



Fifth Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

Standing Committee

on

Law Amendments

Chairperson
Mr. Jack Penner
Constituency of Pembina



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

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<i>Vacant</i>	St. Boniface	

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS

Monday, June 28, 1999

TIME – 10 a.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Jack Penner
(Emerson)**

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

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Messrs. Radcliffe, Toews

Messrs. Ashton, Dewar, Dyck, Faurschou,
Ms. Friesen, Messrs. Helwer, Laurendeau,
Penner, Reid

Substitutions:

Mr. Downey for Mr. Laurendeau
Mr. Sveinson for Mr. Helwer

WITNESSES:

Ms. Alvina Bartlett, Manitoba WCB
Widows' Action Group and Private Citizen
Ms. Merle Mutch, Manitoba WCB Widows'
Action Group
Mr. Dan Kelly, Canadian Federation of
Independent Business
Ms. Jacqueline Dunning, Private Citizen
Ms. Valerie Cloutier, Private Citizen
Ms. Laura Stephansson, Private Citizen

MATTERS UNDER DISCUSSION:

Bill 33–The Special Payment to Certain
Dependent Spouses of Deceased Workers
Act
Bill 4–The Law Fees Amendment and
Consequential Amendments Act

Bill 11–The Statute Law Amendment
(Nunavut) Act, 1999

Bill 12–The Statute Law Amendment Act,
1999

Bill 18–The Correctional Services Amend-
ment Act

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Mr. Chairperson: Would the committee please come to order this morning. This morning, the committee will be considering Bill 4, The Law Fees Amendment and Consequential Amendments Act; Bill 11, The Statute Law Amendment (Nunavut) Act, 1999; Bill 12, The Statute Law Amendment Act, 1999; Bill 18, The Correctional Services Amendment Act; and Bill 33, The Special Payment to Certain Dependent Spouses of Deceased Workers Act.

Did the committee wish to indicate how long it wished to sit this morning, or should we leave that until later?

Mr. Daryl Reid (Transcona): Mr. Chairperson, perhaps 12 noon would be the appropriate time. I would expect that this committee may be able to finish its business within that period of time.

Mr. Chairperson: If it is the will of the committee, we will leave the decision until a bit later and see how we progress with the proceedings.

**Bill 33–The Special Payment to
Certain Dependent Spouses
of Deceased Workers Act**

Mr. Chairperson: We have presenters who have registered to make public presentations on Bill 33. It is normally customary to have presentations before the consideration of the bill. Is it the will of the committee to hear the public presentation on Bill 33? Agreed? [agreed]

I will read the names of the people that have registered so far, and if there are any other presenters currently in the room who have not registered yet, would you please indicate to the Clerk's office in the back of the room that you might want to present, and we will then hear your presentations as well.

The people who have indicated so far that they have presentations are Alvina Bartlett and Merle Mutch, Manitoba Workers Compensation Board Widows' Action Group; Dan Kelly, Canadian Federation of Independent Business; Jacqueline Dunning, private citizen; and Valerie Cloutier, private citizen. Those are the persons and organizations that have registered so far. Are there any other people who would like to present so far? No.

Did the committee wish to set a time limit on the presentations? What is the will of the committee? I hear none. Then we will have no time limits.

I will then call on Alvina Bartlett and Merle Mutch to come forward for a presentation. Have you presentations for distribution? Ms. Bartlett, do you have presentations for distribution for the committee?

Ms. Alvina Bartlett (Manitoba WCB Widows' Action Group): Yes, I do.

Mr. Chairperson: The Clerk will distribute. You may proceed with your presentation.

Ms. Bartlett: My name is Alvina Bartlett, and this is Merle Mutch. Merle and I represent the members of the Manitoba WCB Widows' Action Group, and we are a group of women who have been seeking reinstatement of our Workers Compensation survivors' benefits which were terminated upon remarriage.

Mr. Chairperson: Could you just allow me—if there are conversations, could you please move to the side of the room, if possible. Thank you, you may proceed.

Ms. Bartlett: Now, for those of you who may not be familiar with our position statement, I would like to quote: "It is the position of the Manitoba WCB Widows' Action Group that all

recipients of Workers Compensation Board survivor pensions whose spouses died prior to January 1, 1992, and had their pensions terminated upon remarriage, must have their pensions reinstated in order to comply with the equality rights provisions of the Canadian Charter of Rights and Freedoms.

"Termination of our pensions on the basis of marital status is discriminatory, and violates Section 15 of the Canadian Charter which became effective on April 17, 1985.

"The members of our group contend that survivor pensions must be reinstated retroactively to the date of remarriage, or to April 17, 1985 if they remarried prior to that date."

That is the end of the quote.

Now, we are very pleased with the recent reinstatement of survivor benefits to the post-Charter women of our group. The justice that we have sought has been done. With regard to Bill 33, which allows for a special payment to persons who remarried before July 1, 1985, we are also pleased that the government of Manitoba is addressing this issue. Naturally, we are disappointed that pensions for this group were not reinstated, as was done by five other provinces to varying degrees.

To us, Bill 33 is the culmination of our group's lobbying efforts which began more than two years ago; in fact, almost three. On a personal basis, Merle and I initiated our inquiries in 1996. Numerous letters to the Workers Compensation Board and to the Minister of Labour during 1997 produced no results. We were told the matter was under review.

Now, as more women became aware of our efforts, the Manitoba WCB Widows' Action Group was formed in August of 1997. Our requests to meet with WCB at that time were not granted. Then in December of 1997, through the assistance of Daryl Reid, MLA for Transcona, our first meeting was held with WCB.

Since that time, Merle and I have had amicable discussions with various representatives of WCB on numerous occasions, and we are pleased that WCB in their recent press

release announcing reinstatement of the post-Charter group gave recognition to the Manitoba WCB Widows' Action Group for our involvement in bringing this issue to their attention.

Now, as reinstatement of survivors' pensions to the pre-Charter group was deemed a government matter, our group pursued this issue through meetings with both the Honourable Gilleshammer and then later with the Honourable Radcliffe. Throughout our campaign, we received support from the Manitoba Federation of Labour for which we are very grateful.

Finally, in order to expedite the reinstatement process, we requested a meeting with the Premier. Merle and I met with Premier Filmon on April 27 this year. He recognized that other provinces had already dealt with this issue and promised us that he would discuss our request with the Minister of Labour and with Mr. Fox-Decent of WCB. We are pleased that Mr. Filmon's actions quickly brought resolution to an issue that has been pending for more than two years. Bill 33 is the result.

Now, to give you an overview of what Bill 33 will mean to the members of our group, Merle will address that aspect.

Mr. Chairperson: Thank you very much. The next presenter is Merle Mutch. Would you proceed, Ms. Mutch.

Ms. Merle Mutch (Manitoba WCB Widows' Action Group): I would like to give you some insight into our group. Our group consists of women, many of whom are elderly, disabled and in dire financial straits. In passing Bill 33, it is our hope that the funds will enable them some improvement to their quality of life.

All of our members have lost a spouse to the Manitoba workplace. If they had children, they had to explain to them that their father had died; that is, if the children were of an age to understand. Many of our widows had children far too young to comprehend such news. Some widows had not yet given birth to their child. Some had to leave their children in care while they sought employment. Others had to further their education at their own expense in order to enter the workforce. These events and more,

many more, merely touch on the personal struggle experienced by them.

For some, their experience with WCB became another nightmare. We have attempted, through our group support, to deal with the negative feelings remaining after these many years. In my own experience, I have always been treated with consideration and respect by the members of WCB. The current board acknowledges inappropriate handling of cases may have occurred in the past. Assigning blame will not change history. We suffered the loss. WCB applied the legislation of the day.

* (1010)

Bill 33 offers the pre-Charter members of our group a lump sum payment. Where does the money come from? According to Workers Compensation legislation, an employer participated in a plan which protected him or her against costly lawsuits following the death of an employee. The amount was assessed at the time of death and was projected for the lifetime of the widow. If the widow remarried, the funds not yet disbursed remained with WCB creating a surplus. The money now being released to our group comes from those funds and not through higher rates for employers. It is an insult to suggest that our request to be considered for reinstatement is merely a social program. If you do not wish to compensate for our loss, please see that our spouses are not killed on the job.

We commend the Federation of Labour, along with the Young Workers of Tomorrow, for their efforts to protect the workers of Manitoba. Their education program is designed to prevent injury or death to future workers of Manitoba. We hope the employers share this concern with equal dedication. In summing up, we do not equate this government offer with winning the lottery, as someone has suggested. We remember only too well that the cost far outweighs the prize.

Mr. Chairperson: Thank you very much for your presentations. Are there any questions of the two presenters?

Mr. Reid: I would like to thank both presenters for appearing before the committee today and for

their presentations and for sharing with us their experiences in their loss of their spouse through a workplace accident. I would imagine that appearing here today would be very difficult for both of you in that it would in some way at least raise perhaps memories that are not too pleasant for you. We will ask our questions with some sensitivity to the experiences that you have had in your lifetime already.

I note in the presentations today you have talked about not winning the lottery and that you would want to have workplace accidents prevented. Have you had any discussions with the Compensation Board or with the ministry with respect to ongoing programs to help prevent that? Have you provided any advice or guidance to the department with respect to preventing fatalities? Have you also, in discussion here today with this legislation, been given any indication from either the Workers Compensation Board or the ministry on how they arrived at this one-time lump sum payment figure?

Ms. Bartlett: No, we really have not discussed future accident prevention programs. It was not one of our topics, I guess, that we have really discussed. With regard to your question as to how the amount of \$83,000 was arrived at, we would both like to have an answer to that. No, we do not know. We were wondering where that amount came from. Just what is it to represent?

