

**Third Session - Fortieth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Human Resources**

*Chairperson*  
*Ms. Melanie Wight*  
*Constituency of Burrows*

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**Fortieth Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON HUMAN RESOURCES**

**Monday, June 2, 2014**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Ms. Melanie Wight (Burrows)**

**VICE-CHAIRPERSON – Mr. Ted Marcelino  
(Tyndall Park)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Mr. Ashton, Hon. Ms. Braun, Hon. Messrs.  
Chief, Chomiak, Hon. Ms. Oswald.*

*Messrs. Helwer, Marcelino, Pivniuk, Smook,  
Mrs. Stefanson, Ms. Wight.*

**PUBLIC PRESENTERS:**

*Bill 10–The Fires Prevention and Emergency  
Response Amendment Act*

*Mr. Danny Thorsteinson, Manitoba Association  
of Fire Chiefs*

*Mr. Ken Guilford, private citizen*

*Bill 21–The Churchill Arctic Port Canada Act*

*Mr. Ken Guilford, private citizen*

*Mr. Lloyd Axworthy, Churchill Gateway  
Development Corporation*

*Bill 33–The Apprenticeship Employment  
Opportunities Act (Public Works Contracts)*

*Mr. Ken Guilford, private citizen*

*Bill 54–The Labour Relations Amendment Act  
(Time Lines for Labour Board Decisions and  
Hearings)*

*Mr. Ken Guilford, private citizen*

*Mr. John Doyle, Manitoba Federation of Labour  
Mr. Garry Bergeron, United Food and  
Commercial Workers, Local 832*

*Bill 65–The Workers Compensation Amendment  
Act*

*Mr. Ken Guilford, private citizen*

*Mr. John Doyle, Manitoba Federation of Labour  
Mr. Phil Kraychuk, United Food and  
Commercial Workers, Local 832*

**WRITTEN SUBMISSIONS:**

*Bill 10–The Fires Prevention and Emergency  
Response Amendment Act*

*Doug Dobrowolski, Association of Manitoba  
Municipalities*

*Bill 65–The Workers Compensation Amendment  
Act*

*David Sauer, Winnipeg Labour Council*

**MATTERS UNDER CONSIDERATION:**

*Bill 10–The Fires Prevention and Emergency  
Response Amendment Act*

*Bill 21–The Churchill Arctic Port Canada Act*

*Bill 33–The Apprenticeship Employment  
Opportunities Act (Public Works Contracts)*

*Bill 54–The Labour Relations Amendment Act  
(Time Lines for Labour Board Decisions and  
Hearings)*

*Bill 65–The Workers Compensation Amendment  
Act*

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**Madam Chairperson:** Good evening. Will the Standing Committee on Human Resources please come to order.

This meeting has been called to consider the following bills: Bill 10, The Fires Prevention and Emergency Response Amendment Act; Bill 21, The Churchill Arctic Port Canada Act; Bill 33, The Apprenticeship Employment Opportunities Act (Public Works Contracts); Bill 54, The Labour Relations Amendment Act (Time Lines for Labour Board Decisions and Hearings); Bill 65, The Workers Compensation Amendment Act.

How long does the committee wish to sit?

**Hon. Theresa Oswald (Minister of Jobs and the Economy):** Yes, I propose, Madam Chair, that we sit until the work of the committee is complete.

**Madam Chairperson:** All right. Is that agreed?  
[Agreed]

We have a number of presenters registered to speak tonight. As noted on the list of presenters before you on the topic of determining the order of public presentations, I will note that we have just one out-of-town presenter in attendance marked with an asterisk on the list.

With this consideration in mind, in what order does the committee wish to hear the presentations?

**Mrs. Heather Stefanson (Tuxedo):** I—maybe we could proceed with the out-of-town presenters first.

**Madam Chairperson:** Okay. Is that acceptable to everyone? *[Agreed]*

Before we proceed with presentations, we do have a number of other items and points of information to consider.

First of all, if there was anyone else in the audience who would like to make a presentation this evening, please register with staff at the entrance of the room.

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

As well, I would like to inform presenters that in accordance with our rules, a time limit of 10 minutes has been allotted for presentations. I will try to remember to give you a note at nine minutes, so I'll kind of be waving at you to let you know you have one minute left, and then there's another five minutes allowed for questions from committee members.

Also, in accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

The following written submissions have been received and distributed to committee members: Doug Dobrowolski, Association of Manitoba Municipalities, on Bill 10; Dave Sauer, Winnipeg Labour Council, on Bill 65.

Mr. Sauer's name will be removed from the presenters' list for Bill 65.

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

Now, when it comes to speaking in committee, prior to proceeding with public presentations, I just want to advise you in the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. So each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name, and that's just so that Hansard will know when to turn the mics on and off. So thank you for your patience.

### **Bill 10—The Fires Prevention and Emergency Response Amendment Act**

**Madam Chairperson:** We are now going to proceed with public presentations, and we're going to do Bill 10 first, The Fires Prevention and Emergency Response Amendment Act.

And we will start with our out-of-town presenter, which is Danny Thorsteinson, Manitoba Association of Fire Chiefs.

Do you have any materials, Mr. Thorsteinson?

**Mr. Danny Thorsteinson (Manitoba Association of Fire Chiefs):** Yes.

**Madam Chairperson:** All right, they will—the staff will help you hand those out, and you can go ahead whenever you're ready.

**Mr. Thorsteinson:** Well, thanks for letting me talk tonight. As it says in my—you'll notice in the thing, I'm not going to talk much on exactly what the meat and potatoes is and the changes in the act, but the rationale and everything is all sound, everything's good. What I want to give you is, like, our perspective from the fire chiefs' association and the fire departments in the rural area.

The changes here seem to clarify who and how contraventions to codes and acts are handled and by whom. There was a lot of normal, sometimes, ambiguity to who is—you know, who can do it, how you—the process is. So this now this cleaned up a little bit in that.

It also increases the ramifications and the fines related to orders issued to contraventions of the codes and acts, as well as its ability to collect such fines or penalties. You've probably noticed in your notes that there—that the penalties prior to this were almost nothing, and what you really have to do is have a clear deterrent for people to keep in contravention of the different things that they're doing, you know, the dangerous operations.

The changes will take away the profitability of contravention of the codes and acts by having punitive measures to encourage remedial action. That, as well, what it will end up doing is people or corporations that are in contravention of it—and a lot of times they're in process, we're trying to do something about those actions and because we're normally at a roadblock and it takes a long time to happen, there's no, you know, consensus of timeline to make anything happen, that if something happens in the meantime that probably leaves us out with a little bit of liability on that issue because, you know, we knew it was there, the danger was there and we couldn't rectify it in a timely manner.

These changes are in essence an update to the continuing effort by the Officer of the Fire Commissioner to provide leadership in what should be recognized as an upgrade to preventing emergency situations that put the workers, public and emergency responders in peril from situations that are preventable. And it's just another step that the OFC—for support and expand the fire and emergency prevention within the province, and the fire chiefs' association appreciates this support and hopes it will continue to expand its safety process in the future.

Thank you.

**Madam Chairperson:** Thank you, Mr. Thorsteinson.

Does the committee have any questions?

**Hon. Erna Braun (Minister of Labour and Immigration):** Thank you, Chief Thorsteinson, for coming tonight and sharing your ideas that support the work that you do in your community. I thank you very much for taking the time to travel here tonight.

**Mr. Dennis Smook (La Verendrye):** Yes, I'd like to thank you as well for attending the committee tonight and letting us know some of your thoughts on Bill 10 that's coming through.

Is there anything else that you can see as—from a firefighter's perspective, as far training and education, where improvements could be made?

**Mr. Thorsteinson:** There's a process in it right now that the Fire Commissioner's office is reviewing the Emergency Services College and there'll be some—they're in the throes of processing that. The province of Manitoba has an excellent facility in the Emergency Services College; we're probably some of the best-trained firefighters in the country. So I

think you could be proud of the work they do and the level of professionalism even in the rural areas.

\* (18:10)

**Mr. Smook:** Basically, the question was more about, like, as far as the general public goes, for letting the public know more about, you know, safety and what can be done for the fire—like, for to prevent fires.

**Mr. Thorsteinson:** It's actively involved in fire prevention and we've taken on some partners lately with Mutual Insurance Company. We have trailers all out through the province. The bigger cities have a little, you know, have the ability to have budgets to be able to, you know, do a lot of that prevention stuff within their areas. It's—as soon as you go in the outlying areas, the municipal side of things, you don't have that kind of resource and power behind you. So we're working in that direction to enable them and encourage them to go out there and, you know, educate people on making things safer.

**Mr. Smook:** Thank you very much. That was the—actually, the question I was asking. Like, as a rural department, do you get enough funding for, you know, prevention education?

**Mr. Thorsteinson:** It's—I mean, I'll always say you don't get enough. You know, and I'll always say, you know what, prevention, you know, if you can stop it before it starts, you got it made. It takes money and people to do it and, you know, the Fire Commissioner's office and the SOA board now, they're—you know, they're—everybody's on the same page and they think that prevention's a good thing and really, you just got to put your money where your mouth is.

**Mr. Smook:** Thank you.

**Madam Chairperson:** Thank you. Seeing no further questions, thank you so much for coming.

Our next presenter is Mr. Ken Guilford, private citizen. Do you have any materials to present?

**Mr. Ken Guilford (Private Citizen):** No, I did not. Sorry about that. I didn't have time. But we're tired. We're working hard.

**Madam Chairperson:** That's good. You go ahead whenever you're ready.

**Mr. Guilford:** What I would like to say is to do with this bill. We are now charged about \$500 for an ambulance ride. I can't speak as much for the emergency and the fire or the police, but I would

guesstimate that this amount is the same amount. Now, you want to charge us more? I'm against that.

I am for—in favour of much more. In fact, the ambulance and the fire and the FA—FAFFD—whatever, Winnipeg fire department, I say that they should be paid less. Right now, they're about 20 bucks an hour. You know what I make? You know what I bring home, \$160 a week.

That's crazy. I will not swear. I promised I would not swear. But I am very frustrated and I'm wondering how it is that we have to suffer. I'm a senior citizen and we are not getting off at all. And I have a permanent trustee, and that one, she is something else, and I've had four of them and they're all as bad as each other. I want to get rid of the public trustee. I want to go into—I have been promised if I can get rid of the public trustee, I can go under CFNS—CFTS, sorry—and that is an organization which teaches people how to do the books as well as make budgets.

I know on a budget because I was there for about six months, and then I took sick and I could not do my books. They—the public trustee got a hold of the lawyer and he ran after me to try and catch me so that I could pay—I could sign his stupid papers.

That was the most ridiculous thing I've ever seen, and I'd love to go on record as saying it is the most ridiculous thing I've ever seen. And I would like some input from the other peoples, some questions from other peoples what else they figure is wrong with the system, because the system stinks. That is not swear word. That is not swear word, but that's as close as I'll get to doing it because I don't agree with people swearing. I don't really feel it's necessary and I think it stinks.

And I would like to end our presentation saying I'm against, totally against, the fact of charging more money for the fact that the ambulance and the emergency response team—what happened to first response? That's what I would like to know. First response, where only one person in the *[inaudible]* I would not gone in the police.

I was watching—I was sitting in a bus stop. Somebody cut the bus driver off and he had jammed on his brakes, and I went forward to the front of the bus and I got hurt very badly. I was knocked down here in the Legislative Building, but I was—no signs at all. Now I notice there's signs, and that's great. But why does it take an accident to show that you need

signs? That's stupid. You should've had it up there before.

I'm sorry that I get frustrated, but I do not like things that are not right. And I—*[inaudible]* I do a lot of work, a lot of work in volunteer associations, that association that I am with, I did volunteer. I go out and we volunteer with people to help them out. I walk down the street and I shake hands with guys and I say, hello guy, how you doing, buddy? He says to me, good, buddy. And I don't even know the guy. More people should be doing this and maybe this would be back to the kind of—as my flag says on my walker. I don't know if anybody noticed it, but I have a flag on my walker that I paid \$3 for at the Dollarama kitty-corner to the MTS Centre.

And that's another thing, I don't know if I'm—how much I'm able to digress. Can I digress a little bit? Not long, two minutes, whatever. No, but I see nobody on there who's against me, so I'll digress and I'll say the worst thing we in Winnipeg ever did, put the Bombers stadium away south by the University of Manitoba. That's crazy. It should have been up by the—it should be where it was and made a new building here and put a parking lot over here and let it be like it always was. Okay, maybe new is good, but I say, no, not this one. Not that one, no. I'm sorry, I have to say that because I'm a loyal Winnipegger. I do a lot of work for Winnipeg. But I do not agree putting a stadium down there. I say tear the damn thing down. Get rid of it. Put another stadium over here by—what if it goes—I have never gone there. Twice, that's it. Once, you know, once when you do. And the second time you went over there was when they had the religious Christian event.

