislation is to be implemented, it should utilize an existing reporting procedure, such as T4's.

We would also like to note that, as is the case with much of the legislation currently before the Legislature, the provisions of Bill 57 may become redundant or could come into conflict with a revised Freedom of Information Act, which we understand will take force within the next year or so. Should all of the legislation currently before the Legislature be passed into law, school boards will be required to provide various groups and the public at large with a wide range of information, under a variety of legislative authorities. It would seem to us a simpler, more efficient and less confusing process if as many access to information issues as possible were covered under one piece of legislation. It would seem that the most logical piece of legislation for that purpose would be a revised Freedom of Information Act.

#### Conclusion

On behalf of the Manitoba Association of School Trustees, thank you once again for this opportunity to convey to you the views and concerns of Manitoba's public school trustees regarding proposed amendments to The Public Schools Act contained in Bill 72. These amendments have the potential to impact significantly on public education in our province. We trust that you will give due consideration to the suggestions we have offered

in our presentation. We trust also that you will accept them in the spirit in which they are offered, with an eye to improving education for the more than 195,000 young people enrolled in Manitoba's public schools.

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Faxed presentation of Tricia Hallson

Tricia Hallson: Honourable elected members of the committee.

I would like to make known my protest about Bill 72 which currently stands before you for revision. I am a taxpayer and parent and have lived all my life in this province, secure in the knowledge that the education infrastructure that the public has put in place is one of the best in the world. With the advent of Bill 72, the very fabric of our future will erode before our eyes. There must be a firm "no" vote to the attack on the arbitration process of school boards and teachers (Clauses 110, 129, 110.26(2) a & b, et cetera) because these changes serve to cripple the fairness to the one and only facilitator of education in the classroom, the teacher.

It is a common misconception in the province that teachers are overpaid. In fact, teachers in Manitoba are only the fourth highest paid in all of Canada, making their situation in reality only middle of the road. It is also a popular belief by members of cabinet obviously that education and the spending associated with it is a liability that burdens the taxpayers. On the contrary, all the members of Legislature along with their aides and employees are the beneficiaries of the type of quality education that has been provided in Manitoba for many years. The providers have been the dedicated teachers who make learning a worthwhile endeavour in Manitoba and the taxpayers who employ them. I am sure if this matter was put to a referendum tomorrow (as many democratic societies do), the majority of Manitobans would not be in favour of dismantling an institution such as the public education system. However, this is one bill that will serve to directly contravene that which has been established as safeguards to this system.

Our children need a future that is filled with opportunity, not rife with despair. Many in our national and international community will judge us by the implications of what we decide here on this matter and

what it says about our values and compassion. When Manitoba is set to be an attraction of technological industry, we will not even be in the running because our workforce will be less well educated than our neighbours in other provinces, and it will all be part of the historical legacy of what the Conservative government has brought to bear in the name of progress.

Manitoba does not have to be a place of desperation and need though. Abrogating Bill 72 will mean that the future of our children's education will be a meaningful institution and that their teachers can do what they

already are doing, preparing for and ensuring our province's prosperity into the twenty-first century.

I thank you for your valuable time and worthwhile consideration.

Sincerely,  
Tricia Hallson  
217 Berrisford Avenue  
Selkirk, Manitoba  
R1A 0A8