Mr. Reid: Has the Compensation Board or the Ministry of Labour indicated to you what their communication strategy might be so that we might make all of the widows or widowers that are affected aware of the changes through this legislation? Has any communication happened with you in that regard to how the board or the ministry plans to communicate with the affected parties?

Ms. Bartlett: Yes, I had a discussion briefly with Glenn Hildebrand, Director of Communications, Workers Compensation Board. He indicated to me that they would advertise in Manitoba, probably also in British Columbia and then in The Globe. My concern that I raised at that point was: how is a little old lady who lives out in Nova Scotia who does not read the Manitoba paper or the B.C. papers and probably

never reads The Globe, how are those people going to know? Certainly those people who are members of our group, we are turning those names and addresses over to WCB to ensure that all our members will know, but that is a very small fraction, I understand, from what the potential is.

Mr. Reid: With respect to this legislation, it has obviously been a number of weeks now since this bill has received second reading. Would you want to see this bill passed this week, completing the report stage and third reading of this bill to allow the widows to recover those monies that were lost to them when those payments were stopped by the Compensation Board? Would that be your preference?

Ms. Mutch: Yes, we are pleased that the bill is going ahead, and we would like it to be passed as quickly as possible. As mentioned in my report, there are several who are in very dire straits. We have one widow in a wheelchair who a year ago had a stroke, was brought to our meeting for the first time. We had never met her before. Her husband brought her forward to us, and he said: she has something to say to you. She said: thank you. That is the only thing she is able to get out.

So there are people who are very, very anxious. She will need added therapies and so on. So I am sure it will help those that are really in need.

Mr. Reid: In this piece of legislation, it is indicated that there will be a two-year limitation for widows, widowers to apply for this lump sum payment. Do you think that it is fair and reasonable to have that two-year limitation, or would you like to see an open-ended process perhaps that would allow for widows and widowers to access those monies should the communication strategy perhaps not be as widespread as we would hope it would be?

Ms. Bartlett: I am glad you raised that question, because that came to our minds as well. Why put a figure of two years on it or whatever? The statute of limitations we all know is longer than that? Why put a deadline on it at all? Because we are a very mobile population, and many of

the widows from Manitoba have settled in other provinces. It may take some time to get to notify all of these people. We are still going to continue and try to find some of these people to make sure that they have heard of the good news.

Mr. Reid: Are you aware of any individuals, widows, widowers, that perhaps would have commenced actions either before the courts or under the Manitoba Human Rights Code? If so, are you aware that by accepting payment under this legislation that individuals would have to forgo any further action in regard to this lump sum?

Ms. Mutch: Yes, we are aware of such cases. We did have one that went as far as the Human Rights, and she is from out of province. It has been very difficult to try and co-ordinate our knowledge and her knowledge to bring it to today's conclusion. It is my understanding that she has had to drop any further claims. She is not going to pursue any further.

Hon. Mike Radcliffe (Minister of Labour): Mr. Chairman, I would like to compliment both presenters on their presentation today. We have had a very brief relationship in that I met them only, I guess, earlier this spring. I have been very taken with the clarity of their opinions, the organization of their presentation, and I am very happy that we have been able to bring this issue to a conclusion. I think that they bring great credit to their cause. They have behaved in a dignified and respectful manner, and it has been a delight to work with them. So I would like to take this opportunity to thank them very much for their presentations.

* (1020)

Mr. Chairperson: Thank you very much. I call next Mr. Dan Kelly, Canadian Federation of Independent Business. Mr. Kelly, do you have a presentation for distribution?

Mr. Dan Kelly (Canadian Federation of Independent Business): Yes.

Mr. Chairperson: The Clerk will distribute. Mr. Kelly, you may proceed.

Mr. Kelly: On behalf of the Canadian Federation of Independent Business and our 4,000 members in Manitoba, I am before you this morning to express our strong concern with the government's decision to use Workers Compensation premiums to provide benefits based on compassionate grounds. As you may know, the cost of WCB in Manitoba remains as one of our members' highest government-related priorities. In fact, in a January 1999 survey of our members, nearly one-half reported that WCB was a significant priority for them.

It is important to mention that our members have noted and appreciated the significant progress that has been made to date at the Workers Compensation Board. Due to the legislative changes in the early 1990s, improved board management and a more robust Manitoba economy, WCB in Manitoba is in much better shape today than at any time in the last decade. But it is important for us to remember that it was only a few short years ago when the board had a \$232-million unfunded liability.

It is also important for us to remember that the employers of Manitoba, the vast majority of whom are small, paid a significant price for this accumulated deficit. For the better part of the past decade, Manitoba businesses have paid artificially high premiums to pay off this liability. Only in the last few years have we managed to retire this accumulated deficit and start to reduce premiums.

The unfunded liability was the result of years of operating the board as a form of social program, rather than as a fair and generous system of workplace accident insurance. Our major concern today is that this legislation signifies a willingness on the part of government to return to that environment.

Before I get into any further analysis, I want to be very clear that I am not here to suggest to you that I am unsympathetic to the scenario facing widows whose benefits were terminated due to remarriage prior to 1985. I am also not here to oppose the board's decision to restore benefits to post-1985 widows, while I do have some concerns about how they intend to pay for that. I am here, however, to outline our strong concerns that the government's solution to a very

difficult problem may have some serious, perhaps unintended, consequences.

One of the reasons why this issue has been so troubling for employers is that both the board and government have linked the widows' benefits issue to the surpluses of employers' premiums that the board has on its books at present. As you know, the board recorded a small surplus of \$15 million for 1998, which was put into its reserves; however, the 1998 surplus of \$15 million would have been substantively higher had the board not set aside approximately \$27 million for post-1985 widows' benefits. The real surplus for 1998 was actually \$42 million, and not one cent of this was returned to the employers who paid 100 percent of the costs of the system.

As many of you know, CFIB has been lobbying the board to establish a funding policy which would automatically rebate any unanticipated surpluses back to employers at the end of the year. Like any other government body, too frequently, any extra government money at the end of the year becomes a target for those who want to spend.

In my frequent meetings with the board, CFIB has been following the progress on the widows' benefits issue and understands the board's legal obligations to pay compensation to the widows who have remarried after the Canadian Charter came into effect in 1985. We were advised that the board felt the 45 cases where benefits were terminated would cost employers approximately \$27 million.

I believe that the business community has accepted the fact that the board has a legal responsibility and will be required to pay for the reinstated benefits. As I noted earlier, however, we were extremely disappointed with the board's decision on how the cost will be administered. It seems extremely unfair to expect 1998 employers to carry the entire cost for a benefit liability generated from 1985 to 1992. The \$42-million 1998 surplus should not be the sole source of funding for this liability. It is my understanding that only \$7 million was required to cover retroactive payments with the remaining \$20 million to be paid in future years. In our opinion, this \$20-million ongoing expense

should have been built into the rate model rather than paid out of a one-time surplus.

What is even more disturbing is the government's decision to pay compensation on compassionate grounds to widows prior to 1985. In all of our discussions, it is clear that there is no legal responsibility on the part of the board or government. While sympathetic to the situation facing widows in this category, we are fundamentally opposed to using employers' premiums to achieve social policy objectives. I am also disturbed that the government did not hold any meaningful consultations with employers on this costly issue. Employers deserved to be part of the decision-making process in that they are required to pay 100 percent of the estimated \$25-million total cost of this legislative change.

Employers, the provincial government and the board have worked very hard to ensure that Manitoba has a well-run, fair and generous system of workplace accident insurance. However, through this legislation, the government is using employers' insurance funds to answer a social policy question. The fact that the Premier (Mr. Filmon) has stated that the \$83,000 one-time payment is being distributed for compassionate reasons demonstrates that we are moving WCB away from insurance principles and into the realm of a social program.

If the province feels it necessary to pay benefits to widows prior to 1985, it should make the case to pay the bill with general government revenues, not using employers' mandatory WCB insurance premiums.

CFIB believes the widows' benefits issue would have been handled very differently if the board did not have a significant surplus held over from 1998 and did not carry an accumulated positive accident fund balance of over \$20 million. The government's decision to pay benefits to pre-1985 widows eliminates the positive accident fund balance that has been developed over the past few years. While this may not mean an increase in premiums in 1999, it leaves employers vulnerable to an increase in future years.

In addition, pre-funding compensation for the 1985 to 1992 widows may eliminate the

possibility for a rebate of the significant overpayment on the part of 1998 employers. This would not be unlike the federal government saying to Canadians who are owed a personal income tax return that the money will be used for another important public policy purpose.

The handling of the widows' benefits issue reinforces the need to develop a funding policy that would immediately disburse any unanticipated surplus through a rebate program. As a result of decisions by both the board and government, a total of \$52 million in widows' benefits will be paid out primarily by 1998 employers. This legislation will more than wipe out the positive accident fund balance and will leave employers vulnerable to a rate increase in 2000.

We have worked long and hard to return WCB to a solid financial footing. Just as employers are beginning to see rates fall to market levels, it is not the time to tinker with legislation to return the board to a social program. Again, only a few short years ago, the board had a \$232-million deficit because it strayed from basic insurance principles.

The board surpluses do not belong to the government. They belong to the employers that paid 100 percent of the cost of the program. If government feels it necessary to provide compensation to any group for compassionate reasons, it should make the case to use general revenues to do it. Simply passing retroactive legislation to rob employers' dollars from the WCB account simply because the money is there is a dangerous precedent that must be reconsidered.

On behalf of Manitoba small employers and CFIB's 4,000 members in Manitoba, I want to thank you for the opportunity to present our concerns to you today.

* (1030)

Mr. Chairperson: Thank you very much, Mr. Kelly, for your presentation. Are there any questions?