And that's all. So I'll end that. But I'll say I'm deadly against this. Thank you.

**Madam Chairperson:** Thank you very much. Are there any questions from the committee?

**Ms. Braun:** Thank you for coming tonight, Ken. Thank you for your presentation.

**Mr. Smook:** Thank you, Mr. Guilford, for sharing your thoughts with us.

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

**Mr. Guilford:** I have another question. Why does anybody not ask me questions? I feel bad, really bad that I don't ask—you ask other people questions but you never ask me. That makes me mad.

**Madam Chairperson:** Thank you very much for coming down.

**Bill 21—The Churchill Arctic Port Canada Act**

**Madam Chairperson:** Now we're going to move to our next, Bill 21. The Standing Committee on Human Resources is now going to hear Bill 21, The Churchill Arctic Port Canada Act.

And our first presenter is Mr. Ken Guilford.

**Mr. Ken Guilford (Private Citizen):** Okay, 21?

**Madam Chairperson:** Yes, Bill 21, The Churchill Arctic Port Canada.

Go ahead whenever you're ready.

**Mr. Guilford:** One second, okay? About two minutes? I'm just trying to get this thing from here. And that's leaking.

Okay, as I say as quickly, I'm sorry it was not more prepared on this bill, but I've been very busy. And I've been all good. Okay, what I would like to say is, this says, I'm going to read it: The bill establishes Churchill Arctic Port Canada Incorporated as a non-government agency in the form of a corporation without share capital. Its mandate is to facilitate the gateway system and to promote to it. The bill permits regulations are to be made to determine which area, referred to as the corporation's activities. Other regulations may be made, including regulations about the composition of the corporation's board of directors and how the board is to function.

What I would say about this bill: Get rid of the long words, get it down to layman like me and then you'd be able to understand what the hell it is. I don't really understand this bill but let me just point out, I say it's got to be written, rewritten, layman's terms and that way people—so everybody else can understand it. That's what I say.

And I say, anything to do with Churchill, I wholly agree with. And I say that it's a good bill, in favour of it. Thank you.

\* (18:20)

**Madam Chairperson:** Thank you.

Are there any questions from the committee?

**Hon. Steve Ashton (Minister of Infrastructure and Transportation):** Thanks very much, Ken. I've been watching you over the years, going back many years at these committees. So thanks for coming out. Appreciate your feedback.

**Mr. Reg Helwer (Brandon West):** Mr. Guilford, thank you for your presentation tonight, sir. I know you've been a busy man, as you said.

Is there anything in particular that you'd like to see changed in this bill?

**Mr. Guilford:** Yes, there is—sorry.

Mr. Guilford says yes there is—the language, so that I can understand what the bill is all about. You've got WHEREAS and *[inaudible]* I disagree strongly. I want to know the meat and potatoes of it all. I want to know what's involved in this paragraph and a whole bunch more. And you've got three and a half pages, whatever, full of—some—I won't say. I won't say. No, don't swear, Ken.

What I'm saying is, you got a whole bunch of information beyond this that is naturally Manitoba government because the Manitoba government loves and loves and loves to create money. Right? No, the wrong way. *[inaudible]* love to spend money. Oh, yes, yes, okay. That's what they do. Yes, I know that.

But the thing is, this—all this thing here, at a quarter—not even a *[inaudible]* a page. You could easily expand it down and put it in layman's terms, and then at that point, let it come back with—and tell me whether it's okay or not.

I would hope that it goes into third reading. First and second reading, you guys' ballgame, the MLAs' ballgame. After second reading, it's our ballgame, and your ballgame *[inaudible]* If there's anybody, MLA, whatever, you can get up and speak as well. Don't be scared, even if *[inaudible]*

I'm sure you don't want to disagree with everything that the NDP does, and I'll guarantee that right now, without even thinking about it. And what's wrong with Jon Gerrard? He's missing today. *[inaudible]* where he is.

But, anyway, I would say that, yes, there definitely is a lot of room for improvement.

**Madam Chairperson:** Thank you. Seeing no further questions, well, thank you very much for coming.

Our next presenter is Dr. Lloyd Axworthy, Churchill Gateway Development Corporation, chair.

Do you have any materials you'd like to hand out?

**Mr. Lloyd Axworthy (Churchill Gateway Development Corporation):** No, I'm sorry, Madam Chair. I'll just—

**Madam Chairperson:** All right. Well, go ahead whenever you're ready.

**Mr. Axworthy:** As you pointed out, I'm here not in the capacity of my normal day job, but as the chair of the Churchill Gateway Development Corporation, which I've been since 2003 when it was established.

And I really want to use the opportunity first to say that I think this is a very important initiative because, to my mind, there is really no more exciting a potential development for this province than what can occur in around Churchill, as it opens up as a passageway to the rest of the world. And, as the changes take place in our environment, it's a really central key, particularly for the North.

But I think it might help to have just a little history about the bill because my major concern is that there isn't enough in the bill to tell us what's going to do, how's it going to be governed and, really, what are going to be the policies or directions that emerge from this.

When I was the regional administrator for Manitoba for the federal government in the '90s, in '97, the policy of our government at that time was to convert federal port holdings to port authorities, which would be locally based using or utilizing involvements of local governments and businesses and civil groups.

I hope committee members will take this as it's given. At that time, I could not find anybody in this province, including the provincial government at that time, who was interested in establishing a port authority for Churchill. There was simply no takers. No private investment. No government involvement. And the end result was that we had to go searching for somebody who would keep the port in operation and alive, so that its potential could be realized.

We found a buyer in the OmniTRAX system, which is the North America's largest short-line railway system, has a major set of transportation complexes in the United States and in Canada, and they agreed to take it on. In return, the governments of that time provided certain kinds of capital improvements, dredging near the port, the hydro lines, things of that kind.

But I want to make this very clear: If it hadn't been for the uptake of that private owner, there would not be a Port of Churchill today. It would have been shut down. We would have lost it because there was simply nobody in this province prepared to take

on responsibility or get involved or engaged in the issue.

So it leads, I think, to a major point, that this port authority has to be, I think, very careful in terms of how it relates to the private owner of both the port and railway line that serves the port. There are no other players, period. There's an airport, there's some barge traffic going on, but there is no other major source of trade or commerce other than the rail line, the Churchill rail line, and the port itself.

And I think one of the important improvements was the Churchill Gateway Development Corporation, because what it did is it brought together three levels of government—municipality, province and federal government—along with a number of private stakeholders, the Hudson Bay association, shippers, exporters. And I was asked to be there as a chairman, mainly because my interest and involvement with Churchill goes back some 30 years, but the whole concept behind it was first to become a major development marketing arm who develop new traffic, new customers, new products for shipment.

And I can tell you from the 11 years' experience I've had on the board is that there is an incredible promise. I mean, you are dealing with a piece of legislation that really centres on one of the most important—the areas of economic development for the entire province, I'd say for the country itself, because remember this, that as the waters get warmer and the ice disappears, there's only one major port in northern Canada, and that's Churchill, Manitoba, and therefore it's something that has to be very carefully watched and guarded.

Now, here I think are some of the questions that I have and I—this is based not just on my own opinion, but we brought together the members of the Churchill—the gateway corporation 10 days ago to have a discussion exactly what the issues would be.

Point No. 1 is that we have had virtually no arrangement or serious discussion about what—the transition between the Churchill gateway corporation and the new port authority. There are obligations outstanding or their commitments have been made. One of the things that the Churchill gateway corporation does, as many of you would know, is that we act as the vehicle by which capital investments are made. In terms of both the federal and provincial and OmniTRAX capital investments, it's gone through the Churchill gateway corporation. So we've been the manager of those fairly significant



capital investment programs over the last several years.

What happens to all that now that there's a new authority? Well, there's nothing in the bill that sets it out what exactly that relationship will be. There is no setting out of what the relationship will be economically or financially. The Churchill gateway corporation, basically, funding ended on March 31st. We have no income coming in at this point in time in order to meet obligations. You could expect what that does for staff morale, what it does for the ongoing contacts we've made with the shippers and traders around the world.

I was in Hong Kong three weeks ago—not on Churchill business but on university business, but took the opportunity to meet with the trade and development commission of Hong Kong who are very anxious to invite representatives of Churchill to come to a major shipping conference in November to talk about what are the possibilities. The more that the shipping season opens up, what's the chance for Asian shipping?

So I come back to my basic point that there is a lot of experience, a lot of contact, a lot of connections that have been made, but there is no—right now, there is no sort of a transmission bill by which that can be clearly sort of moved to the new authority.

The second one, and I say this to—you know, I guess because I've had some experience with governance over the last many years—there is nothing in the bill that really sets out what the relationship between the new port authority will be and the one and only primary owner of the port and the railway. So it's not as if you're dealing with a large number of different users; you've only got one basically in there. And I've heard people say—and we've had some meetings with some will officially say, well, it's like centre point. I'm sorry, it's not. Centre point deals with a whole series of different players in the transportation-export trade field. In the case of Churchill, you've only got one real major player and depending on what they do or what they don't do or what the relationship with the new port authority is will have a huge impact on the investment that goes on, the contacts that are made, the contracts that are let.

\*(18:30)

And I think that this is an incredible period of uncertainty that we now face because there is no real

direction about where and how—not only will there be a transition, but what would be the place of the private owner of the port and the railway line within the port authority itself.

So I come to you to sort of say, as committee members, this is something that should be discussed and looked at. I'm not opposed to the bill but I am saying it needs a lot of explanation, it needs a lot of direction, and I don't think everything should be left up to regulation because so far there has been no consultation with us or with OmniTRAX about what those regulations will look like, what their place will be, and that is creating a real degree of difficulty for the ongoing momentum of—that the Port of Churchill has been developing over the last several years.

So I have two recommendations. I think, one, I would certainly like to see a much clearer statement in the bill or through the minister or whatever about the—what is going to be the actual, sort of, relationship in the transition itself between the Churchill Gateway Development Corporation and all the assets and liabilities and investments that it has, and how and when will the port authority come into being. How long do you want us to stay? I mean, as some of you know, I'm kind of ready to go off and smell the butterflies in a few weeks' time, and there are a lot of people on the board who are very anxious that we continue to have this continuity in the board, and we don't know—we simply, at this point, don't know—what the timing will be.

And, secondly, I think there has to be some serious thought given to what the relationship will be. Is the private owner going to be on the board? What happens—I'm sorry—what happens if, in fact, investments are made by the port authority that isn't agreed to by the private owner? Who reconciles those differences? Who makes those kinds of choices, because, in fact, it has a great deal of impact on what the eventual success of the ongoing efforts to develop Churchill will be.

I'm sorry to take so long, Madam Chair, but—

**Madam Chairperson:** No, you were perfect. I was just letting you know about your one minute was left.

**Mr. Axworthy:** So I hope I made the deadline before the hook comes out.

**Madam Chairperson:** You did, you were perfect.

**Mr. Axworthy:** Thank you.

**Madam Chairperson:** Thank you.

Are there any questions from the committee?

**Mr. Ashton:** Well, first of all, thank you. Welcome back to the Legislature.

I want to start on the transition process because, as you know, this bill is very much a direct result of the federal-provincial task force. Actually, recommendation 1.1 was very clear in terms of establishing, you know, an entity with much broader governance. It was one of the major, you know, issues of feedback and, of course, in the transition period part of what we're dealing with is the fact that the federal government is no longer supporting the actual operating element of CGDC. I can assure you that we've indicated our willingness to continue in the transition period with our contributions.

I'm wondering if there's any indication whether OmniTRAX, either through CGDC or directly, is prepared to do that. We've had some discussions with them, and I'm just wondering if it's been formalized because I certainly agree and, you know, the Province agrees that there needs to be consideration of a transition period not the least of which is with all the many challenges, but also, most importantly, opportunities for Churchill.

**Mr. Axworthy:** Minister, I think, I'm not here to speak for OmniTRAX; I'm here on behalf of an entire board. What came up in our discussions on the board, however, is that it's pretty hard to commit to an agreement on a transition if you don't know what the end result will be in terms of your relationship within the port authority itself. And what is going to be the position of OmniTRAX? What is going to be the—who's going to take over the assets? Who is going to accept responsibility for the investment obligations that are already there? It's those unanswered questions which, I think, is getting in the way of providing what I think we would all like to see, which is a seamless transition. I think that having a private sector operator of both the rail line and the port itself has been a benefit and, as I said, there wouldn't be a port without them. But I think that, at this point in time, there's a lot of frustration that there's really not been any direct guidelines or directions as to what will be the governance system, what will be the respective areas of authority, responsibility and jurisdiction.

**Madam Chairperson:** Minister Ashton, quickly.

**Mr. Ashton:** Yes, and just in terms that I can certainly assure you, as we have certainly with OmniTRAX, as well, that in the transition we're

certainly prepared to continue our funding and engage in discussions, you know, and any transition.

The other question I had, because I certainly appreciate your comments on this not, you know, not conflicting because certainly the intent here is to ensure that—and I won't get into sort of a discussion of CentrePort, not CentrePort, but one of the key elements with CentrePort is it does—doesn't interfere with, say, the operation of the airport or the individual rail lines. That's certainly the intent here.

What I was going to ask is, from—and again, I recognize you don't speak for OmniTRAX but, you know, more through the CGDC is the degree to which either CGDC or OmniTRAX has not recognized that one of the advantages of this entity is it'll have broader-based governance and will have the ability to work in co-operation with OmniTRAX, not competitively with it. I mean, I can't imagine any scenario which it could do anything without working co-operatively with OmniTRAX.

And I'm wondering if you have any suggestions in terms of the regulations on how we can clearly define that because, to be quite frank, we have not drafted the regulations. Our first concern was, obviously, the bill, any—you know, any amendments, any discussion related to the bill, and I'd certainly appreciate your comments on what it would take to make sure that it's very clear that there's not a competitive situation here.

**Mr. Axworthy:** Thank you, Minister. I appreciate your sort of commitment to sort of work out some of these issues, but I come back to one central point. It's hard, or difficult, for a private sector owner which has a lot of different activities going on, to make any commitments when they don't know exactly where they fit. And because the legislation has no definition within it as to what is the position of the owner and the major rail supplier, they're kind of left in limbo, and I think that if that's the result, I think then a lot of other things will follow from it.

But, whether it's an amendment to the legislation itself or some draft regulation that could be discussed with both the members of the CGDC—because it's not just OmniTRAX, we represent a number of shippers. The Hudson's Bay association has a very big stake in what goes on in Churchill. Clearly, the municipality has, and that's really, Minister, why I'm here is to say there are several voices that have been very active for 11 years around that table who believe that they have had some really important experience, knowledge in how to begin developing the port.

I think there's been some real successes, but they're really also at the lip of just really gathering in the benefits of some—many of the contacts and many the investments that have been made.

And right now it's that level of uncertainty, that level of not knowing. The bill itself is very bare bones. It has no commitment, and I think if there was a recommendation, it would be—have a very active discussion with members of the board and with OmniTRAX and other users to say here's how we see representation. Here's what happens if there is a difference of opinion say, on investment procedures, whether it's improving the rail line or putting a new kind of sort of storage tank in or dredging or a tug or—there's a whole series of things that you do around a port operation that I won't get into.

**Madam Chairperson:** Thank you. I would just like to give a little time to the opposition side here and I'm past the time. Would it be all right with the committee if we did allow a couple of minutes here?

**An Honourable Member:** Yes.

**Madam Chairperson:** Thank you so much.

**Mr. Helwer:** Thank you, Dr. Axworthy, for your comments, and I found it interesting that both you and the previous presenter commented on the clarity of—or lack of clarity in this, and it's certainly been an issue for us. To me, legislation should create more certainty, not less, as this act does.

And I'm interested in your comments about things that should be included in here as opposed to regulation. It's kind of an open ball game with what's going to happen with regulation. We have a private owner here that is going to be subject to this that doesn't know how it will affect them, and do you see particular portions of this act that could be improved to accommodate the private owner and your organization if need be?

**Mr. Axworthy:** Thank you very much. I gave up a few years ago writing legislation so—and I vowed I would never do it again, but I think what it—where there is a point of clarification that's required is say, for example, on is there going to be a strategic investment committee in the port authority that would ensure that any decision, capital investment or otherwise, that was being made by OmniTRAX was in accordance with what the port authority wanted and vice versa.

\* (18:40)

Right now, under the—as I read the bill, OmniTRAX could be outvoted at any time in terms of its both operating and capital decisions. It needs to be clarified as to what is the basis for that, and I don't think anybody is going on bad faith here. It's just that I've learned over the years that you have to be very careful about the legislation you write because it does come back to kind of hit you in the back in the head at times, and you want to make sure that nothing is done that is going to impair the ongoing development of the port.

And, in fact, I think I will give you one example. OmniTRAX has put a proposal forward which I think is very exciting for the North, which is to make The Pas a staging centre for transportation loading so that basically you can have a shuttle train between Churchill and The Pas and the The Pas all of a sudden becomes a transportation hub in the North. You know, those are kind of interesting ideas. I'm not saying that, you know, when you get sort of the treasury boards and economic development offices looking at it, but OmniTRAX is prepared to invest in that.

Here's an idea that could be or should have been worked on for the last three or four months, but nothing's happened. We've really had a period of very limited conversation, and that I think has to be reflected in the, you know, you can use words of direct consultation, certain rights of membership in terms of investment committees. What is the basis for the decision making being shared when it comes down to the actual operation or capital investment in the port? And the authority, you know, is if it takes over from CGDC as a major 'promponent', advocate for Churchill development and northern development terrific, that's great.

But that's what we've doing for 11 years.

**Madam Chairperson:** All right. Thank you so much. We really appreciate you coming down and taking the time.

### **Bill 33—The Apprenticeship Employment Opportunities Act (Public Works Contracts)**

**Madam Chairperson:** We're going to move on now to Bill 33, The Apprenticeship Employment Opportunities Act (Public Works Contracts), and our one presenter is Mr. Ken Guilford.

**Mr. Ken Guilford (Private Citizen):** Did you call me?

**Madam Chairperson:** I did.

**Mr. Guilford:** *[inaudible]* He's a great man and I'd like to thank him for appearing before us today, and his many opinions which I only—I already have and always will accept—and the fact that he's an honourable man. And I hope one day that people recognize me, at least you can *[inaudible]*

**Madam Chairperson:** Excellent, thank you. We're just going to do Bill 33 now.

**Mr. Guilford:** Okay, this act—the act requires the government and any public sector body designated in regulations to develop and implement—and implements apprenticeship policy.

Under an apprenticeship policy, only contractors who employ apprentices or have done so with the period specified by policy qualify for public works contracts. An authority may also ensure that its public works contracts contain a commitment by the contractor to employ apprentices during the time the contractor performed work.

The policy may include exemptions—exemptions, yes—from these requirements.

The Lieutenant Governor-in-Council may make regulations respecting the content and application of any apprenticeship program.

I would like you to come from three different directions. I'd like you to come from backing my son is eligible to get his apprenticeship towards journeyman; all he needs is six weeks. His boss—his boss will not allow him to do that. What I'm saying, this is wrong. You must also bring in the private sector as well as the public. You must also talk to people in the private sector and find out—he says he's got lots of friends doing the same thing. That's crazy, crazy. If six weeks of waiting they can't do it because the private employers will not allow them to do it, that's crazy.

My second opposition is it sounds like farming. You know why it sounds like farming? Because you guys are making the farmers do what you want: jump, dump these, dump. All right, I'm tired of that. And I've talked to my brothers, and it's not the right what you're doing to the farmers. It's not right what you guys are going to do to the public works. It's not right what you're doing to private works. It's no damn good, in other words; I'm sorry, I hope that wasn't out of order. Excuse me, et cetera, sorry.

**Madam Chairperson:** Yes, please watch your language. Thank you.

**Mr. Guilford:** Okay. The third thing that I don't like is the fact that the clause—that I do like, sorry—and may include exemptions to other of the EC requirements. Then what does that mean? There's no explanation. Which explanation? Who are you guys in committee? Where is the explanation? What is the may incur an exemption for these exempt requirements?

Do you see what he did? He messed up. He messed up. He did, face it, this is no good. The Lieutenant Governor General may make regulations by himself, or does he have a committee? I don't know. I don't have any idea what the Lieutenant Governor does. Yes, I do, I'm sorry, I pay into him, get nothing in return. As far as I'm concerned, that's the fourth one. As far as I'm concerned, the democracy is great, but the thing is at the same time who's paying oodles and oodles of money to the Queen? She came here last weekend and, whatever, during the week, and I was there for half an hour until I got too tired and couldn't sit. I don't know why you guys want to pay this. Don't say, Ken, please, don't say swear. Okay, one, two, three, okay. I don't know why you want to pay these people for nothing.

As far as I'm concerned, Mr. Chief is very honourable and we do—I do a lot of work, and he knows that, a lot of work with the Aboriginals. I don't know how many people, you know that, but I do a lot of work with them and I do Thunderbird House *[inaudible]* and I do 411 Ellice. In all these places I'm working as a volunteer. Now I don't see too many other people that are white in there, but I don't care, I'm going there anyway. I'm going to help them anyway. I've worked in Thunderbird House on a suicide shift and everything else. It was not a gem but it was—my fourth year, this man's daughter passed away in June and I felt very bad. You know, what my job was? Shoe keeper. You know what a shoe keeper is? You make sure people do not go into the quarters—Thunderbird House is religious, do not go in there with your shoes on. And I think that's one hell of a good—sorry. And what I'm saying is very good a reason, what the white person has the Aboriginal, I mean, what the Aboriginal person has—Kevin Chief, his dances are great and everything else. And I really love dancing, watching them, and I would say we should follow—people—white persons should more follow the Aboriginals than we do.

People—everybody should get along and let them party. Why not, they should all get together. Let's do it for everybody. Thank you very much, Kevin Chief, your dances because every time I can I do it. And

on—can I make an announcement? On June 21, there's going to be at the Lions—at the Transcona, the—what do you call that? Lion, no, no, the Transcona, that's when the Aboriginal people are going to be dancing and Kevin Chief is one of them, and I look forward to seeing you. It is the gambling casino, not McPhillips but Transcona, and I look forward to seeing him, Kevin Chief and Ray St. Germain, and BJ, his son, and all others.

A year ago in August, Ray St. Germain was presented with the musical award and his family, and he brought his family in there and they all got together, but they didn't—Ray St. Germain and BJ didn't know that because they were looking this way toward the crowd and, no, the wrong way, right, because all the people—brought all the people—family, Ray St. Germain, across North America, he brought it all into the MTS Centre. And I was proud to say that I am a white person, no, I'm not proud of being—I'm sorry to say, that I should work with Kevin Chief and I should work with all the Aboriginals and I'm happy to say it.

Now what I'm saying, get back to the topic, what I'm saying is, please, please, do not order people around. You want to go around and see what happens. I can tell you that right now I get mad, and don't ever do that. My boss, whatever, is Monique. She's very good. I love her. Not to be married, sorry, Monique, but I don't—actually, you've done an excellent job with me. Thank you.

**Madam Chairperson:** Thank you.

Does the committee have any questions?

**Hon. Theresa Oswald (Minister of Jobs and the Economy):** Yes, thank you, Mr. Guilford, for providing your insights and I want to say, for the record, that I share your view that Minister Chief is an excellent dancer.

\* (18:50)

**Mrs. Heather Stefanson (Tuxedo):** Thank you very much, Mr. Guilford, for your presentation tonight, and you know, you talked about all the volunteer work you do in the community, and I just wanted to say that thank you for that because there's—we need volunteers like yourself and your commitment to your community. And I know you love Winnipeg. You've got the T-shirt on and just thank you for being here tonight.

**Madam Chairperson:** Mr. Guilford, thank you very—

**Mr. Guilford:** What I'd like to say is thank you very much, Ken Guilford, that I am acknowledged by people surrounding me and you know what I love the best of all the things? Meeting people, talking to people and that's one of—and to be getting acknowledged for my work because what I told you here is just a wee sample. I'm every day doing something different, you know, *[inaudible]* but, I mean, always something busy.

I spent all day trying to get my doctor who had suddenly resigned—not resigned. He retired because of due to health, and I was trying to get another doctor and it's hard and Winnipeg has to open up. Manitoba has to open up.

My son's from southwest Manitoba near Pilot Mound, Crystal City. And Crystal City, Pilot Mound, is no good because you know why? Because there's no doctors in there. There might be one or two now but it wasn't before, and we need to get down. We need to get down to grass works—grassroots and we need to get these doctors over here from *[inaudible]* countries, and I would like to thank everybody for being here.

**Madam Chairperson:** Thank you, Mr. Guilford.

#### **Bill 54—The Labour Relations Amendment Act (Time Lines for Labour Board Decisions and Hearings)**

**Madam Chairperson:** Our next bill is Bill 54, The Labour Relations Amendment Act (Time Lines for Labour Board Decisions and Hearings) and, thank you, our minister is here.

We'll move on to our first presenter, which is Mr. Guilford.

Mr. Guilford, you're back up. It's your turn again. I should have just kept you there. *[interjection]* Bill 54, The Labour Relations Amendment Act. I—okay.

So I'm just going to ask you to speak just to this bill, okay. Bill 54, all right. Thank you so much.