Mr. Reid: Thank you, Mr. Kelly, for appearing here today before this committee. I have a number of questions that arise as a result of your

presentation here today. You, throughout your presentation, indicate you have great sympathy and empathy for the plight of the widows and widowers of this province who have had their pension benefits terminated, but you equate that to the fact that employers feel aggrieved or, in fact, I think you used the term "robbed" of their monies.

How do you think that the widows feel when their pensions were terminated without the utilization of any criteria at the most vulnerable moments in their lives, many of them young, some of them pregnant and awaiting the birth of a child, when their spouses were killed? How do you equate that employers are feeling robbed in this and that the widows themselves are not robbed and are not entitled to any justice as a result of this legislation?

Mr. Kelly: Before I answer that, I think it is important to make the distinction, as I have tried to throughout my presentation, between post-'85 and pre-1985 widows' benefits. Through our meetings with the Workers Compensation Board, I think employers recognize that there was a legal responsibility on the part of the board to pay for compensation to widows whose benefits were terminated post-1985. The difficulty though becomes evident in the issue of how to handle the pre-1985 widows. You know, if I were a widow, I would find it very, very difficult to justify why some certain date in history should make the difference as to whether or not I received compensation.

I can certainly understand the case that the widows have put forward, and I am not, as I said, unsympathetic to that. What I do feel, though, is that paying for compensation beyond the legal responsibilities of the board should not be the sole responsibility of premiums paid for by employers, a hundred percent paid for by the employers of Manitoba. That is the part that I think upsets our members. We had long accepted, and the board I think did a good job of communicating to the employers how they were going to handle the widows benefits issue post-1985. But when the legislation was introduced, I think it caught a great number of employers by surprise in that there was not any meaningful degree of consultation on this issue.

I know that I have met with the minister on occasion and have enjoyed our conversations, but this legislation really did surprise a great number of people in the employer community, CFIB included.

Mr. Reid: Are you aware that the employers have representatives on the Workers Compensation Board and that, and I stand to be corrected, the representatives on that board also having had discussions with respect to the restoration of pensions for widows, even though it does not directly apply to this legislation, voted in favour of restoration of those widows pensions?

Mr. Kelly: Again, I think it is important to differentiate between the post-'85 and the pre-'85 widows benefits issue. The employers of Manitoba were consulted through their representatives on the Workers Compensation Board and I think, as I said, accepted the fact that the board had responsibility and that we were going to have to pick up the tab one way or the other for the benefits paid out to post-'85 widows. What was a surprise is this legislation, and that is why I am here today.

Mr. Reid: Do you think that the surviving widowers or their dependants should have the right to sue employers since their pensions were taken away from them through actions of legislation?

Mr. Kelly: That raises a very, very difficult and huge area of public policy which would really, basically, take away the fundamental compromise that is part of the Workers Compensation program itself, essentially that employers are protected from suit as a result of the historic compromise. I have heard, and I should say this, more and more of our members say that perhaps we should go back to a day when workers compensation is, in fact, paid for through agreements between employers and employees and lawsuits are part of that decision. I have heard that message come loud and clear from a certain component of our membership.

For the most part, our members accept Workers Compensation as a legitimate and meaningful way of providing benefits to injured workers and at the end of day with employers

picking up 100 percent of the costs. Your question, though, also deals with the issue of whether widows should have the right to sue the Workers Compensation Board?

An Honourable Member: No.

Mr. Kelly: Then I have misunderstood the question then. I apologize.

Mr. Reid: It is interesting that the CFIB compares that the widows in the post-Charter group, '85 to '92, would be entitled to some form of restoration of benefits as has now been undertaken and that the CFIB now sees that the pre-Charter group of widows who had their pensions terminated as a result of remarriage are not entitled to any support for the loss of their spouse by the mere fact of an arbitrary date and time. I am trying to understand the logic of why the money should come out of general government revenues for that particular support for widows, widowers and yet that the pre-Charter group would not be entitled to the same payment out of those monies. Why is it that the taxpayers of Manitoba should pay for those support payments, those pensions, when the people that were killed were killed on the job? Should it not be the employers of Manitoba that would pay for those costs versus the taxpayers of Manitoba which at least in some part are different than the employers group, even though all of us pay taxes towards the general revenues?

Mr. Kelly: I think the first part of your question put some words in my mouth. I have not said at any point through this presentation that either group of widows, pre-'85 or post-'85, do not deserve to have their case heard and potentially for restoration of benefits. What I have said, though, is that there is a serious concern about how those benefits are paid. Again, we have accepted the way in which the board has handled the post-'85 group of widows.

The reason why we feel so concerned about the pre-'85 and retroactive legislation to pay for it is because again there is not the legal entitlement there. By changing legislation to create an entitlement there, you are essentially changing legislation retroactively to provide benefits to a group of people under compassionate grounds. It seems to me a very

dangerous precedent for us to get into with our Workers Compensation Board in that goodness knows who next will come forward and suggest and perhaps have a very legitimate case that compensation should be paid to them. What we do not want the government to do is tinker around with legislation on a regular basis when there are groups that come forward and say that benefits should be paid.

I am not, again, evaluating the widows' cases. I am not a lawyer by training. All I know, and from my frequent discussions with a variety of parties, is that the legal entitlement is important here in terms of how and who should pay the costs of compensation. Again, if the government is choosing to pass legislation for compassionate reasons, it should make the case and use government revenues to do that. It should not, simply because there is a surplus that exists in the Workers Compensation fund, take that money and provide it in terms of benefits to a certain group of people.

Mr. Reid: Mr. Kelly, I am not sure if you are aware or not, but can you tell us, because you say that this piece of legislation will operate the Compensation Board as a social program, the amount of money if you know it that the employers of this province have received back by way of premium reductions and outright cash rebates? Can you tell us the global dollar value of that, those funds returned to employers in the last three years?

Mr. Kelly: To the best of my recollection, the board announced over the past three years a strategy to reduce premiums. Essentially, when they first announced it, it was a 5, 5 and 5 percent strategy, a 5 percent basic across-the-board reduction in each of the years of 1997, '98 and '99.

In 1997, there was the 5 percent across-the-board reduction in rates. I cannot tell you in dollar terms what that amounted to. In 1998, in fact, that was increased to 8 percent, 5 percent of which was paid across the board, 3 percent through the general model. This year, there was a 20 percent reduction in premiums in Manitoba, 5 percent across the board and 15 percent through the general model. In addition to that, in 1997 there was a rebate program paid out of

1996 premiums which amounted I believe to a dollar term, and I stand to be corrected, of \$8.6 million which was paid out essentially as a rebate of 6.1 percent of the compensation that you paid in 1996.

I hope that I am accurate in saying all that. In any event, there have been substantive reductions in Workers Compensation premiums over the last few years, but I do feel it is vitally important to remember that there was a \$232-million accumulated liability in the Workers Compensation Board as a result of years and years of operating the board as a social program. That was only a decade ago that we suffered under that, and the employers of Manitoba I think accepted the fact that they were going to have to pay artificially high premiums for almost a decade to try to retire that accumulated liability.

Just as now we are getting to the stage where the board seems to be in better hands, working better administratively also, I think a co-operative relationship developed between board members, we are changing legislation to provide retroactive benefits.

* (1040)

This, I believe, is a very disturbing piece of legislation. I do want to point out to you, though, in answer to your question, that Saskatchewan—I do have the numbers in my briefcase—announced nearly a \$30-million rebate of premiums to employers from 1998. So the NDP in Saskatchewan announced a \$30-million rebate program. They handled the widows' benefits issue in a very different way, too, because they paid an \$80,000 across-the-board payment to widows regardless of whether it was pre- or post-1985. That reduced the liability for post-1985 benefits. In fact, if the government had pursued that model, the Saskatchewan model, here in Manitoba, it would have, in fact, meant far less compensation being paid out to widows across the board.

So the NDP in Saskatchewan paid less in compensation for widows pre- or post-1985 than the government here in Manitoba has done, and I think that is an important part of this equation to consider.

Mr. Marcel Laurendeau (St. Norbert): Mr. Chairperson, I may have an indirect pecuniary interest in the matter before the committee, the general nature of which arises from the fact that a sibling will benefit from Bill 33, and out of an abundance of caution, I am withdrawing from the committee.

Mr. Chairperson: Thank you, Mr. Laurendeau. Now, I am not sure, I need some advice here as to what procedure I take here.

I heard the presentation by Mr. Laurendeau, and I accept his resignation from the committee. We would then proceed with one less member on the committee.

Committee Substitution

Mr. Edward Helwer (Gimli): Mr. Chairman, I wonder if I could have leave to replace Mr. Laurendeau with Mr. Downey.

Mr. Chairperson: Is there leave that we replace Mr. Laurendeau with Mr. Downey? Agreed? [agreed] Mr. Downey, you will then be the replacement on the committee for Mr. Laurendeau.

Mr. Reid: With the understanding, of course, and I think it would be appropriate that the necessary paperwork would be filled out and introduced into the House to clarify that matter, and we would hope that that would occur this afternoon.

* * *

Mr. Reid: I have another question for the presenter, Mr. Chairperson.

Mr. Kelly, you said you were not aware of the dollar value. You talked about various percentages, 5, 8 and 20 percent reductions for the employers for the last three years. So I take it then that you are not aware that when you made comment that you are opposed to the \$25-million estimated cost for this legislation that employers received \$74 million back by changes of premium reductions and rebates over the last three years. I take it you are not aware of that \$74 million being returned to employers.

Mr. Kelly: It does not to me sound like a figure that I am going to challenge. I accept the number that you are presenting, with the caveat, though, that these are all employers' dollars in the first place.