**Mr. Ken Guilford (Private Citizen):** So what I'll do is this. I'm going to—so we both understand, Madam Chairperson, I would like to read *[inaudible]* I have down here. Thank you.

The bill requires the Manitoba Labour Board to make regulations setting out time periods with which it will make decisions following the hearing of a complaint, application or referral or the board. In a case of applications for union certificates or

decertification, the board must also make regulations setting out the time period within which it will hold a hearing.

This bill is very dear to my heart. I come from Versatile farm equipment—actually, it was New Holland Canada. No, it wasn't. It was New Holland industries, whatever it was. It doesn't matter. And I was there in 2000, the year 2000, when we went on strike.

And when I was there we had bad, bad. We went to the Labour Board and I wholly agree with this bill because there has to be time limits. Mr. Buhler, John Buhler, bless his heart, I think he passed away. *[inaudible]* Bonnie and Clyde, Bonnie and Clyde. Oh, I'm sorry: Bonnie and John Buhler, all over the place. Children's Hospital, everywhere. University of Manitoba, Winnipeg, right here. John Buhler. Transcona, whatever. I don't know. I don't go there except to go to Kevin Chief's party.

And what I would like to say is, yes, when we went to the board, John Buhler, we were there for about nine months before John Buhler allowed himself to appear before the board. How can one person hold back people so long? What we did, we missed by two days the fact that if you go to—today if you go to, to understand it, if you go to court—if you go to labour—locked out, whatever, you go on strike, you got one month to figure out who your—going to be—arbitrator is and then you got to go back to the table again.

I would like to say at minimum 30 days because that was good. I have no—let's just say I don't have any idea, I don't follow the Labour Board or anything else right now, I'm retired. I'm—I got rid of all that. Do you know what my dream job is? What do you think my dream job is? Retirement. Of course, it is. Then I don't have to put up with all that jazz. And what I would say, if it's not, they'll go to back work after 30 days, if it's not finished up in six—in three months, then they got to go back and they got to be—everybody just go back to nothing. You know, order to go back to that *[inaudible]* bill where people are, like my son, are out of a job. Why? Because he can't get employed. Why? Because he's six weeks short of journeyman. That's sad. It's very sad. And I don't like it, I don't like it at all

I'm saying you got to admit these things and this is one excellent, excellent bill. It's a good start. And more than that I'd like to work—sit on the committee and talk about these guys and I would say that we can do it, we Manitobans can do it. I am proud to be

a Winnipegger, I'm proud to see Winnipeg and Canada.

Okay. Now what I'm saying, I think you heard enough.

**Madam Chairperson:** Thank you very much. Are there any questions from the committee?

**Hon. Erna Braun (Minister of Labour and Immigration):** Thank you, Ken, for coming tonight and thank you for sharing your experiences regarding the timelines that the Labour Board had.

So I appreciate your comments. Thank you.

**Mr. Guilford:** I mean, I think we need to look at the past, look at the future and work on the future in the present, I mean, as we always said. We're not doing that now. We're trying to cut people off and anyone else is here and order me around. Don't—like I said before, don't order me around, okay, please. You won't like it.

**Madam Chairperson:** Thank you.

**Mr. Dennis Smook (La Verendrye):** Thank you for your presentation, Mr. Guilford, in giving us your views on what's with the Labour Board. I really appreciate your comments.

Thank you.

**Madam Chairperson:** Thank you. We appreciate you coming down.

And our next presenter is Mr. John Doyle, Manitoba Federation of Labour.

**Floor Comment:** Hey, I got a break.

**Madam Chairperson:** You do.

And do you have any presentation materials to hand out, Mr. Doyle?

**Mr. John Doyle (Manitoba Federation of Labour):** Yes, I do.

**Madam Chairperson:** All right, our staff will help you with that and you can begin as soon as you are ready.

**Mr. Doyle:** Good evening. I'd like to thank the committee members for the opportunity to share our views on Bill 54, The Labour Relations Amendment Act. For those of you not familiar with the Manitoba Federation of Labour, we're a central labour body chartered by the Canadian Labour Congress to represent the interest of more than 100,000 working women and men in Manitoba who are members of

unions affiliated to the CLC. We support the provisions contained in Bill 54 and we believe that when fully implemented, all parties that make up the labour relations environment will benefit.

As you know, the bill will require the Manitoba Labour Board to draft and implement regulations to establish time lines for decisions brought before it by unions and management representatives. Such time lines will go a long way to remedying an ongoing concern shared by most labour relations practitioners in Manitoba, that sometimes there are unacceptably long delays between Labour Board hearings and the release of decisions.

In most matters, timely decisions are very important to both the employer and the work or representatives involved. Unresolved issues can have a very unsettling effect on people's lives and workplace harmony.

It's widely recognized in the labour relations community that time is of the essence in dealing with disputes in a labour relations context; that the timely commencement and resolution of outstanding issues is an important component in maintaining amicable labour relations in Manitoba.

I believe it is self-evident that delays have the opposite effect and measures that can be put in place to reduce them as much as possible are reasonable.

There are occasions and circumstances when it's difficult to meet timelines; in those instances the trade union movement has long promoted the use of interim decisions to be followed at a later date by written decisions for—written reasons for decisions rather than to allow lengthy periods to write a decision to delay justice. This issue is not limited to Manitoba; other jurisdictions have grappled with it, using a variety of mechanisms; two that come to mind are the province of British Columbia and Ontario.

In British Columbia, legislators chose to include a single sentence remedy in that province's labour relations act. Section 91, if a difference has been submitted to arbitration and a party to the arbitration complains to the minister that the arbitration board has failed to render a decision in a reasonable time, the minister may, after consulting with the parties on the arbitration board, issue an order the minister considers necessary to ensure a decision will be rendered without further undue delay.

\* (19:00)

Ontario has implemented a different strategy. A recent description of it reads as follows: One of the functions of the Ontario Labour Relations Board is to attempt to resolve applications without the necessity of a full oral hearing. One way of facilitating settlement of an application is through mediation. The board employs a number of labour relations specialists and labour relations officers. They're assigned to every board file to attempt to effect a settlement between the parties. The LROs are assigned cases through the board's field management services after a review of the case. LROs contact the parties by either letter or phone and conduct the mediation in person or through a series of telephone calls. The parties are notified who their mediator is and are asked to agree on a meeting date. The LRO meets with the parties within a few days for urgent cases.

The parties are informed that mediation is part of the process of bringing a complaint to the board. They are expected to try to settle through mediation before a case goes to a hearing and are advised of the possible ramifications of not settling, such as litigation. This process is a key factor in achieving settlements. The Ontario Labour Relations Board tracks this process, and the most recent year of data, 2010-2011, shows how it works for them: 84.8 per cent of the cases referred to the Labour Relations Board are settled through mediation; 83.5 per cent of the employment standard cases are settled that way; and over 95 per cent of occupational health and safety appeals are settled through mediation.

I raise these examples not to endorse them but to illustrate that delayed decisions are not limited to Manitoba and a number of strategies have to be—have been developed to address them. We recognize that the Manitoba Labour Board is reviewing its policy and has been working towards making itself more modern and ensuring that it is meeting the needs of its stakeholders here. Employer and labour groups both would benefit from clear deadlines for decisions and being actively engaged in changes to the regulations to meet the community's needs. I congratulate the government for moving to address this issue here, and I'm optimistic that the provisions of Bill 54 will translate into effective legislation and regulations.

**Madam Chairperson:** Thank you very much, Mr. Doyle.

Does the committee have any questions?

**Ms. Braun:** Thank you very much for your presentation, John, and I appreciate the written submission as well as the examples that you've got within it. So thank you very much for pointing those out to us.

**Mr. Smook:** Thank you, Mr. Doyle. Again, I'd like to congratulate you on your presentation and I welcome the advice in your presentation, and we'll hopefully be able to settle this bill. Thank you.

**Madam Chairperson:** Thank you.

Seeing no further questions, thank you very much for coming down. We appreciate it.

Our next speaker is Garry Bergeron, UFCW.

Do you have any materials, and how badly did I pronounce your name there?

**Mr. Garry Bergeron (United Food and Commercial Workers, Local 832):** No, I don't, unfortunately.

**Madam Chairperson:** We're okay.

**Mr. Bergeron:** Good evening, committee. I guess it is evening now. Initially, I'd written down good afternoon, but I guess moving along here.

As you heard, my name is Garry Bergeron. I'm in-house counsel with United Food and Commercial Workers Local 832 and here to provide you with input on Local 832's position with regard to bill 44, The Labour Relations Amendment Act (Time Lines for Labour Board Hearings and Decisions).

As some background, Local 832, if you don't—if you're not aware, is the largest private sector union in Manitoba with some 16,000 members throughout the province. We represent employees in over 100 various companies in the province, primarily in the retail, grocery and pork processing plants, but we also represent numerous other smaller industries, municipalities, assisted-living organizations, and so on and so forth.

I could cut this short and just basically say that Mr. Doyle's presentation and, to a certain extent, it does mirror mine to one what I'm going to be presenting, so—and I don't think we need to go over a lot of what he said. We agree with what the MFL has said. We agreed for the same reasons why it's important to—why this bill is important to move timelines along. But as a concrete example, I just want to present you, possibly, a case that I'm presently working on, just to give you an example how the timelines are or are not working at the board.

I'm involved in an application for certification at the present moment. I won't go into specific names, but the union filed an application for certification in late January of this year. Several days later, after a review of the material filed by the union, the employer—and the employer, the board indicated the union had enough members signed up to meet the 65 per cent automatic certification clause in the act. The employer brought forward an argument arguing that the application was outside timelines; therefore, we need a hearing to deal with this.

The hearing was set down. The earliest dates the parties could come up with was April 30th and May 1st of this year. The hearing went forward on those two days. At the end of the hearing, the board indicated, the vice-chair indicated that, and quite rightly, and he's a very qualified arbitrator, but he's very busy and he would have to write the decision and it was going to be a minimum of six weeks before the decision—at the very least six weeks before the 'decision' could be rendered. So what we're looking at is that time—at that time is you have mid-June before we're going to get a decision—the best time frame.

We filed the application for certification in late January. This is over four months—five months since the application was filed, and since then the employee and the employers are basically walking around in limbo with the sword of Damocles hanging over their head, wondering what's going to happen. Are we going to be unionized? Are we not going to be unionized? The employers now—at this point, you know, the freeze provisions are in place. They can't really make any decisions on how the business is going to operate with this hanging over their head.

So the timelines issue is extremely important, certainly, with regards to applications for certifications. You need to move on these things quickly. We believe the timelines are essential. We support this act for this.

And, I think, as a suggestion in how to implement this, section 130 of the act, The Labour Relations Act, provides for expedited arbitrations. If you have a collective agreement in place, the union or the employer, on occasion, but mostly it's the union—let's be honest, you can apply for expedited arbitration that's going to say from the day of the application to the date where a decision has to be made—a written decision has to be made, the arbitrator has 90 days. And that's imposed on the private sector.



We would suggest that if that's going to be imposed on the private sector, that that can be imposed on the board as well; it's only fair. Ninety days, you know—resources would have to look into that. Obviously, you'd have to look into that, but we think that would be a fair a—yes, it would be fair to all parties involved: a 90-day maximum, the same way as expedited arbitrations.

Also, the granting of adjournments, and we're as guilty of this as the employer. We find the board is extremely reasonable when they want to grant adjournments. I know in Ontario, when you make an application for certification, they set a date. The first date, the only way that can be adjourned is if both parties agree. My experience in province, and I've been guilty of this, too, is that if you can't make it, you make an application to the board and they're more than willing to grant the adjournment which delays the process.

A lot of times if you have a day set and you have to be there at that day, on numerous occasions—I would say the majority occasions—that forces settlement discussions to move forward and settlements to occur. That's just the way the process works.

With regards to timelines for other decisions, non-certification, we would again suggest that, you know, something three, four months down the road would be more than sufficient, depending on the issue. Obviously, issues that are much more complicated will take a longer amount of time, and the board can set the—with this act, the board can set the regulations in place to deal with specifics like that.

One of the main purposes for the enactment of The Labour Relations Act was to deal expeditiously with labour relations' matters, and somewhere along the line that's gotten lost on both sides. And I think this bill would go a long way, and when I say I mean the UFCW Local 832, would go a long way to addressing that.

So I cut it short, even though there's no hockey on tonight, and the Jays aren't even playing. So, if there's any questions—

**Madam Chairperson:** Thank you, Mr. Bergeron. Questions from the committee?

**Hon. Erna Braun (Minister of Labour and Immigration):** Well, thank you for coming tonight and sharing, again, your stories and examples of how things that work or don't work, and we appreciate

your support and we're certainly working to see that we can get this going and moving faster. Thank you.

**Mr. Dennis Smook (La Verendrye):** Yes, yes, thank you, Mr.—oops. Were you going to reply?

**Mr. Garry Bergeron (United Food and Commercial Workers):** I was just going to say that we—I agree with Ken as well, that this is an excellent bill.

**Mr. Smook:** Thank you, Mr. Bergeron, for your comments and your ideas on how we could get this thing to work.

**Madam Chairperson:** Thank you very much for coming down tonight.

\* (19:10)

### **Bill 65—The Workers Compensation Amendment Act**

**Madam Chairperson:** Our next bill is Bill 65, The Workers Compensation Amendment Act, and our first presenter is Mr. Ken Guilford.

I'm just going to ask you again if you could—this one is The Workers Compensation Amendment Act, Mr. Guilford, and so let's—we'll just stay to that one.

**Mr. Ken Guilford (Private Citizen):** Is it Bill 54?

**Madam Chairperson:** It is Bill No. 65.

**Mr. Guilford:** Oh, okay. What happened to 60?

**Madam Chairperson:** Okay.

**Mr. Guilford:** [*inaudible*] very short.

**Madam Chairperson:** Okay, that's fine.

**Mr. Guilford:** You know, want me to take it off—you want me to take this off or what?

**Madam Chairperson:** Sorry?

**Mr. Guilford:** Do I take my hat off or not? I don't know. I'm [*inaudible*]

**Madam Chairperson:** No, it's fine. You can have it on if you like.

**Mr. Guilford:** Okay, great.

**Madam Chairperson:** And we're doing, yes, just Bill 65.

**Mr. Guilford:** Okay, what I would like to say that I'm in favour of the workers' compensation, that I was there when they built. They used to have it over on the corner of Maryland and Portage Avenue, and then they moved it to the location where it is today, has made a bigger company and everything.

And I would like to say that I've been on workers' compensation before, and it has not been pretty. One day I was on there and I was working with the Variety Club of Manitoba at the Convention Centre, and I was helping at selling tickets and little jobs like that. One guy reported me—reported me—as saying I was carrying urns of coffee and he carried it on TV. You know, that's bullshit. I had a look-alike. It wasn't me, that's for darn sure.

I tell you right now, if the folks are—thank you—but I'll tell you right now I'm glad that I'm retired, but I also have a lot of friends even now that I work with and that I played with at Union Centre and—the old Union Centre was the best one we ever had. We went from there, we went to McDonald's. Now I went to the Union Centre where it is today and I'm mad. The fact that these people from Workers Compensation [*inaudible*] them and other people's other leaders is become the union's new Union Centre, new Union Centre, and it was great. They had a bar there, you know, so you could get a coffee, drinks, whatever, and I revisited that a few times. I'm not an alcoholic by any means, but I like going out and enjoying a good time. And I won't tell your wife, you know, don't—that's a long story.

But what I'm saying is your—workers' compensation is needed, badly, by everyone. It is very good and I apologize that I hope that I haven't spoken the wrong way towards workers' compensation, but I apologize; I lost that piece of paper. Thank you.

**Madam Chairperson:** Thank you. Are there any questions from the committee?

**Hon. Erna Braun (Minister of Labour and Immigration):** Thank you again, Ken, for coming this evening and sharing your point of view. I appreciate you taking the time to do that. Thank you.

**Madam Chairperson:** Thank you.

**Mr. Dennis Smook (La Verendrye):** Yes, again, Ken, thank you for taking the time and spending a lot of time here and sharing your views with us.

**Madam Chairperson:** Thank you very much, Mr. Guilford. Appreciate you coming down.

Our next presenter is Mr. John Doyle, Manitoba Federation of Labour.

And do you have any materials to hand out?

**Mr. John Doyle (Manitoba Federation of Labour):** Yes.

**Madam Chairperson:** Our staff will help you, and you can go ahead whenever you're ready.

**Mr. Doyle:** Thanks for this opportunity to provide input into your consideration of Bill 65, The Workers Compensation Amendment Act. The Manitoba Federation of Labour represents over 100,000 unionized workers across the province, as I said just a few minutes ago. For decades, the MFL has been the leading voice for Manitoba workers in promoting safe and healthy workplaces.

Workplace health and safety is the issue around about which our members are most passionate and active. To support this concern, the MFL holds an annual health and safety conference providing training workshops from a worker perspective. It nominates labour representatives for the minister's Advisory Council on Workplace Safety and Health, the Workers Compensation Board and the WCB Appeal Commission. It supports the MFL Occupational Health Centre and SAFE Workers of Tomorrow in their work promoting awareness of workers' health and safety rights. It has active committees where health and safety activists work together to promote safe and healthy workplaces in Manitoba and to promote workers' interests at the WCB, and we lobby the provincial government and the WCB for stronger workplace safety and health measures.

I would like to state first that the Manitoba Federation of Labour supports Bill 65 as a first step in addressing the issue of claim suppression in the WCB system through stronger enforcement and signalling a willingness on the part of this government to move towards a stronger prevention model for the Workers Compensation Board system.

We must be clear though that while this is a good first step, an enforcement approach alone will not solve the issue of claim suppression. The MFL has been raising the issue of claim suppression in the WCB system for a long—for a number of years, and 'til as recently as last year, it was difficult to get recognition by the government, the WCB or employer groups that claim suppression was occurring in a systemic way.

After three reviews—or four, counting the current review being conducted by Doug Stanley for the WCB, including the January 2013 report to the minister by Paul Petrie and the recent research report produced by Prism Economics and Analysis for the WCB, we can safely say that claim suppression is a real phenomenon in the WCB system and is one that

is widespread enough to put the trust in the system by at least one stakeholder group in jeopardy.

As indicated in the explanatory note for this amending legislation, it is already an offence for the employer to attempt to prevent a worker from making a claim for compensation. It is also currently an offence for an employer to take discriminatory action against a person for reporting such an attempt to the Workers Compensation Board.

The MFL welcomes these proposed amendments that would broaden those offences by prohibiting an employer from taking discriminatory action against a person who exercises any right or carries out any duty under the act and placing an onus on an employer who takes discriminatory action to prove that the action was unrelated to the worker making a claim or exercising a right or carrying out a duty under the act. Increasing the maximum fines for offences under the act is a welcome step in the event that Manitobans are convicted of an offence under the act.

The truth is despite clear evidence that claim suppression is occurring in workplaces across Manitoba—in between 6 per cent and 36 per cent of all workplace injuries, according to the WCB-commissioned Prism research report—no employer has ever been convicted or fined under the act. In order for the steeper penalties to have any deterrent effect, a commitment to investigating and enforcing allegations of claim suppression is needed. That's not happening now.

The amendment that would place the onus on an employer who takes discriminatory action against a worker who makes a WCB claim or exercises any right or carries out any duty under the act, is also a good step towards reducing the culture of fear and intimidation in some workplaces that inhibits a worker from exercising his or her rights under the act.

The MFL welcomes the mandating of a prevention committee of the board of directors of the WCB and the requirement to undertake, document and cost activities related to the prevention of workplace injury and illness. While the MFL supports all of these amendments to The Workers Compensation Act, the work cannot stop here. The most significant cause of the problems of the WCB—the WCB system that these amendments seek to address is an assessment rate model that incents illegal claim suppression through its aggressive focus on claims

cost at the expense of a real focus on injury prevention and effective workplace safety programs.

The current WCB rate model, sometimes called an assessment or experience rate model, links an employer's experience with the system through claims severity and duration directly to its rates. The intent of the system was that employers who focused on creating safer workplaces and preventing injuries would see reduced claims and therefore lower premiums. Under the rate model as it exists today, an employer can significantly reduce their WCB costs by focusing exclusively on controlling claim costs after an injury has already occurred by engaging in claim-suppressing activities including the following: avoiding reporting a claim and paying workers directly during their period of disablement; persuading workers to use sick time or vacation time instead of filing a claim; establishing bonus programs based on injury-free days that use peer pressure to inhibit claim reporting; disciplining workers, forcing them to resign or laying them off after they have suffered an injury or illness; inducing workers not to file a claim or to abandon claims that have been filed; employing overly aggressive return-to-work tactics that have workers performing non-productive work to minimize time loss; allowing immigrant workers not to file a claim because they do not understand their rights and obligations under the act.

\* (19:20)

By focusing so aggressively on claims cost, the current model rewards employers who engage in these activities and gives them an advantage over those employers who meet their reporting obligations under the act.

What would make a more fair WCB system, one that ensures that workers who are injured or made sick at work are able to access the benefits they're entitled to, one that doesn't penalize employers who follow the rules in favour of those who are determined to game the system and one that creates safer workplaces and reduces costs for everyone over time? Manitoba needs a rate model that prioritizes and rewards investments in proven workplace health and safety and injury prevention programs, one that focuses on fair return-to-work approaches that help in workers' recovery from illness or injury sustained at work, one that moves us closer to the balance that was struck as part of the historic compromise established in the Meredith Principles that form the

foundation of the modern workers compensation system.

The rate model as it now stands, with its aggressive focus on controlling claim costs, has tipped the balance in favour of employers at the expense of sick and injured workers who need those benefits that they're entitled to. The Manitoba Federation of Labour is pleased to support these amendments to The Workers Compensation Act as a first step towards restoring that balance in the WCB system. We strongly encourage this government to move on the next steps and in revising the rate model, moving it towards a model that rewards actual investment and prevention and not merely in reduced claim costs.

Thank you for this opportunity.

**Madam Chairperson:** Thank you, Mr. Doyle.

Questions from the committee?

**Ms. Braun:** Thank you again, John, for coming this evening. I commend you on your representation of your members and your advocacy on this issue, and I know that you've worked hard and long to see some of these amendments and will continue to work on it.

**Mr. Smook:** Yes, thank you. One of the areas, you had mentioned that an enforcement approach alone will not solve the issue, like, of claim suppression. What other areas do you feel that need more work besides that would—that the penalties really aren't going to help as much as what's stated? *[interjection]*

**Madam Chairperson:** Mr. Doyle.

**Mr. Doyle:** I apologize. That was the focus of the remarks that I made about the rate model, that instead of rewarding controlling claims costs through reported injuries, that a focus on putting in place programs and spending real dollars on preventing accidents is the, in our estimation, the smarter way to go on this. We believe that will effectively reduce injury rates in the workplaces.

**Madam Chairperson:** Thank you.

**Mr. Smook:** Yes. I'd like to thank you for your comments.

**Madam Chairperson:** Thank you once again, Mr. Doyle, for coming down.

Our next presenter is Mr. Phil Kraychuk, private citizen.

Do you have any materials you'd like to hand out?

**Mr. Phil Kraychuk (United Food and Commercial Workers, Local 832):** No.

**Madam Chairperson:** All right. Go ahead whenever you're ready, please.

**Mr. Kraychuk:** Hi. My name's Phil Kraychuk. I stand on behalf of UFCW Local 832, representing about 16,000 workers across the province of Manitoba.

I guess I could say UFCW and myself, personally, stand in favour of this bill and appreciate the work that's been done. But that being said, what good is the language if you don't enforce it? And, I mean, Doyle said it pretty well himself there, is that it's never been administered in Manitoba before, and, you know, you can make that penalty \$1 million. It's not going to have any impact on any of these employers that are committing this.

So, first-hand, I've seen employers throughout our local union utilize different 'tastics'—tactics to persuade employees not to file compensation claims, and I could give some examples of that. Recently, we had one, a grievance settlement where a signed document by the employer admitting to persuading an employee not to file a workers compensation claim, that was brought to Workers Compensation's attention. It's been nearly two months without answers on this yet. The investigation continues.

There's issues with—we were seeing with multiple employers now hiring paralegal firms to represent them as a third party to fight claims that workers file. That's becoming more of the norm, and it's getting increasingly difficult for these employees in these particular workplaces to get compensation benefits when their claim is denied and you're looking back at it, and it's taken six months to undo the damage that was done with some facts that don't truly turn out to be facts. We notice this a lot, too, in some of our workplaces that have a lot of temporary foreign workers or provincial nominees. We've given examples. UFCW has given multiple examples to Workers Compensation about employers holding their—literally, their citizenship over their heads, and Workers Compensation has done investigation, found these allegations to be true and administered zero, nothing, not a penalty for doing that, even though it was proven to happen.

So—I mean, there's lots that could be done to fix the program. This is a step in the right direction. But, again, it needs to be applied. It needs to be—it needs to come down, and employers need to start paying that penalty.

I believe the best way to combat claims suppression is to take the motive away from employers to suppress claims period; do make away with the rate-setting model; stop third-party employer advocates from interfering with claims before they're adjudicated.

So we see this—UFCW sees this because we work with 16,000-odd members in Manitoba. It's scary just to think about what's going on in these non-unionized workplaces where workers don't have this representation and don't have the ability to speak to a rep such as myself or their in-house legal counsel or their negotiator. What's going on, when we don't know where it's going on?

Thank you.