Mr. Reid: I should ask the question: are you aware of where the money has come from from the Compensation Board? You have said they have come 100 percent from employers' monies to run the operations of the board. Are you aware that one-third of those monies come from investments and that those are not actual dollars that come from employers?

Mr. Kelly: I think that is a pretty thin argument. The dollars that were invested by the board came from employers in the first place.

Mr. Reid: Are you aware that in 1992 when the legislation changed and pensions were eliminated for workers in this province, and we are awaiting some of the hard numbers from the Compensation Board, but our estimates show that the injured workers of this province, including those that suffered fatalities, have cost the survivors and the injured workers of this province in the range of a quarter billion dollars in lost pensions as a result of the legislative changes, monies that went back in part to the employers?

Mr. Kelly: Well, I think first and foremost the monies went to pay off the years of excess that the board had spent, but I do think that it is important to recognize that Manitoba still today has one of the most generous systems of workplace accident insurance of any province in Canada. In my job, I have responsibility for Manitoba, Saskatchewan and Alberta, and I also spend a great deal of time dealing with WCB issues across Canada. Manitoba is still regarded as having one of the most generous forms of compensation in the country at 90 percent of net earnings. We have taken out some of the areas in which compensation overinflated benefits were paid to certain workers.

I am not suggesting for a minute that widows do not have a case to be made; that should be heard for compassionate or any other

legal reason. All I am suggesting to you today is the way in which the government is intending to pay for the benefits paid to pre-1985 widows is a very dangerous precedent that, if repeated, would start to move the board back to the realm of being a social program. That is the reason why we are here today to express our concerns to you. It is not to suggest for a minute that the post-1985 widows do not have a legal entitlement. Employers accepted that, the board consulted with employers through that process and I think handled that issue very, very well. My complaint is not with the board. It is with government.

Mr. Reid: Then I take it in your comments, Mr. Kelly, that you do not believe the Compensation Board when they say in their press release that the reinstatement of these benefits will have no effect on the WCB premium rates, as they have indicated in their press release. Perhaps you have seen this. You do not believe the Compensation Board when they say that they will have no effect on the rates and you think there will be some future impact on those rates as a result of the decision of this legislation to bring forward this legislation.

Mr. Kelly: Yes, I want to be clear. I do believe the board when they say that the result of this legislation will have no impact on 1999 rates. Those rates are set, the board is not going to increase them in this calendar year, and we may, in fact, still be all right for next year if the board, in fact, is still managing to record some surpluses. We cut premiums by 20 percent. It is our understanding that the board, in fact, could have cut premiums by even more than 20 percent just to bring down premiums to a break-even level.

I want to be very clear here. I think it is important that we not say that lower workplace insurance premiums are a bad thing. I think that that is a good thing for workers; it is a good thing for employers in the same way. I am very concerned, though, that the board has made a case that employers have accepted that they need certain degrees of reserve funds to prevent for rate shock in the future.

The board established a number of reserve funds. One, they established a \$50-million rate

stabilization account; two, they put in place a strategy to build a \$19.15-million positive accident fund balance to smooth out fluctuations if, in fact, there are a number of accidents or something happens wonky in the system. The board has made the case that they need essentially \$20 million in their short-term positive accident fund to pay for ongoing issues.

What is happening, though, is you are taking away the board's reserve fund, that short-term reserve fund of \$20 million. In fact, you are more than taking away that money, because the balance at the end of last year was about \$20 million, and now, through this legislation, you are potentially taking \$25 million out of the system. That kind of absorption of benefits has to be felt one way or another along the road. It can show itself in a few ways. One is it pretty much has rendered neutral my lobby for a rebate from 1998 premiums, but it is also I think at some point along the way going to have to be replenished. To replenish that reserve fund means that employers are going to have to pay again artificially high premiums one way or another.

* (1050)

We may not see the decreases that we feel are coming to us or, in fact, we may see if the board has a rough year this year or next an increase in premiums as a result. So I think that the withdrawal of potentially \$25 million, most of that coming from the positive accident fund balance, leaves employers very vulnerable to a rate increase potentially as soon as the year 2000.

Mr. Reid: In the previous presentation, it indicates, Mr. Kelly, and perhaps you heard this, and I quote: It is an insult to suggest that the request of the widows to be considered for reinstatement is merely a social program. If you do not wish to compensate for our loss, please see that our spouses are not killed on the job.

Would you like to comment on that statement and perhaps describe for us that if the CFIB, the members you indicate you represent here today, see this as a social program, as you have indicated in your statement? What do you

have to say to the widows with respect to not having their spouses killed on the job? What steps are you taking to make sure that that does not happen? Because I can tell you the most recent report indicates that Manitoba is above the national average in fatalities.

Mr. Kelly: I am not here nor am I qualified to suggest to you concrete ways in which we can reduce workplace accidents or, in fact, ways in which we can eliminate the potential for fatalities in any Manitoba workplace. It is an absolute tragedy that any worker ever dies on the job. It is a tragedy that any accidental death ever occurs in Manitoba. I would be lying to you to suggest that I can tell you and outline steps to prevent these things from happening in the future.

We could pass the most stringent regulatory regime in the province of Manitoba that we had a provincial Manitoba Labour inspector in every single workplace in Manitoba, in fact one paired with every single worker in Manitoba, and there would still be workplace fatalities. I cannot suggest to you for a second ways in which we can, under any circumstances, regardless of how much public money we throw at the problem, eliminate the possibility of accidents or fatalities in Manitoba workplaces. I am certainly not suggesting that we cannot do a better job.

I know that I have been working closely with Workplace Safety and Health on a variety of different levels to try to improve for small businesses the targeting of their information to move them from less of an inspection mandate to more of an advice-giving mandate to small companies to avoid workplace accidents in the first place, but it is ridiculous to suggest that we will ever get rid of workplace fatalities. It would be ridiculous for me to suggest that I am not sympathetic to the cause of anyone who has lost their spouse for any reason whatsoever. Other than engaging you in a debate over who is more sympathetic, you or me, I do not know what else I can say.

Mr. Reid: So then, in essence, your presentation says that, as you have indicated here, you are sympathetic to the plight of the widows and widowers of this province in the pre-Charter group, that the monies for restoration of those

pensions, at least in part, because it does not restore 100 percent, it is only a small part, and we will get to the question of asking the minister sometime later how they arrived at that figure, but those monies should be paid for by the taxpayers of the province.

They should be borne solely by the taxpayers and that the employers, who as you have indicated are responsible for funding the Workers Compensation Board, should have none of those monies paid by the compensation system even though those accidents happened during the course and through the employment of those individuals. It should be the taxpayers who bear that cost and not the employers.

Mr. Kelly: I will restate the summary of my presentation. We have no problem with the board's handling of the post-1985 widows benefits issue. Those benefits should be restored, and they should be restored in full fashion as the board has indicated.

The concern that we have with respect to restoration of benefits using Workers Compensation premiums to pre-1985 cases is that that moves the board away from pursuing insurance principles and into the realm of becoming a social program. The government is taking employers' dollars to pay for compassionate reasons. If the government wants to pay anybody for compassionate reasons, it should make the case to use general government revenues to do that and should not, just because there is a pot of money sitting in the Workers Compensation Board, take those dollars and provide it in benefits to any group whatsoever.

Mr. Reid: One last question, Mr. Kelly. Would it be your advice to the government then to withdraw this piece of legislation, Bill 33, which restores widows' pensions?

Mr. Kelly: This bill, yes. It would be my advice to withdraw this bill.

Mr. Chairperson: Thank you very much.

Mr. Radcliffe: Mr. Chairman, I would like to thank Mr. Kelly very much for appearing today before committee to present the views of the small business in Manitoba. I think he brings

forward a very wise caution, that, in fact, Manitoba government should be very mindful of retroactive legislation. While this presents a serious precedent in his eyes, I can only say in response that from a public policy point of view, the relative merits of this position have outweighed the precedent argument that he has advanced.

Also, one other position which I would like to put on the record today is that my understanding, and I sit to be corrected, is that when an individual spouse was killed, the employer of the day was obliged to present a body of money which was sufficient to capitalize the pension for the benefits of the surviving spouse and family. When that particular spouse remarried, and this is now specifically obviously pointing to the pre-1985 group, the law of the day was that that person lost his or her benefits before the Workers Comp Board. However, at that time there was no refund to the employer of record of the deceased worker.

So therefore, by rights of survivorship perhaps, or whatever else you can see the flow of funds, the current status of the Workers Compensation Board funds today is representative of the fact that this body of money had been created, and there was a lack or a failure to refund that money. So therefore, this in some respects ameliorates the position that the employers find themselves in today because while we are looking to today's corpus or surplus in order to compensate these claimants, nonetheless, the reason that that fund is in the present state it is today is because there was a failure to repay those monies in years gone by.

I think that, in addition, Mr. Kelly presents a very timely admonition that we must not go back to the bad old days of the Workers Comp Board where there was \$232 million of unfunded liability, such as there was under the prior administration, and I think that that reprehensible state of affairs speaks for itself.

But in all, I would certainly like to thank Mr. Kelly for his remarks, and that they are remarks that government is very mindful of, and it is something that we will certainly take into consideration. Thank you very much.

Mr. Chairperson: Thank you very much for your presentation, Mr. Kelly. I call next Jacqueline Dunning, private citizen. Jacqueline Dunning, would you please come forward. Could we ask the Clerk's office to adjust the microphone so that Ms. Dunning may present. Maybe we could move over one of the microphones on the table here. Number 16 will be the mike of reference.

Does that work for you, Ms. Dunning?

Ms. Jacqueline Dunning (Private Citizen): I think so. Is that okay?