**Madam Chairperson:** Thank you. Before I go to questions, and just for the benefit of our Clerk, we had you down as a private citizen, but you were actually representing someone?

**Mr. Kraychuk:** Yes, UFCW Local 832.

**Madam Chairperson:** Okay, thank you. Our Clerk will just add that to the report.

And questions from the committee?

**Ms. Braun:** Thank you coming this evening, Phil, and sharing some of those stories that demonstrate the need for the amendments that we're bringing forward. So I appreciate your coming this evening.

**Mr. Smook:** Yes, thank you, Mr. Kraychuk, for coming out tonight.

Are there any other areas that, besides the employer, like, is there anything that the employees could do to work with the employers to, say, like, on the claim suppression, or working with, trying to get rid of accidents? Like, safety committees in their own businesses or anything like that?

**Mr. Kraychuk:** Yes, I mean, I could say that there's work to be done on every end, but when you got an employer as aggressive as some of the employers we're seeing out there—hiring these third-party advocates, dangling citizenships over individuals' heads that are here on a, you know, a temporary foreign worker program—it's difficult to build a morale and build a relationship with committees, with unions, with employers, and try to combat some of this stuff without having that ability to educate everyone. You could train—you could train—you could train—you could train and you could educate, but if both parties aren't doing the same thing, you're

going to have a block up there. So, yes, there's stuff that the worker could do. But, again, the worker doesn't have the ability to stop that claim suppression when it's their employer doing it to them.

**Mr. Smook:** Yes, I'd like to thank you for your comments.

**Madam Chairperson:** Thank you very much. Seeing no further questions, we really appreciate you coming down. Thank you so much.

That concludes the list of presenters I have before me. Are there any other persons in attendance who wish to make a presentation who have not already done so?

If not, seeing none, that concludes our public presentations.

\* \* \*

**Madam Chairperson:** In what order does the committee wish to proceed with clause-by-clause consideration of these bills?

**Hon. Theresa Oswald (Minister of Jobs and the Economy):** Numerically.

**Madam Chairperson:** Numerically, is everybody in agreement with that? *[Agreed]*

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

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

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

\* (19:30)

**Bill 10—The Fires Prevention and  
Emergency Response Amendment Act**  
*(Continued)*

**Madam Chairperson:** All right. Does the minister responsible for Bill 10 have an opening statement?

**Hon. Erna Braun (Minister of Labour and Immigration):** I do.

I am pleased to be at committee tonight to deal with The Fires Prevention and Emergency Response

Amendment Act. This bill strengthens the act's penalty provisions with the intent of improving the ability of the Office of the Fire Commissioner and local authorities across Manitoba to enforce the act and the Manitoba Fire Code, which is a regulation made under the act.

The amendments will significantly increase maximum penalties for offences under the act and will also authorize the Fire Commissioner to issue administrative penalties in cases of non-compliance with an order issued by a fire safety inspector. The goal of this bill is to help ensure that building owners and operators take their obligations with respect to fire safety seriously and that the act and regulations, as well as any orders issued by fire safety inspectors, are complied with.

We have reached out to the main organizations with responsibilities for enforcement of the act and Fire Code, including the Winnipeg fire and paramedic service, the Brandon fire department and the Thompson fire department as well as the Manitoba Association of Fire Chiefs and the Association of Manitoba Municipalities, and each of them has expressed their support. Thank you.

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

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

**Mr. Dennis Smook (La Verendrye):** We all agree that fire prevention and fire safety is very important to all of us. Bill 10's focus is to amend the fire preventions and emergency responders act to allow for administrative penalties to be imposed for failing to comply with an order made under the act. These proposed amendments will significantly increase penalties. Public safety should be the main reason for any changes to the act. If changes to an act are to be made, everyone has an—everyone who has an interest in the change should be consulted.

The one thing that I have heard over the last number of bills that have been presented is there seems to be a lack of consultation with everybody that's involved in these bills, and in consulting with some fire departments, one of the things that I did hear was there's a concern that the administrative penalty's going into government's general revenues and not into training and education. And I believe that there are a number of people who feel that that's an area that should be looked at. Thank you.

**Madam Chairperson:** We thank the member.

All right. We're going to go clause by clause.

Clause 1 and 2—pass; clauses 3 through 6—pass.

Shall clause 7 pass?

**An Honourable Member:** Pass.

**An Honourable Member:** No.

**Madam Chairperson:** Is there an amendment to clause 7?

**An Honourable Member:** Yes.

**Madam Chairperson:** There is an amendment to clause 7.

All right. It has been moved by Mr. Smook

*THAT Clause 7 of the Bill be amended in the proposed clause 15.1(1)(c) by striking out "is in the public interest" and substituting "will promote public safety".*

The amendment is in order.

The floor is open for questions.

**Mr. Smook:** Yes, I'd like to just make a little statement to this.

The reason that I'm asking for it to be changed from public interest to public safety is public interest has a broad meaning that could be interpreted in many different ways. Public safety is more in line to where this bill should be going. Thank you.

**Madam Chairperson:** Thank you, Mr. Smook.

**Ms. Braun:** I thank the member for bringing forward this amendment.

Unfortunately, I don't feel that it really adds anything to the act and that going with the term public interest is actually the appropriate legal term under these circumstances.

**Madam Chairperson:** Thank you, Minister Braun.

Is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** Okay.

The question before the committee is as follows

*THAT Clause 7 of the Bill be amended in the proposed clause 15.1(1)(c) by striking out "is in the public interest" and—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Shall the amendment pass?

**An Honourable Member:** Agreed.

**Some Honourable Members:** No.

**Madam Chairperson:** I hear a no, a number of noes.

#### Voice Vote

**Madam Chairperson:** The amendment—all those in favour of the amendment, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Nays have it.

The amendment is accordingly defeated.

\* \* \*

**Madam Chairperson:** Clause 7—pass; clause 8—pass; clause 9—pass; clause 10 through 13—pass: enacting clause—pass; title—pass. Bill be reported.

Thank you so much.

#### Bill 21—The Churchill Arctic Port Canada Act (Continued)

**Madam Chairperson:** The next bill is Bill 21.

Right, does the minister responsible for Bill 21 have an opening statement?

**Hon. Steve Ashton (Minister of Infrastructure and Transportation):** It's a pretty brief opening statement. This bill's a direct result of the federal-provincial task force report. In fact, recommendation 1.1 was to establish an entity with a broader governance, broader representation, and this came out of their extensive consultations.

The bill sets up a framework. I want to stress, as I have in our direct meetings both with OmniTRAX and with the CGDC rep, Lloyd Axworthy, that spoke earlier. This is seen as a supplement to, not a substitute for, the port, and I also want to indicate that we have been engaged in discussions in the transition. It's important to note that the federal government is no longer providing funding to the CGDC. There is some funding that is in the CDGC currently that can potentially be put forward to port enhancements, and we are actually going to be committing certainly our funding. And my

understanding is OmniTRAX is also interested on an interim basis as we establish the new entity over the next period of time.

And I do want to again on the record say what I've said directly both to OmniTRAX and to the CDGC rep and that is that we will engage in full consultation with the regulations, so I want to put that on the record. Again, I want to stress this is an important step forward for the Port of Churchill. It comes right out of the task force report, and we believe very strongly on our side that Churchill has a bright future. This is only one of many initiatives that we are in discussion with that could greatly take advantage of our one and only deep-water seaport, Arctic port in northern Canada, Churchill.

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

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

**Mr. Reg Helwer (Brandon West):** Madam Chair, I do find it interesting when we listen to the individuals tonight that there seems to be a concern here with the clarity, the lack of communication and indeed a lack of consultation over this bill. The minister does confirm tonight that he will have more consultation for the regulations, but it should have started certainly earlier—that I think that we would have seen a great deal of acceptance, more acceptance, of this bill had that indeed happened. Because as we know, had the minister stated that it is an important port, and I agree that it is a very important facility for Manitoba but would like to see a little bit more—well, not a little bit more, a lot more obvious on where the direction is of this bill. It's created a great deal of uncertainty, not just in the two organizations that the minister mentioned tonight, but many other organizations that are involved in the vicinity of the port.

**Madam Chairperson:** We thank the member.

Clauses 1 and 2—pass; clause 3—pass.

Shall clauses 4 through 6 pass?

**An Honourable Member:** No.

**Madam Chairperson:** And so do you have an amendment and to which clause?

**Mr. Helwer:** Yes, to amend to clause 6.

**Madam Chairperson:** Clauses 4 and 5—pass.

And there's an amendment on clause 6.

\* (19:40)

It has been moved by Mr. Helwer

*THAT*

The board is to consist of seven directors appointed in accordance with the regulations and the following requirements:

(a) four directors are to be—*[interjection]*

Go ahead, Mr. Helwer. I apologize.

**Mr. Helwer:** I'm very pleased if the Chair wishes to move the amendment.

**Madam Chairperson:** No, I'll leave it up to you.

**Mr. Helwer:** I move

*THAT Clause 6 of the Bill be replaced with the following:*

**Number and appointment of directors**

**6** The board is to consist of seven directors appointed in accordance with the regulations and the following requirements:

(a) four directors are to be appointed from among persons nominated by OmniTRAX Canada Inc.;

(b) one director is to be appointed from among persons nominated by the Town of Churchill;

(c) one director is to be appointed from among first—sorry—from among persons nominated by Frontiers North Adventures Inc.;

(d) one director is to be appointed as a representative of aboriginal persons, selected in accordance with the procedure set out in the regulations.

**Madam Chairperson:** Thank you, Mr. Helwer.

Now it's my turn—Minister Ashton.

**Mr. Ashton:** Debate on this?

**Madam Chairperson:** Yes. We have to say this first.

It has been moved by Mr. Helwer

*THAT Clause 6 of the Bill be replaced with the following:*

The board is to consist of seven directors appointed in—

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense. Thank you.

The amendment is in order.

The floor is now open for questions.

**Mr. Helwer:** This amendment is an attempt to bring some clarity to the bill so that people will be more familiar with who is actually going to be on the board. And I think it's important that that be drawn out or laid out in the bill so that individuals can have an idea of who will be dealing with this particular legislation.

I did mention in my opening statements that it is not just OmniTRAX or the organization represented by Dr. Axworthy that has concerns about this bill. There are certainly other stakeholders, such as the Town of Churchill, Frontiers North Adventures, that are interested in—very interested in what's happening with this particular bill.

And, as, of course, we also have the Aboriginal people, the First Nations in the area. And there are other ways following this that we will deal with who would be the individual that would be appointed there, should this particular amendment pass.

**Madam Chairperson:** Thank you.

**Mr. Ashton:** I want to, once again, I want to stress that the origins of this bill are very much from the federal-provincial task force which talked about broadening the governance. What this amendment would do would actually have an entity with far more restrictive membership than the current CGDC does.

This doesn't include a provincial rep. It doesn't include a federal rep. It doesn't include potential to have Nunavut or Saskatchewan represented. It doesn't include the HBRA. And I would suggest that the reference here to one Aboriginal person also doesn't reflect the true interests in the North.

Again, we are actually doing what we have been requested to do by the public presentation. We are in discussions, and we will be having broad consultations on the establishment of the entity.

I would suggest that having seven directors is very restrictive, and I've listed some of the entities that could or should be representative. What this does actually is it takes a step in the opposite direction. And this would be far more restrictive in terms as membership.

And I want to stress again, we're following through on the task force, which was a result of extensive consultation by both federal and provincial representatives. And we want a more broad basis.



And, with all due respect, this moves in the opposite direction.

**Mr. Helwer:** Well, the restriction on government is exactly what these individuals are looking for, so that it is more well defined. I would emphasize, in terms of First Nations and Aboriginals, that over half of the staff of OmniTRAX are First Nations and Metis. And certainly they would be well represented on this board through the participation of OmniTRAX.

**Mr. Ashton:** Well, first of all, I wouldn't confuse staff with representation on the board. What this does is establish one person of seven. I point out that the Bay Line—I represent a good number of the communities and includes both First Nations communities—includes both First Nations communities. It also includes NACC communities such as Ilford, Pikwitonei, Thicket Portage and Wabowden. On the First Nations side: War Lake, Tataskweyak and York Factory First Nation and Fox Lake. Our First Nations communities have a very significant identification.

Again, I want to suggest we're going to be listening to people. We did listen—and the establishment of the task force—and I won't debate it back and forth, but this is more restrictive than even the CGDC has, and I actually am surprised that the member would even suggest taking the Province of Manitoba off. We have contributed \$21 million of the \$60 million that was earmarked to develop the port. We have been probably the biggest supporter of the port decade over decade, and I think it makes sense to us have us at the table as well, not to remove us from the table.

And I can assure the member that, again, our goal is to have a more broadly represented board. Unfortunately, this would make it more restrictive than the current CGDC. So that's why I would say that—from our perspective as a government with this bill. It's not only not something we would support, it's not in keeping with the intent of the bill which is to put in place what was recommended by a pretty extensive consultation that was chaired by both the federal and provincial governments.

So we're actually doing not only what we feel is important as a province, but what the federal government does as well.

**Madam Chairperson:** Is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** Okay. The question before the committee is as follows:

*THAT Clause 6 of the Bill be replaced with the following:*

**Number and appointment of directors**  
The board is to consist of seven directors—

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Shall the amendment pass?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

#### Voice Vote

**Madam Chairperson:** All right, all those in favour of the amendment, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Nays have it.

The amendment is accordingly defeated.

\* \* \*

**Madam Chairperson:** Clause 6—pass.

Shall clauses 7 through 12 pass?

**Some Honourable Members:** No.

**Madam Chairperson:** And which of the clauses is there amendment, and if so which clause?

**An Honourable Member:** Seven.

**Madam Chairperson:** Clause 7? All right.

So, Mr. Helwer, yes, when that's handed out you can read it into the record instead of me.

**Mr. Helwer:** I move,

*THAT Clause 7 of the Bill be amended by adding the following after clause (b):*

(c) a member of the Legislative Assembly of Manitoba or of the Senate or House of Commons of Canada;

(d) an employee of the Government of Manitoba or the Government of Canada or an agency of either of them.

**Madam Chairperson:** Thank you. The amendment is in order. The floor is open for questions.

**Mr. Helwer:** Well, the minister is fond of saying this is patterned after the CentrePort act, and in reading that particular act there were some portions in there that seemed to be—have been missed in this particular bill. And this is one of those sections that is—that has been missed, and so it would restrict, obviously, the membership on the board, members of the Legislative Assembly, the Senate, House of Commons, of course, and employees are not eligible—of the Province—to be—government to be on this board.

I think it's an adequate addition to this act, seemed to make sense for CentrePort and this is one where we have a private interest as well so I think it's even more important.

**Mr. Ashton:** Again, I mean the previous amendment which was defeated and this, I think, are an attempt by the critic to get into the micro level of drafting who's going to be on or not. I can indicate that, certainly, as indicated by the previous amendment, the member doesn't believe that either the federal or provincial governments should be represented; we disagree, that would be a step back from CGDC.

But, without belabouring the point, I think there's a somewhat different view of the board here. Again, we will be consulting on the establishment of the board, which is allowed through regulation, and we think this is too restrictive.

\* (19:50)

**Mr. Helwer:** So I take it from the minister's comments that he disagrees with the CentrePort act which has this clause, indeed, intact in it, and this would seem to be something he holds up as the gold standard, and here we're trying to make it similar and he doesn't agree with that.

**Mr. Ashton:** I say that our position—and, again, what was presented previously certainly doesn't reflect the experience of the CGDC and the attempt to broaden it.

So I'm glad the member likes certain parts of the CentrePort Canada bill, and I assume by his comments he actually agrees with our broader point that this followed the general principle of the CentrePort Canada bill. But, again, we're adapting it to northern Manitoba. We don't just Xerox things

from—for Winnipeg and apply it to Churchill. The North deserves its own particular model, and that's been very much our philosophy.

So we will be proceeding by a regulation, after consultation, on the establishment of the board.

**Madam Chairperson:** Is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** Okay. The question for the committee is as follows:

*THAT Clause 7 of the Bill be amended by adding the following after—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Shall the amendment pass?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

#### Voice Vote

**Madam Chairperson:** All those in favour of the amendment, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Nays have it.

The amendment is accordingly defeated.

\*\*\*

**Madam Chairperson:** Clause 7—pass; clauses 8 through 12—pass; clause 13—pass.

Shall clause 14 and 15 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Madam Chairperson:** Is there an amendment?

**An Honourable Member:** Yes, there is.

**Madam Chairperson:** And to which clause?

**An Honourable Member:** Fifteen point one.

**Madam Chairperson:** All right.

Clause 14—pass.

**Mr. Helwer:** I move

*THAT the following be added after Clause 15 of the Bill:*

**Consultations**

**15.1** In each fiscal year before adopting its business plan, and at any other time the board is considering a major development or other significant project, the board must consult with

- (a) OmniTRAX Canada Inc.;
- (b) the Town of Churchill;
- (c) Frontiers North Adventures Inc.;
- (d) a group or organization representing aboriginal persons, selecting it in accordance with the procedure set out in the regulations; and
- (e) any organization or person specified by regulation.

**Madam Chairperson:** Thank you. It has been moved by Mr. Helwer that in each fiscal year before adopting its business plan—

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense. The amendment is in order. The floor is open for questions.

**Mr. Helwer:** Well, consultation is certainly something that has come up a great deal in dealing with this particular bill, as well as the uncertainty it has created in the communities, and this is something that would seem to make it a little bit clearer to individuals when the company or with the—when the organization that's created by this particular bill is out there, it has a policy and a process to follow in terms of developments and business plans and when they are released and how they are released.

**Mr. Ashton:** Yes, this is based on the previous amendment which was rejected by the committee and, again, is—at this point, is redundant. It reflects the structure that was proposed before and defeated by the committee. So I recommend the committee vote it down in accordance with the previous vote.

**Madam Chairperson:** Is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** The question before the committee is as follows: in each—oh.

*THAT the following be added after Clause 15 of the Bill:*

**15.1** In each fiscal year before adopting—

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Shall the amendment pass?

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Madam Chairperson:** The amendment is—no?

**Voice Vote**

**Madam Chairperson:** All those in favour of the amendment, please say aye.

There we go. All those in favour of the amendment, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Nays have it.

The amendment is accordingly defeated.

\* \* \*

**Madam Chairperson:** Clause 15—pass; clauses 16 through 18—pass; clauses 19 and 20—pass; table of contents—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 10—The Fires Prevention and  
Emergency Response Amendment Act  
(Continued)**

**Madam Chairperson:** For Hansard purposes, before we go on, we will just have Mr. Smook please read his proposed amendment in the past to Bill 10.

**An Honourable Member:** Going back to Bill 10? You don't—leave just to do that?

**Madam Chairperson:** Yes, we are, just for a moment, just to put it in Hansard.

**Mr. Dennis Smook (La Verendrye):**

*THAT Clause 7 of the Bill be amended in the proposed clause 15.1(1)(c) by striking out "is in the public interest" and substituting "will promote public safety".*

**Madam Chairperson:** Thank you, Mr. Smook. He was just doing that for the record.

**An Honourable Member:** Was that like a retake on a movie?

**Madam Chairperson:** It was like a retake, that's right.

All right, now where are we?

**Bill 33—The Apprenticeship Employment Opportunities Act (Public Works Contracts)**  
(Continued)

**Madam Chairperson:** Does the minister responsible for Bill 33 have an opening statement?

**Hon. Theresa Oswald (Minister of Jobs and the Economy):** Yes, Madam Chair, very briefly. As stated in previous debate on this bill and implied, essentially, by its title, this bill is about creating more opportunities for apprentices in our beautiful province to have an opportunity to develop their trade, and in doing so we begin with government and any public sector body designated in regulation to have a policy concerning apprentices. We know there are plenty of opportunities for our young people and medium people to develop their trade and we want to ensure that employers across our province are helping those apprentices avail themselves of those opportunities.

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

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

**Mrs. Heather Stefanson (Tuxedo):** Thank you very much, Madam Chair. Just very briefly, I don't believe there's anyone in Manitoba that wouldn't agree with wanting to create employment opportunities for apprentices here in Manitoba. Unfortunately, we don't believe that this bill does that. In fact, there is a shortage of apprentices in Manitoba, and as we've gone across this great province of ours and talked to many stakeholders in many communities, the No. 1 issue that we hear from Manitobans and—is that there is a shortage of apprentices—people are not—a shortage of labour to be able to fulfill various contracts in the province of Manitoba.

And, so, that is the real issue here, and, so, in fact, this bill, which requires businesses to hire apprentices when there is a shortage of apprentices, doesn't do anything to move forward that cause of wanting to assure that apprentices have opportunities here in Manitoba because they do have those opportunities. The problem is that we're having to hire outside the province because we don't have the skilled labour here within the province, and so we

need to create an environment where apprentices are trained here in Manitoba in order to fill—fulfill those job vacancies that are there right now.

So that's where we are at with respect to this piece of legislation. Thank you, Madam Chair.

**Madam Chairperson:** We thank the member.

Clause 1—pass; clauses 2 through 4—pass; clause 5—pass.

Shall clauses 6 and 7 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Madam Chairperson:** Is there an amendment, and if so, to which clause?

**An Honourable Member:** Clause 7.

**Madam Chairperson:** Okay.

Clause 6—pass.

\* (20:00)

**Mrs. Stefanson:** I move

*THAT Clause 7 of the Bill be amended by striking out "on a day to be fixed by proclamation" and substituting "on August 1st, 2016".*

**Madam Chairperson:** It has been moved by Mrs. Stefanson

*THAT Clause 7 of the Bill be amended by striking out—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

The amendment is in order.

The floor is open for questions.

**Mrs. Stefanson:** Just to clarify what this amendment is about, I think, given that it's clear that this piece of legislation will go through today, we don't believe that—and what we've heard out there in the communities as well—is that there hasn't been an active consultation process. Many, many stakeholders in the community have yet to be consulted on this. And we believe that this—if this does—if the minister and the government continues forward with this and passes this piece of legislation, that this would provide ample opportunity to go around Manitoba, and to do an active consultation process, that we believe has been absent to date.

**Ms. Oswald:** I would just submit for the members opposite and for the committee that this specific piece of legislation concerns, first and foremost, the government engaging in the development of an apprenticeship policy, and to implement said policy on public works contracts. And, in this bill, that's all that is contemplated. And what the bill says is, subsequently, any other public sector bodies that will be designated will, indeed, happen through the course of consultation.

I can inform the member that that work is already going on, and though we are quite ready to move forward in applying this legislation and the rules therein to government, we have already, through consultation, have a couple, for sure, if not more than two, of public sector entities that are going to be quite ready and willing to come under the legislation, post haste.

I appreciate what the member is saying about the importance of consulting with our businesses across Manitoba. We know that today roughly 20 per cent of eligible employers across Manitoba engage with apprentices, and we want to work hard to have the net cast wider, to capture that other 80 per cent. But the nature of this legislation begins with government, and we are very enthusiastic about implementing this policy and, more importantly, getting those apprentices to get that experience. As I've stated, there are other public sector entities that are nearly ready to go, with a little bit of work yet to do on that.

So, in that context, with a fulsome understanding to whom this legislation applies, I would respectfully submit that it would be our hope to proclaim the legislation in advance of the dates stated here. So I would humbly submit that we would reject this amendment, with great respect.

**Mrs. Stefanson:** And, just further to that, the problem with the legislation is that it requires that only businesses who hire 'apprentishes'—apprentices can bid on government contracts. And the problem is, if those businesses can't hire the apprentices, then they are forbidden from engaging in the contract, and that reduces the competition and, therefore, can cause the price to go up, which is not in the best interest of taxpayers in the province.

And so that's, you know, that's where we believe that the government is, because of the lack of consultation that's taken place thus far, we believe the consultation must be much broader than just the government itself, because of those who are bidding on the contracts themselves.

And so we believe that those are some of the issues that we're going to face coming forward. And that's why, with this amendment, it gives the government a great deal of time to go out and properly consult various stakeholders, beyond just government, in the community.

**Ms. Oswald:** I appreciate the member's comments.

And I would reiterate once again that this legislation does require the government and any public sector body designated in regulation, so that would be subsequent to. But it does require the government on public works contracts to implement an apprenticeship policy.

So that is the beginning, admittedly, in building our foundation of apprentices to address the very issue that the member is citing. If we do not take steps, beginning with government and public works contracts, to build the cadre of apprentices, then we don't get any further along in being able to have those apprentices available for those businesses that might be willing to take on an apprentice for the first time.

I can say to the member that there is a lot of work going on within the Apprenticeship branch to assist those businesses that are contemplating taking on an apprentice for the first time. There are financial incentives for businesses to do that, but if we don't take a step forward within the government context to build our cadre of young people getting experiences, we're not going to be any further ahead.

So I again humbly submit to the member that we would like to see this move forward perhaps more swiftly than the date suggested. So I would humbly suggest that we defeat this amendment.

**An Honourable Member:** Question.

**Madam Chairperson:** Is committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** Okay.

Shall the amendment pass?

**Some Honourable Members:** Agreed.

**An Honourable Member:** No.

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

**Voice Vote**

**Madam Chairperson:** All those in favour—

**Some Honourable Members:** Aye.

**Madam Chairperson:** –of the amendment–

All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Chairperson:** Nay?

In my opinion, the Nays have it.

The amendment is accordingly defeated.