Mr. Chairperson: Yes, I can hear you that way. Have you a presentation for distribution?

Ms. Dunning: Yes.

Mr. Chairperson: The Clerk will distribute. Ms. Dunning, you may proceed.

* (1100)

Ms. Dunning: It is an honour to be here. I am in favour of Bill 33, as I am one of the pre-'85 widows seeking compensation for our past injustices. I would first of all like to thank Premier Gary Filmon for intervening on our behalf and putting this bill through, and so swiftly. I know we would not have got this if he had not.

My first husband was accidentally killed in 1965. I was left with eight children between the ages of 18 months and 12 years old. At that time, I was very ill with TB and severe anemia. I received \$75 a month and \$35 for each child. We lived in poverty all through the years, never being able to buy new clothes for my children. They never had bikes or things of that nature. People I knew who were on welfare were better off than us. They received clothing allowances and special needs dollars. I feel the politicians of that day who made the laws and decisions were meanspirited, especially towards women and children. I just want to add here, I do appreciate what the Compensation Board did for me at that time.

I remarried in 1969. They took my pension, the few dollars it was. It seemed like a form of

punishment to me for remarrying. They did not consider that possibly the new husband was not making enough. This was our situation, as my new husband was not very well. He had emphysema. He was out of work at times, but tried hard and was a good father to my children. To this day, they all love him very much.

Now, after much fighting for our rights, the government has seen fit to reinstate some pensions. I am very thankful and happy for the settlement being offered to us pre-'85ers. However, I must say that I cannot help but feel the injustice to me. I am in the same situation as the more recent widows. Yet our Manitoba government has not seen fit to treat us the same way as B.C. and Ontario. Why is it that as Canadian citizens we are not treated equally in all provinces, and why is it that the Manitoba government is the last one to address the widows' concerns? Is it possible that in this day and age we still have the same kind of mean-spirited politicians as in days past? I would hope not.

I do want to close by repeating that I am truly grateful for the settlement offered, and thank those who put this bill forward. I also want to take this opportunity to thank two special ladies who worked diligently and consistently to have the widows reinstated and right the wrongs done, all the way from B.C. at that.

Merle Mutch and Alvina Bartlett, I thank you. Also, I thank Daryl Reid, opposition member, and thank you to Pete Walker for his assistance to our group. Finally, thank you for the opportunity to speak what is in my heart.

Mr. Chairperson: Thank you very much, Ms. Dunning, for your presentation. Are there any questions?

Mr. Reid: I would just like to thank Ms. Dunning for appearing before our committee today and for indicating to us, to this committee, the difficulties that she has encountered as a result of the loss of her pension. The small amount of money that you have indicated here that it was, I imagine it was very much needed at that time and to lose it was quite a hardship for yourself and for your children.

I want to say to you and to the other widows that as a result of government policy decisions in the past, I am sorry for those decisions that were made at that time. We hope that we do not repeat those mistakes in the future. Thank you for coming here today and making your presentation.

Mr. Radcliffe: Mr. Chairman, I would like to also put my thanks to Ms. Dunning on the record. I too empathize with her personal story. Very particularly, I would like to thank her for revealing to us some of the intimate details of her life, which I am sure is a cost even today to come forward and to bear these things publicly. So my sincere thank you.

Mr. Chairperson: Thank you very much for your presentation, Ms. Dunning. I call next Valerie Cloutier. Would you come forward, please, Ms. Cloutier. Have you a presentation for distribution? The Clerk will distribute. Ms. Cloutier, you may proceed.

Ms. Valerie Cloutier (Private Citizen): My name is Valerie Cloutier. I am 48 years old and have been employed by Winnipeg Child and Family Services for three years.

Sounds good, does it not? But let us go back to August 31, 1971. That is when, at 20 years old, I answered a knock on my door in Thompson, Manitoba. On the other side of the door were RCMP officers asking to speak to me. It is 7 a.m. and in my heart I know why they are there. My husband, Ray Sutherland, aged 21 at the time, was killed in Beechtree Mine in Thompson, Manitoba. We had been married for six months. I would like to add at this time, two months after this accident another man was killed the same way. He fell down an ore chute 250 feet working for Patrick Harrison.

This is the day my life changed forever. Ray had worked for Patrick Harrison Company for a brief period of time. Again, I would like to add, Patrick Harrison was paying a little bit more at the time. Ray was 21 years old and thought he would like to make more money for his wife. I had begged him not to, as Patrick Harrison at that time did not have a good reputation. He had previously worked for Inco. This is not in there,

by the way. I would just like to add that. Okay, I am sorry.

He had not worked long enough to claim any insurance and they would not even transport the body back to Winnipeg.

I do not remember much back then in 1971, as my parents handled all the affairs. I was taken to the Workers Compensation Board to sign the papers and was told I would receive a small pension. I was only 20 years old. I did not qualify for Canada Pension. You had to be 35. I could not understand this as I felt grief had no age. Being young, I assumed I was expected to marry soon after.

This did not happen for me as my grief consumed me for several years. I realized I was 20 years old, alone, and had limited education.

In February 1972, I decided to leave my parents' home and go to The Pas, Manitoba, to attend school. I did this, taking upgrading and then a clerk-typist course. I used my small pension to offset my living expenses in The Pas. After The Pas, I then went back to Thompson, Manitoba. My life continued on this roller coaster ride for several years, moving back and forth to Winnipeg, Thompson, still overcome by grief not knowing where I belonged. In this time, there were two suicide attempts caused by my grief not dealt with.

In 1976, I met Randall Cloutier, a young father with two children, a boy and a girl. By this time, I was feeling life was passing me by. We started living together, and our daughter was born in 1978. We did not get married at that time, as you had to have been separated for five years to remarry, and Randy had not been separated five years at that time.

During the time I lived with Randy, he was pushing for marriage. I hesitated as I knew I would lose my pension. What if my marriage did not work? In the end, I chose to marry Randy, as I did not want my daughter growing up thinking she was illegitimate or not wanted. We were married in 1981, a decision I have regretted ever since.

After our marriage, this man became abusive and jumped from job to job. At times

we did not have enough money to feed our children. At this time, we were living in Calgary, Alberta. I wanted to get out of this horrible marriage but, with no money, where would I go? If I had had my pension, I could have left. At least I would have had something. I convinced Randy to move back to Winnipeg in 1983 where at least I had some family.

* (1110)

I endured this marriage for another two years. We separated in 1985. As I had raised our older daughter since she was two, she chose to stay with me.

Leaving the marriage was a difficult decision, but not half as difficult as trying to get support payments and a job with enough salary to support my children. If I had had my pension, this hardship would not have happened. As I was not trained for anything, I could only get low-paying jobs. The last job I had I was laid off and then could not get employment. My family and I ended up on social assistance, which was devastating to me. I did not know what I was going to do, but being on assistance was not the answer for me.

In 1989, I applied to the Winnipeg Education Centre for the social work course where we were funded and received \$760 a month to live on. It was not much, but we managed. By my third year of school, they had cut the funding to just over \$500 per month, so a student loan was necessary for the next two years at a cost of \$10,000. If I had had my pension, I could have lived off it, and not have needed a loan, which I am still paying off today. I graduated in 1994, worked at Knowles Centre for two years, then was hired by Winnipeg Child and Family Services in 1996.

Bill 33 is important because it can prevent women from going through the same grief and hardship that I have endured. Just because you remarry, you should not have to give up your pension. It is a woman's right to have this pension, and she should not have to be put in the position of having to choose between marriage or pension.

I would like to say that I agree to the \$83,000 as I feel that asking for more would

only end up not solving the situation or dragging out the situation for an indefinite period of time. I understand that because I got married in 1981, I am not entitled to have my pension reinstated. I do not agree with that.

At this time, I would like to thank you for listening to my story and opinions, and I hope that Bill 33 is passed as soon as possible.

I would like to add, I do not feel this is winning a lottery. I believe that, with the money that I receive, I will be able to help my children and give them something that I could not give them in the previous years. Thank you very much.

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

Mr. Reid: Thank you, Ms. Cloutier, for appearing before the committee today and for your presentation. You have obviously undergone some various, serious hardships, and the loss of your pension has created some difficulties for you, as you have indicated here.

The previous presenter here today has said that by having these monies, these \$83,000, is a social program, and that perhaps those monies should not be paid from the compensation funds, but should come more directly from the taxpayers. Would you like to comment on that particular statement?

Ms. Cloutier: I do not believe that this is a social fund at all. I believe it should come from Workers Compensation. A man was killed two months after my husband was killed in the exact same manner. What did they do to prevent that? We had tried to sue Patrick Harrison Company. We did win the first go-round but not the second. To this day I am still unable to read the transcript of that trial. This is not a social program.

Mr. Reid: Because you have indicated in your presentation here that you agree with the \$83,000 and you do not want to drag on this matter any longer for an indefinite period of time, would it be your advice that this committee and the Legislature pass this legislation as

quickly as possible, perhaps having it concluded before the end of this week?

Ms. Cloutier: Yes, I would like to see it done and passed as soon as possible and compensate the widows. I am not the only one that has endured pain like this, and this is only a nutshell of what I have gone through. I am sure many other widows have gone through similar situations and maybe do not have enough courage to come forward and say what they have endured, because in '71 there were not the opportunities back then to get the help you needed as there are today.

Mr. Reid: As I said to the previous presenter, I am personally sorry, as I hope members of this Assembly are, for the hardships that you have had to endure through the loss of your pension and the loss of your spouse, who was unfortunately killed on the job. We hope that this Legislature never repeats the mistakes that we have seen as a result of the elimination of the pensions for widows and widowers that remarry.