\* \* \*

**Madam Chairperson:** Clause 7–pass; table of contents–pass; enacting clause–pass; title–pass. Bill be reported.

**Bill 54–The Labour Relations Amendment Act  
(Time Lines for Labour Board  
Decisions and Hearings)  
(Continued)**

**Madam Chairperson:** Our next bill is 54.

Does the minister responsible for Bill 54 have an opening statement?

**Hon. Erna Braun (Minister of Labour and Immigration):** The purpose of this bill is to help ensure that decisions and hearings of the Manitoba Labour Board are undertaken in a timely manner and that the rights of parties to hearings or decisions of the board are not negatively affected by unnecessary delays. The bill will achieve this purpose by requiring the board to pass regulations setting out maximum time frames for the issuance of decisions following the conclusion of the hearing, as well as for the scheduling of hearings on applications for certification or decertification of the union.

The bill will further require the board to review all its regulations, which include the Manitoba Labour Board rules of procedure, within two years and at least every six years thereafter. These new requirements will build on recent improvements that have been made at the board to update and streamline the processes in order to better and more efficiently serve its stakeholders.

The changes contained in this bill are based on a consensus recommendation from the Labour Management Review Committee, which is an advisory committee consisting of representatives, major labour and employer organizations in Manitoba. Thank you.

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

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

**Mr. Dennis Smook (La Verendrye):** A very brief one.

It's important for all decisions to be made in a timely manner. We all know that decisions that are made in a timely manner will help all involved, both employers and employees. So we'll see what happens with this.

**Madam Chairperson:** We thank the member.

Clause 1–pass.

Shall clause 2 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Madam Chairperson:** We have an amendment to clause 2.

**Mr. Smook:**

*THAT Clause 2 of the Bill be amended by adding the following after proposed subsection 141.1 dash three:*

**The Chair must provide reasons for decision**

The chairperson must give reasons for a decision to exercise a discretion given under subsection (3) or for declining to exercise the discretion.

Basically, what this is–

**Madam Chairperson:** No, sorry, not yet.

**Mr. Smook:** Okay.

**Madam Chairperson:** It has been moved by Mr. Smook

*THAT Clause 2 of the Bill–*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

\* (20:10)

**Mr. Smook:** This amendment, what it does, it's a fairly simple amendment. It just asks the chairperson give a decision for either putting an extension–when he puts an extension of time on whether it be for the yes or the no side of–just the reasoning, why they're doing an extension of time.

**Madam Chairperson:** Thank you, Mr. Smook.

**Ms. Braun:** I thank the member for putting forth this amendment, although in reality there is no real

reason or purpose to giving reasons because the reasons wouldn't actually ever be used in any fashion regarding the decision, so it's really a moot point.

**Mr. Smook:** Not make sense to have a reason why something has been—a decision has been made as to whether or not an extension of time is given because could it not be that sometimes an extension of time may be given to one party and not to the other? Like, a reason for the extension of time is that not something that would be—

**Madam Chairperson:** Minister Braun.

**Ms. Braun:** My understanding is that reports are provided with statistics regarding decisions annually, and it would become quite clear if there's any issue and the—you know, those could be dealt with at that time.

**Mr. Smook:** So why not put it in the bill then? If it is already there, just add it to the bill, so it will be available to anybody at that point in time.

**Ms. Braun:** I guess, and my response would be since it's there already, we don't need to do it double.

**Madam Chairperson:** Is the committee ready for the question?

**An Honourable Member:** Question.

**Madam Chairperson:** Shall the amendment pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

#### Voice Vote

**Madam Chairperson:** All those in favour of the amendment, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Nays have it.

The amendment is accordingly defeated.

\* \* \*

**Madam Chairperson:** Clause 2—pass; clause 3—pass; enacting clause—pass; title—pass; Bill be reported.

### Bill 65—The Workers Compensation Amendment Act (Continued)

**Madam Chairperson:** Our next bill is Bill 65.

Does the minister responsible for Bill 65 have an opening statement.

**Hon. Erna Braun (Minister charged with the administration of The Workers Compensation Act):** Preventing workplace injuries and illnesses is an area where we can all agree on a common goal. As many of you here this evening will know, we have made considerable progress to reduce workplace injuries and illnesses in recent years, however, more work needs to be done, and to that end Bill 65 will improve the co-ordination of our prevention efforts and ensure that those efforts are guided by our key stakeholders in the labour and employer communities. I also believe we share a common view that people should know their rights and responsibilities and to be able to freely exercise those rights and responsibilities. When that is not the case, not only are workers denied their rights, but the level playing field employers need to remain competitive is eroded.

Bill 65 will enhance compliance with clear definitions of claim suppression and discriminatory action by requiring that information be posted in premises and by increased penalties to discourage potential violations.

Before beginning, I would like to thank the many stakeholders whose contributions helped shape this bill, some of whom were represented by our presenters this evening, and their input and the other—the input from employers, as well, will continue to be valued and voices continue to be heard as we move forward.

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

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

**Mr. Dennis Smook (La Verendrye):** I would like to put a few words on record in regards to Bill 65, The Workers Compensation Amendment Act. This act deals with claim suppression, prevention of workplace injury and illness, inspection authority and fines and administrative penalties.

Coming from small business, I know how important it is for—to have a safe workplace. No employer wants to lose an employee to an accident. Employees are the key to the success of an employer.

**Madam Chairperson:** We thank the member.

Clauses 1 through 3—pass; clause 4—pass; clauses 5 and 6—pass.

Shall clause 7 pass?

**An Honourable Member:** Pass.

**An Honourable Member:** No.

**Madam Chairperson:** Is there an amendment?

**An Honourable Member:** Yes.

**Mr. Smook:** That clause 7—I'll wait 'til everybody has their sheet.

I move

*THAT Clause 7(1) of the Bill be amended in the proposed clause 54.1(2)(g) by adding ", including all recommendations made by the prevention committee to the Board of Directors under the clause 51.1(9)(e)".*

**Madam Chairperson:** It has been moved by Mr. Smook

*THAT Clause 7(1) of the Bill be amended in the proposed clause 54.1(2)(g) by adding ", including—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

**Mr. Smook:** In 51.1(9), under the functions of the prevention committee, there's a lot of tasks that this committee has been given to perform, but there's nothing that obligates the board to accept any of these recommendations. I think if we're serious about spending the kind of money we're going to be spending on a committee and giving them all these tasks to be done, but yet there's nothing obligating the board to accept any of these recommendations, it's kind of a—doesn't really make any sense.

**Ms. Braun:** The committee will be including members of the board as well as a chief prevention officer, representatives from both labour and the employers, so if there are any issues or concerns, those would be worked out at the committee level because, certainly, the representation on that committee will include the board that it reports to. So, in that respect, I could not accept this amendment.

**Mr. Smook:** Yes, well, that's what I'm saying. You will have board members on the committee and you

will have committee members. So, when the committee brings something forward, it should be, sort of, in consensus that this is a good addition to the legislation, so I don't know why it can't be that this should be accepted from the committee.

**Ms. Braun:** In the way the representation would work, they do report to the board, and the board is the official spokesperson. So, in that respect, I can't accept the amendment.

**Madam Chairperson:** Is the committee ready for the question?

**An Honourable Member:** Question.

**Madam Chairperson:** The question before the committee is as follows:

*THAT Clause 7(1) of the Bill be amended in the proposed clause—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Shall the amendment pass?

**Some Honourable Members:** Agreed.

**An Honourable Member:** No.

#### Voice Vote

**Madam Chairperson:** All those in favour of the amendment, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Nays have it.

The amendment is accordingly defeated.

\*\*\*

**Madam Chairperson:** Clause 7—pass; clause 8—pass; clauses 9 through 14—pass; clauses 15 through 18—pass; clause 19—pass; clause 20—pass; enacting clause—pass; title—pass. Bill be reported.

This concludes the business before us.

The hour being 8:21, what is the will of the committee?

**Some Honourable Members:** Committee rise.



**Madam Chairperson:** Committee rises. Thank you so much.

**COMMITTEE ROSE AT: 10:21 p.m.**

### WRITTEN SUBMISSIONS

Re: Bill 10

Dear Committee Members:

On behalf of the Association of Manitoba Municipalities (AMM). I would like to provide comments about Bill 10: The Fires Prevention and Emergency Response Amendment Act.

The AMM supports additional tools to enforce the Fire Code and The Fires Prevention and Emergency Response Act (FPERA). The administrative penalties introduced in Bill 10 will help address non-compliance with an order issued under the Fire Code or the FPERA. Effective enforcement of both the Fire Code and the FPERA is important to ensure the safety of buildings and structures, and the people who use them.

The AMM would also like to emphasize the importance of communicating the changes in Bill 10 to all fire departments. As well, it is important that the Office of the Fire Commissioner work collaboratively with fire departments to fulfill fire safety inspection requirements.

The AMM appreciates the opportunity to provide these comments. Thank you for your consideration.

Sincerely,

Doug Dobrowolski  
President, Association of Manitoba Municipalities

Re: Bill 65

The Winnipeg Labour Council would like to thank the committee for the opportunity to present our views of Bill 65, the Workers Compensation Amendment Act.

The Winnipeg Labour Council (WLC) represents 46,000 unionized workers within the city of Winnipeg from 75 affiliated union locals. Since 1894, the WLC has been the leading voice for workers in Winnipeg and workplace safety and health has been one of our primary focuses ever since. The WLC views workplace safety and health as an important issue not only for our membership, but for the broader public as well.

As a representative body within the Manitoba Federation of Labour (MFL), we are well aware of the commitment of our provincial counterpart to this issue. As such, our presence here is to reinforce their points and support recommendations brought forward through the elected representatives. The WLC supports Bill 65 as a first step in addressing the issue of Workers Compensation Board (WCB) claims suppression. We see this as a positive step and a demonstration by the government to act on an issue that has troubled working people in Winnipeg. We hope this is a continued process towards a stronger prevention model for the WCB system. However, enforcement alone cannot solve this problem.

Through its 75 affiliated locals, the WLC has been made aware of frequent claims suppression. The WLC meets on a monthly basis, and it is through this avenue many workers have raised their concerns. These concerns have been equally shared with the MFL and it is through their actions that we find ourselves before this committee. The MFL has been raising the issue of claims suppression for a number of years and until recently, found it difficult to have the acknowledgement of government, employers and the WCB, that systematic claims suppression was occurring.

The WLC is in favour of proposed amendments that would expand the number of offences by prohibiting discriminatory action against a worker who exercises any right or carries out any duty under the Act. We are also in favour of placing onus on an employer who takes discriminatory action to prove that the action was unrelated to the worker filing a WCB claim or exercising a right under the Act. We are also in favour of increasing the maximum fines for offences under the Act.

Despite our favourable view of these changes, we are concerned of the possibility that proper enforcement will not occur. As it stands, no employer has ever been convicted under the Act for such a violation. It is all well and good to have laws on the books, but if there is no enforcement it all becomes moot.

We believe that placing the onus on an employer who discriminates against a worker filing a WCB claim would alleviate the level of intimidation and fear that frequently plagues workers in an unsafe environment. We believe all workers are entitled to the WCB, should it be required, without repercussion.

Along with the MFL, the WLC welcomes a mandated prevention committee of the board of directors of the WCB, and the requirement to undertake, document and cost activities related to prevention of workplace injury and illness.

The WLC supports such amendments, but believes the core of the problem lies in the WCB rate model. The system, as it stands, links an employer's experience with the system directly to its rates. Its intent is to reward employers through lower premiums from reduced claims via the creation of safer work practices and prevention of injury. However, many employers have taken it upon themselves to control the cost of claims after an injury by engaging in claims suppression, such as:

- company rewards for injury-free days, thereby instilling a peer pressure mentality against filing claims
- paying workers directly for their time lost or requiring them to use other forms of time off (vacation, sick days, overtime, etc.)
- overly hostile pressure to return to work and perform menial tasks
- discipline and termination
- pressuring workers not to file a claim

We believe the intent of this system is honourable, however it is very clear many employers have sought out loopholes. This type of system rewards bad employers who put the lives of their employees at risk by allowing them to avoid proper use of the WCB system. This system in turn hurts good employers who take the health and welfare of the employees seriously and follow the letter of the law.

The WLC supports these amendments and further action on claims suppression. It is the responsibility of an employer, under the Workplace Safety and Health Act to ensure a healthy and safe work environment. However, certain employers fail to live up to their obligations under this act, and therefore take the further step of subverting the Workers Compensation Act to cover their tracks. However, we believe the amendments must lead to greater enforcement. Without proper enforcement of these rules, justice for injured workers will be evasive. We believe the government must continue making steps towards a fairer WCB system and are therefore calling for continued changes to the WCB experience rating model

Thank you for the opportunity to have our views shared.

Dave Sauer  
Winnipeg Labour Council

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