I want to ask you one final question with respect to the legislation itself, Bill 33, because it builds into the legislation a two-year limit for widows, widowers to come forward and apply for this lump sum payment. Do you feel that this two-year limit is reasonable, or would you want to see this process open ended so that if there are widows, widowers living elsewhere in Canada or on this continent or elsewhere that they may have the opportunity to have access to those funds should they not be made aware of the two-year limit and the funds available?

Mr. Chairperson: Ms. Cloutier, I am sorry, I have to identify you in order that the recording is done properly. It is for his benefit, not for yours, so thank you very much for the indulgence.

Ms. Cloutier: I believe it should be open-ended. I myself would have become more involved had I known what was going on. I am sure there are people who are living all over the place that have no clue what is going on, because people do move back or they hear from other people from their home province what is going on, in some cases, and in some cases not. So it should be open-ended.

Mr. Reid: One final question, the previous presenter has indicated that he, as a representative of the CFIB, wanted to have this legislation withdrawn. Do you have any comments or thoughts you would like to share with us on that?

Ms. Cloutier: Having it withdrawn, no, I think that comment was uncalled for. I hope that he is never put in a situation that the widows and widowers have been in, what we have gone through, and maybe then he would have more understanding of what we are going through.

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

Mr. Radcliffe: I would like to also thank Ms. Cloutier for appearing today and to put on the record that I am sincerely and truly touched when people bring the intimate details of their lives to public committee. I believe that this is a very important process in the evolution of legislation in our province. I think that it gives government, both the government bench and the opposition, the opportunity to hear what real people are saying and experiencing out in the community. I would like to thank Ms. Cloutier very much today.

Mr. Chairperson: Thank you very much. That concludes the presentations that I have on the list. Are there any other presenters out in the audience who are wanting to make a presentation?

Floor Comment: Would it be possible to be able to do a presentation on a personal basis in just a very few minutes?

Mr. Chairperson: What is the will of the committee? It is not normal practice that we allow for second presentations to be made by the same person. But if it is the will of the committee, then we will hear you, if it is not going to be very long because I would like to conclude the proceedings here today by 12 as there are a number of committee members who have to attend other functions at 12. You may proceed.

Ms. Alvina Bartlett (Private Citizen): I would like to confirm some of the things that a few of

the other members have indicated, hardships. I was widowed in 1961; I was 21 years old; a three-month-old son; my husband was killed with Manitoba Hydro. Very definitely an unsafe work situation. I was not able to sue Manitoba Hydro because the accident happened on the job. I had no education; I should not say that, I had a Grade II education. I, through my bootstraps, managed to pull myself up. Fortunately I did have \$90 a month from WCB plus the benefits for my son. I went ahead and finished my high school, then went into specific training at Winnipeg General Hospital. All that would not have been possible had it not been for my benefits. I ensured that my son went on to university.

I did not remarry because I did not want to lose my pension, but somehow, after 23 years, a gentleman did come along who broke down my heart. Within a year I find out, the very first year after marriage, that I am now the breadwinner. Through no fault of his own, he had some financial reversal, and he was now my dependant. Things went downhill from there on, and many, many times, I tell you, if I had my pension, I probably would have said, hey, I am going to look after myself. Now my husband, my second husband, died in November. I am widowed again, and his estate was insolvent, so where does that leave me? I do not even have my WCB pension. If I had my pension, I tell you, my life would be different, but I will probably be faced with going back to work. Thank you.

Mr. Chairperson: Thank you very much, Ms. Bartlett, for those additional comments.

What is the will of the committee? Do you want to deal with this bill, or do you want to deal with the other bills first and then we will deal with this bill?

An Honourable Member: Are there any other presenters?

Mr. Chairperson: I do not think there are any other presenters on any other bills unless I have missed one. Are you presenting on this bill?

Ms. Laura Stephansson (Private Citizen): I am. I am Merle Mutch's daughter.

Mr. Chairperson: Okay, because I had asked before whether there were any other presenters, and I did not see any. I will allow you, however, to come forward. And what is your name, please?

Ms. Stephansson: My name is Laura Stephansson, and I am the youngest of Merle's five children. I just wanted to say that I know they have worked extremely hard on this. I appreciate all the backing that everybody has given them, and I refer to Mr. Kelly. Unfortunately, if he had received all his proper statistics, he would see that Manitoba employers were not the only ones paying into this, and so he was very adamant about Manitoba, but there were other employers outside of Manitoba contributing to this also. Obviously he has never lived this scenario of losing a spouse and trying to raise children on a limited income. There were times when my mother was working, had to go out to work, she had no alternative but to work to keep food on the table. It was very difficult. I was 10 years old, and my oldest sister was 20, and there were five of us, and she had, like I said, no other alternative. It is hardly a social assistance program. That bothers me extremely to hear him say that, and unfortunately, as I said, he has never lived this scenario. If he had received his facts properly, he maybe would have had different decisions and comments about this.

It is better to keep your mouth shut and be perceived a fool than to open your mouth and take away all doubts. Thank you.

Mr. Chairperson: Thank you very much for those comments, Ms. Stephansson. I think I have heard that statement made before.

* (1120)

Mr. Helwer: Mr. Chairman, I believe we should deal with Bill 33 first clause by clause prior to the other bills, if that is the will of the committee.

Mr. Radcliffe: Mr. Chairman, I think, we, as political members representing the people of Manitoba, received some very good advice today from the last speaker, something that probably we should all take to heart. Thank you very much.

Mr. Chairperson: As normal, the title and the preamble will be set aside until the finalization of the bill.

Clause 1—pass; Clause 2—pass; Clause 2(2).

Mr. Reid: Mr. Chairperson, I should have indicated at the beginning I have a number of questions, and I do not know if the minister would like to have staff from the Compensation Board attend the table or perhaps he can answer the questions himself. I do have a number of questions that I would like to ask with respect to the bill.

Mr. Chairperson, I look to you for some direction here, whether or not I can do it in a general way about the entire bill, or you want me to do this on a clause-by-clause basis. I can do that in either fashion.

Mr. Chairperson: What is the will of the committee? I would suggest to the committee that we allow you the freedom to do it on the entire bill, ask all the questions that you need, and then we can deal with the bill if that is your will. What is the will of the committee? Agreed? [agreed] You may proceed, Mr. Reid.

Mr. Reid: Thank you, Mr. Chairperson. Starting off, I want to again thank the presenters who came before this committee this morning and added their comments about Bill 33.

I have a number of questions dealing with the specifics of the bill, and I believe this would be the appropriate time to ask those questions. I thank the minister for his briefing on this bill prior to him proceeding with second reading of the bill. I appreciate to have that opportunity. I indicated then that I would ask these questions, and there were a few others that have come to mind since that point in time so I will proceed to ask them about Bill 33.

I want to start by indicating that because the minister no doubt has had some discussions or consultations with the Compensation Board, whether or not any consideration was given to reinstating the pensions for the pre-Charter group as has been done for the post-Charter group from 1985 to January 1, 1992. Was there

any consideration being given to reinstating the pensions in addition to the \$83,000 lump sum?

Mr. Radcliffe: Mr. Chairman, in response to my honourable colleague's question, yes, that question was considered and, in fact, what we did as a matter of policy was to try and strike a balance so that the interests and the rights of employers were not unduly or severely jeopardized and there was recognition given, and that, I think, is to the past injustice that was wreaked upon the individuals involved.

I think I would like to emphasize at this point that this is not a charitable donation. This is not recompense or reinstatement of previous rights, but rather I think the correct way to look at it is that this is only a recognition of what has happened in the past. While one cannot go back and reinvent history, this is, to the best of our ability at the present time, an opportunity to go back and readdress an issue to the best that we can. But we felt that it would, in fact, be inappropriate to go back and fully reinstate the pensions the way it was.

Mr. Reid: On what grounds was consideration given? When you say it would be inappropriate to reinstate the pensions, what were the criteria that you used to make that decision?

Mr. Radcliffe: The first thing we did is we looked at the situation across Canada, and we compared the experience of other provinces. More particularly, we looked to the experience of the province directly to the West of us. We saw that there had been some significant uptake on the offer of \$80,000 in Saskatchewan, and that this had been, in fact, positively received by the class of individuals who were touched and involved with this tragedy.

We looked at the potential for litigation, and while the opinions that we received were that there was no constitutional or Charter obligation to reinstate the compensation or the pensions, I must caution my honourable colleague, and I am sure he is aware, that at best all you get with a legal opinion is the opinion of a lawyer. You ask three different lawyers an opinion, and you often get three or four different opinions.

An Honourable Member: Three of them in the room.

Mr. Radcliffe: That is correct. So, therefore, what this did not do, by holding fast and refusing to deal with this group of people, this would not have excused us or saved us from perhaps becoming embroiled with litigation. Quite honestly this is not a situation where this government would want to find itself. In fact, I believe that the experience of the province of British Columbia was that they had refused to deal with the pre-'85 widows of the day, and on the basis of their litigation, there was a group in British Columbia who did that take jurisdiction to court, and the courts did find in favour of the group.

Therefore, we felt that it was, in fact, to the advantage of everybody to be proactive, come forward with a positive scheme for acknowledgement, and respect the past and respect the individuals that were involved. So these were some of the criteria, and I do not believe I have been exhaustive, but certainly many of the points that we touched upon and which helped form our opinion.

Mr. Reid: So then this government has modelled to some degree, or used the criteria of the province of Saskatchewan as the baseline, and that you have ignored the experience and the direction that the province of Ontario and the province of B.C. have taken with respect to the restoration of pensions for those two provinces. I am sure the minister well knows the financial circumstances of those two funds.

Yet those provinces deem that it would be appropriate to restore pensions, in addition to settling the other matters involving loss of pensions for widows. I am just wondering why we would not want to take into consideration those other jurisdictions who have reinstated the pensions, as well as providing for lump sum settlements as well; in other words, restoration for those monies lost in prior years.

Mr. Radcliffe: Certainly my honourable colleague looks to British Columbia as perhaps a source or authority. In fact, I have got to put on the record and emphasize on the record that British Columbia only dealt with this group of people because they were forced, by virtue of the violence of the Crown, because there was a litigated conclusion, and this was not something that we wished to find ourselves in.

The other thing is that I think a hallmark of this government—and I hesitate due to the sensitivities of this issue, but a hallmark of this government, and I think bears repetition—has been fiscal responsibility. So we did not want to place ourselves in the position that the Ontario Workers' Compensation Board has found. I think the memories of the \$232-million unfunded liability still rankle in the minds of the proprietors and the small business people of Manitoba, and the taxpayer, and so that in all conscience we could not follow the lead that was offered by Ontario. I think realistically one has to consider that we are a population of approximately 1.1 million. We do not have the economic engine that the province of Ontario has, so that we have got to deal with economic demands in a fiscally responsible fashion, and that is what this government does, and so that is why we came to that conclusion.

* (1130)

Mr. Reid: I do note the comment the minister made with respect to the B.C. case involving violence of the Crown, or the courts. It is a new phrase to me. I always thought that the courts would be somewhat fair and just in their handling of matters; in fact, justice, being blind and holding up the scales of justice, would be balanced, but perhaps he has a different interpretation of the Crown and the courts in this country.

It is interesting to note that you have indicated that it was a fiscal responsibility that you were taking into consideration, if I interpret your comments correctly, your fiscal responsibility was more important than restoring widows' pension benefits. That is the interpretation that I take from your comments here today. I am not certain that that is the appropriate way to deal with this matter. I would have hoped that we would have had the pensions restored as well. If we recognize that there was a hardship that was created on the part of government action through legislation or actions on the part of the board we would have hoped that there would have been a restoration of the pensions in addition to recognizing that we had some responsibility to restore funds or loss of pensions for the years in which those

pensions were terminated as a result of remarriage.

I would have hoped the minister would have recognized that when he brought the legislation forward that we should have included the restoration of pensions as you are now doing for the post-Charter group, from '85 to January 1, '92. If we recognize that we have a responsibility for that group, the Charter date is an arbitrary number that has been set down by representatives in this country. I would have hoped that there would have been a recognition that we have a responsibility to restore pensions as well.

We have heard that from the presenters here today, indicating that there should have been some consideration given to the restoration of pensions. Yes, they are somewhat happy. It is a mixed message here in the sense that they are happy with the \$83,000 as a trade-off because this has been dragging on for so many years, but if the pensions had also been restored then there would have been a full sense of justice for those widows and widowers that are long suffering as a result of legislative policy decisions that have been put in place prior to this minister's time in office. I reference that for him.

I have another question with respect to the lump sum figure, \$83,000, that has been used in this legislation. What were the criteria that were used in setting up that \$83,000? Were there other considerations given to different numbers. How did you arrive at that \$83,000 lump sum figure?

Mr. Radcliffe: I believe that I have touched somewhat on that issue in my previous answer. But before I carry on with answering the second part of my honourable colleague's question, I want to readdress his first remarks and say on the record that I categorically and most emphatically reject any implication or inference that, in fact, fiscal responsibility or fiscal limitations were the sole criteria that affected our opinion making and that, in fact, we were insensitive to the individual's needs or the individual stories or the individual demands that were placed before us. I think that it is very inappropriate to infer that there were any such inappropriate considerations or motivations, that

they were the primary considerations in our decision making.

With regard to arriving at the \$83,000, I think what I said previously, I can just reference it in focus for my honourable colleague's attention, was the fact that we looked at what the experience was across the country. Our thinking was of a general nature. We looked again at the experience to the west of us, we looked at the experience to the east of us. We looked at something that was meaningful in today's economic climate. I would also confirm that this is a tax-free stipend or payment so that the individuals involved do not have to pay income tax or capital gains on this. So therefore it represents, depending on what one's income tax level is, obviously a variable position, but it represents a significant benefit or emolument for individuals. So I think that the level of payment is something that was drawn from the breadth and depth of the entire Canadian experience.

Committee Substitution

Mr. Helwer: Mr. Chairman, I wonder if I could just interrupt proceedings for one moment. I would like to put Mr. Sveinson on the committee if I could have leave to do that, to replace me.

Mr. Chairperson: Is there leave? It is moved by Mr. Helwer that Mr. Sveinson replace Mr. Helwer on the committee. Agreed? [agreed] It will be reported in the House later as such.

* * *

Mr. Reid: Mr. Chairperson, with respect to the lump sum figure \$83,000 that is in this legislation, the minister indicates that it is tax free. Yes, it is my understanding that all compensation benefits are supposed to be tax free, so this is not a new provision if it is restoration of benefits in some way. Through the compensation system, it is tax free. Even though your government's legislation in '92 changed that to some degree when you took collateral benefits, et cetera, into consideration, you did, in some way, tax those compensation benefits, but we will not go down that road. That is an argument for another day.

With respect to the issue dealing with the lump sum, was any consideration given to

including interest on any of those monies as a result, since these hardships have occurred over a number of years? If not, why not?

Mr. Radcliffe: The answer to that, Mr. Chairman, is no, because the Workers Compensation Board has a general policy that they do not pay interest on any benefits at any time.

Mr. Reid: Can you tell me with respect to the widows and widowers that may have commenced any action in the courts or perhaps through the Manitoba Human Rights Commission, do you have an indication of how many actions may have been commenced? It is my understanding that all of those actions, including the Manitoba Human Rights cases, would have to be discontinued or dropped in consideration of the \$83,000 being forwarded to those individuals.

Mr. Radcliffe: Mr. Chairman, we are not aware of any litigation either before the courts or the Human Rights Commission on any pre-1985 group of individuals. Apparently, there was one case on the post-'85, and that would obviously be redundant or moot at this point in time.

Mr. Reid: So settlement would preclude any individual, then, from commencing any action either under the Human Rights Code or in the courts. When they signed the waiver, which, I understand, that the board or the ministry has, once an individual signs that, it would prevent that individual from ever having any recourse or process to come back through those tribunals for any solution or further consideration of this matter. If that is the case, could you also provide for me, if you have here a copy of the waiver form if you have it in its final draft, that will be presented to the pre-Charter group of widows and widowers?

Mr. Radcliffe: Mr. Chairman, my honourable colleague is correct that this is a full and final release that would be obtained from the individual applicants upon payment of the \$83,000. We do not have a copy of the release here with us right now, but I undertake to provide my honourable colleague with a copy of it at the earliest opportunity.

* (1140)

Mr. Reid: You indicated during the briefing that there was going to be a communication strategy that was going to be undertaken, and I would like to have some further information. We have heard from presenters here this morning that there is some concern with respect to how we are going to communicate this particular information from the legislation to the widows and widowers, who may not be residing currently in the province of Manitoba and may not have perhaps family members still in Manitoba and how we are going to get that information to those individuals with respect to this legislation. If you have a communication strategy that you can share with us, I would appreciate knowing that information.

Mr. Radcliffe: Mr. Chairman, the Workers Compensation Board has a pretty good idea of all the individuals in this class of people who have been identified to them over the years and also have a reasonable idea where these people are located at this point in time. So we are not functioning in a void or a vacuum on this exclusively. The points that the Workers Comp Board will be following to communicate this issue to the public will be that there will be public service announcements on the radio, the TV, access cable and seniors-oriented papers or periodicals. There will be notices sent from the board to seniors' organizations in Canada. There will be mention made on the website with a seniors' focus. Direct mail will be targeted to community drop-in centres and residences in Manitoba, and there will be a direct-mail link to the seniors' directorates in Canada and that is plural, seniors' directorates in Canada.

In addition to all of these items of a general communication nature, the Workers Comp Board executive director will meet with the Manitoba Seniors Directorate to obtain advice on other avenues for contact. I can confirm that our Workers Compensation Board has had dialogue with other Canadian jurisdictions that have embarked upon similar efforts to explore these avenues. Initial news coverage of this change in direction in this legislation has resulted in about 40 individuals, widows and widowers contacting the Workers Comp Board for information. These names and any others that come forward will be retained in a data base for contact once we receive Royal Assent on this

bill. To that end, I would also ask my honourable colleague's co-operation and that of the colleagues in his caucus that we move this legislation ahead as quickly as possible. It is my intention to seek the co-operation of the Lieutenant Governor at the earliest opportunity to give third reading to this bill and pass it into law.

Once the bill has been passed into law, the Workers Compensation Board will issue a further news release announcing our advertising effort and outlining the processes to be followed to receive the special payment.

Mr. Reid: Can you tell me what dollar value you have attached to that communication strategy?

Mr. Radcliffe: I am advised by the executive director that it is approximately an \$80,000 media communication strategy.

Mr. Reid: Will this be a one-time process of advertising these changes or do we contemplate that this will be taking place over a period of weeks and months perhaps to make sure that there is as broad a range or as wide a coverage with this information as is possible?

Mr. Radcliffe: The Workers Comp Board intends to make this as wide and extensive a media contact as possible, so that there will be communications at intervals throughout the course of the next two years.

I also want to indicate to my honourable colleague that there is some flexibility in this legislation, if somebody should be identified and come forward the day after or the week after the expiry of the two-year period, that there is legislative authority under the Workers Comp Act that some flexibility can be given, and such an individual can be accommodated, so long as it is not somebody who would be liable for laches, for somebody who, and that is l-a-c-h-e-s. That means delay—[interjection] Sorry, that somebody has not sat on their rights knowingly but rather it was an innocent oversight on their part, that they had no opportunity and they were not culpable for the reason for the delay.

Mr. Reid: I thank the minister for hearing our comments during second reading on the bill

because it is our intent, our interest, too, to pass this legislation through as quickly as possible. If the minister, though his House leader, was interested in perhaps having this bill come back for an early report stage and third reading, if it is possible even this afternoon, with the conclusion of this bill, I have no problems with that proceeding. As I have already indicated during my comments on second reading, that would be my preference to have this occur, that the bill would be passed before the end of the week so that we could get the money into the hands of those that are affected, the widows who have already communicated with the board or that the board is already aware of. So, yes, we are agreeable to that occurring.

With respect to the privacy of individual widows and widowers, I understand that there are provisions under the act itself that protects that privacy. I know that I have had some difficulties over the years in gaining access without having approval given in writing first by claimants, but is there any way that the Compensation Board can provide to the widow and widowers that are affected by this legislation, perhaps taking a newsletter from the Widows' Action Group that has played such an instrumental role in having this legislation come forward and who have been diligently working at this process for a number of years, to have their newsletter go to the individuals that are affected?

I know you cannot provide the names and addresses unless you have prior approval, but I am wondering if the communication can go in the other direction to those individuals.

Mr. Radcliffe: Yes.

Mr. Reid: I thank the minister for that undertaking. With respect to the limitation, the minister said that there is some flexibility on the two-year limit, and you have that provision under the current act to be flexible. I know we have talked about that during the briefing. I guess the question here that remains in my mind is: why would we have a limit in the legislation itself. If the funds are set aside and have been there for some time, either through the current surpluses of operations or in prior years, as the minister has said in his earlier comments to one

of the presenters here today, I believe it was to Mr. Kelly, why would we not want to have an open-ended process here so if a widow or widower were to be identified five years down the road, perhaps a longer period of time, that they would not want to have an open-ended process, because if they are entitled to those funds under your legislation as laid out here today, why they would not have that same entitlement five years, 10 years down the road?

Mr. Radcliffe: I have to bring to the table for the benefit of my honourable colleague, Mr. Chairman, the fact that there has to be administrative certainty in dealing with public bodies. We felt that two years was a reasonable window so that everybody could be contacted. In fact, the Workers Comp Board has an expectation that they will be able to contact all the affected individuals within that time span and deal with the matter appropriately.

Mr. Reid: Are there any regulations that are being contemplated, because most pieces of legislation have regulations that would be attached to them? Are there any regulations that are being contemplated or planned for this legislation?

Mr. Radcliffe: No.

Mr. Chairperson: Clause 2(1)—pass; Clause 2(2)—pass. Clause 3, I have an amendment.

Mr. Reid: Mr. Chairperson, I move

THAT Section 3 of the bill be amended by adding "and" at the end of clause (c), by striking out "and" at the end of clause (d) and by striking out clause (e).

[French version]

Il est proposé que l'article 3 du projet de loi soit amendé par suppression d'alinéa e).

Motion presented.

Mr. Chairperson: Shall the item pass?

An Honourable Member: No.

Mr. Chairperson: The amendment, I am told, is in order.

* (1150)

Mr. Reid: I think it is important to note that this legislation, while the minister says that there is some flexibility in the legislation currently under The Workers Compensation Act that would allow the board to consider claims that would come in after the two-year period, it still leaves a claimant uncertainty. The minister talks about administrative uncertainty, but by having this limitation in this bill it puts in place a claimant uncertainty for individuals that may be entitled under this legislation, as it is intended. We think that that would be unfair and unreasonable to have that two-year limitation in there because the minister has not given a reference for us or a guide on what would be the reasonable bounds for consideration of this clause, how much latitude would be given.

I would suggest to members of the committee and to the minister that if the funds are indeed set aside, as has been indicated to me in the compensation committee Public Utilities and Natural Resources, that if the monies are set aside, and the minister indicates they have been set aside here for a number of years from prior years employer contributions to the fund as a result of the workplace fatalities, it would seem reasonable to me to have those funds available at any time should any widow or widower come forward and be identified as having a legal entitlement under this legislation to those funds.

So I say to the minister, and I ask him and members of the committee to give consideration to the removal of that limitation to make sure that we have some certainty for the widows and widowers, for the claimants who are entitled to those monies and not just look at it solely from the point of view of having administrative uncertainty, because we go back to the same question again. You are looking at fiscal responsibility versus fairness for the widows and widowers. That is the same point that I was drawing upon earlier.

By putting this restriction in this legislation, you are going back to that fiscal responsibility in wanting to make decisions with respect to any funds that may be left over at the expiration of

that two-year period. That tells me that you have a fiscal responsibility more than you have a responsibility to those that are entitled to the monies. So I ask you to support the amendment that would take away the two-year limitation to make sure that those that are entitled to the monies, in fairness to them, have access to those monies in the future.

Mr. Radcliffe: In response to my honourable colleague's proposal, I can explain to him that, in fact, Section 109 of the major act, of the main act, The Workers Comp Act, does allow the board the authority, in exceptional circumstances, to extend the application time indefinitely. So therefore this amendment is redundant at best. Therefore I would speak against it at this point in time. I would thank my honourable colleague for his concern. In fact, there is the flexibility within the operation of the parent legislation in any event.

We want, by virtue of a public statement, to be able to say to the public that this is a time-limited offer. However, that is so that we can get on with it and get the money moving and get it out into the public. However, there is the fallback position under The Workers Comp Act that if there is an application in exceptional circumstances—and it has to be exceptional, and exceptional is defined as something where somebody would not have a reasonable opportunity of knowing and did not ignore the application—that their application can be reviewed, Mr. Chairperson

Mr. Chairperson: We are very quickly approaching the hour of twelve, and we have some significant business to deal with before the hour of twelve.

Mr. Radcliffe: I will terminate my remarks. Thank you.

Mr. Reid: I understand the dilemma we have here, but I think it is important, because the minister is taking two positions here. He said the process is open ended, but we are building in a two-year limitation. I think what we want to hear from the minister is if there are some assurances that he can provide to those that

would be entitled, to those widows and widowers who may be entitled to those monies years down the road, that the board would give consideration to those applications that may come down the road on an unlimited basis.

If the minister is saying that is the case and he is willing to put that on the record, then perhaps this amendment would be redundant, but I want to have that assurance from the minister before I would agree to that direction.

Mr. Radcliffe: I would be governed by the limits of Section 109, and Section 109 says, "if an injustice would result." That is the operative test and the board, in fact, would be governed by that principle.

Mr. Reid: Governed by that principle. I guess that leaves it open to interpretation, and I am trying to get a clearer understanding here for those who are going to be affected. This does not affect me personally right now, and I know the member for St. Norbert (Mr. Laurendeau) has withdrawn from the committee because of some impact, but I am looking for some assurances for those widows and widowers who perhaps are unaware of what is happening right now, perhaps residing outside of the province, and who may not be informed through the communication strategy or become knowledgeable of it.

Should they become aware of this down the road, I am just looking for some assurance here, some simple assurance that would say that they would have the flexibility, open-ended in time frame. Regardless of what is in the legislation here, there would be an open-ended process, that they would have consideration of any claims that would come forward and that the time criteria that you have established here in legislation would not impact upon them, because you said there is flexibility. I am just trying to determine here what your flexibility is, what you mean and how you define that.

Mr. Radcliffe: Mr. Chairman, I do not think that I can improve upon the position of government or the meaning of the law at this point in time, over and above what I have

already stated. I think that I can give my honourable colleague the assurance that he is looking at, as qualified by my previous remarks that, in fact, somebody has not wilfully or negligently sat upon their rights and then in a mischievous or reckless fashion comes forward at a later date beyond the time limit involved. I think if somebody—well, my previous remarks stand.

Mr. Chairperson: What is the will of the committee with the resolution?

An Honourable Member: Question.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 5.

Mr. Chairperson: I declare the amendment lost.

Clause 3—pass; Clause 4—pass; Clause 5 to Clause 10—pass; title—pass; preamble—pass. Bill be reported.

Bill 4—The Law Fees Amendment and Consequential Amendments Act

Mr. Chairperson: We have three other bills here to deal with. Does the minister for Bill 4 have an opening statement? I see none.

Does the opposition have an opening statement? Hearing none, Bill 4, The Law Fees Amendment and Consequential Amendment Act. The title and preamble will be set aside.

Clause 1 to Clause 3—pass; Clause 4 to Clause 7(2)—pass; Clause 8 to 9—pass; Clause 10 to Clause 12(2)—pass; Clause 12(3) to Clause 14(3)—pass; title—pass; preamble—pass. Bill be reported.

**Bill 11—The Statute Law Amendment
(Nunavut) Act, 1999**

Mr. Chairperson: Bill 11, The Statute Law Amendment (Nunavut) Act, 1999, the title and preamble will be set aside. Clause I to Clause 6—pass; title—pass; preamble—pass. Bill be reported.

**Bill 12—The Statute Law
Amendment Act, 1999**

Mr. Chairperson: Bill 12, The Statute Law Amendment Act, 1999. The title and preamble will be set aside and the table of contents. Clause I to Clause 25(8)—pass; title—pass;

preamble—pass; table of contents—pass. Bill be reported.

**Bill 18—The Correctional Services
Amendment Act**

Mr. Chairperson: Bill 18, The Correctional Services Amendment Act. The title and preamble will be set aside.

Clauses I to 25—pass; title—pass; preamble—pass. Bill be reported.

It is now twelve o'clock. Committee rise.

COMMITTEE ROSE AT: 12 p.m.