



**First Session — Thirty-Second Legislature**  
of the  
**Legislative Assembly of Manitoba**

**STANDING COMMITTEE**  
on  
**STATUTORY REGULATIONS**  
and  
**ORDERS**

31 Elizabeth II

*Chairman*  
*Mr. Don Scott*  
*Constituency of Inkster*



MG-8048

**VOL. XXX No. 9 - 10:00 a.m, SATURDAY, 26 JUNE, 1982.**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Second Legislature**

**Members, Constituencies and Political Affiliation**

Name	Constituency	Party
<b>ADAM, Hon. A.R. (Pete)</b>	Ste. Rose	NDP
<b>ANSTETT, Andy</b>	Springfield	NDP
<b>ASHTON, Steve</b>	Thompson	NDP
<b>BANMAN, Robert (Bob)</b>	La Verendrye	PC
<b>BLAKE, David R. (Dave)</b>	Minnedosa	PC
<b>BROWN, Arnold</b>	Rhineland	PC
<b>BUCKLASCHUK, John M.</b>	Gimli	NDP
<b>CARROLL, Q.C., Henry N.</b>	Brandon West	NDP
<b>CORRIN, Brian</b>	Ellice	NDP
<b>COWAN, Hon. Jay</b>	Churchill	NDP
<b>DESJARDINS, Hon. Laurent</b>	St. Boniface	NDP
<b>DODICK, Doreen</b>	Riel	NDP
<b>DOERN, Russell</b>	Elmwood	NDP
<b>DOLIN, Mary Beth</b>	Kildonan	NDP
<b>DOWNEY, James E.</b>	Arthur	PC
<b>DRIEDGER, Albert</b>	Emerson	PC
<b>ENNS, Harry</b>	Lakeside	PC
<b>EVANS, Hon. Leonard S.</b>	Brandon East	NDP
<b>EYLER, Phil</b>	River East	NDP
<b>FILMON, Gary</b>	Tuxedo	PC
<b>FOX, Peter</b>	Concordia	NDP
<b>GOURLAY, D.M. (Doug)</b>	Swan River	PC
<b>GRAHAM, Harry</b>	Virden	PC
<b>HAMMOND, Gerrie</b>	Kirkfield Park	PC
<b>HARAPIAK, Harry M.</b>	The Pas	NDP
<b>HARPER, Elijah</b>	Rupertsland	NDP
<b>HEMPHILL, Hon. Maureen</b>	Logan	NDP
<b>HYDE, Lloyd</b>	Portage la Prairie	PC
<b>JOHNSTON, J. Frank</b>	Sturgeon Creek	PC
<b>KOSTYRA, Hon. Eugene</b>	Seven Oaks	NDP
<b>KOVNATS, Abe</b>	Niakwa	PC
<b>LECUYER, Gérard</b>	Radisson	NDP
<b>LYON, Q.C., Hon. Sterling</b>	Charleswood	PC
<b>MACKLING, Q.C., Hon. Al</b>	St. James	NDP
<b>MALINOWSKI, Donald M.</b>	St. Johns	NDP
<b>MANNES, Clayton</b>	Morris	PC
<b>McKENZIE, J. Wally</b>	Roblin-Russell	PC
<b>MERCIER, Q.C., G.W.J. (Gerry)</b>	St. Norbert	PC
<b>NORDMAN, Rurik (Ric)</b>	Assiniboia	PC
<b>OLESON, Charlotte</b>	Gladstone	PC
<b>ORCHARD, Donald</b>	Pembina	PC
<b>PAWLEY, Q.C., Hon. Howard R.</b>	Selkirk	NDP
<b>PARASIUK, Hon. Wilson</b>	Transcona	NDP
<b>PENNER, Q.C., Hon. Roland</b>	Fort Rouge	NDP
<b>PHILLIPS, Myrna A.</b>	Wolseley	NDP
<b>PLOHMAN, John</b>	Dauphin	NDP
<b>RANSOM, A. Brian</b>	Turtle Mountain	PC
<b>SANTOS, Conrad</b>	Burrows	NDP
<b>SCHROEDER, Hon. Vic</b>	Rossmere	NDP
<b>SCOTT, Don</b>	Inkster	NDP
<b>SHERMAN, L.R. (Bud)</b>	Fort Garry	PC
<b>SMITH, Hon. Muriel</b>	Osborne	NDP
<b>STEEN, Warren</b>	River Heights	PC
<b>STORIE, Jerry T.</b>	Flin Flon	NDP
<b>URUSKI, Hon. Bill</b>	Interlake	NDP
<b>USKIW, Hon. Samuel</b>	Lac du Bonnet	NDP
<b>WALDING, Hon. D. James</b>	St. Vital	NDP

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON STATUTORY REGULATIONS AND ORDERS**

Saturday, 26 June, 1982

Time — 10:00 a.m.

**CHAIRMAN — Mr. D. Scott**

**BILL NO. 21 - THE COMMUNITY  
CHILD DAY CARE STANDARDS ACT**

**MR. CHAIRMAN:** The Committee come to order please. We're proceeding with clause-by-clause, Bill 21.

How does the Committee wish to proceed? Do you wish when there are no controversies to go page-by-page and if there is any proposed amendments on that page, if you would let me know, we could go clause-by-clause. Would that be acceptable?

**HON. L. EVANS:** That's acceptable, Mr. Chairman. We have about five or six amendments which are essentially of a technical nature, and then we have one amendment which is a bit more substantive, but there are some pages on which we have no amendments and if it's desirable, we could just do the page at that point.

**MR. CHAIRMAN:** Would that be okay with you, Mr. Sherman?

**MR. L. SHERMAN:** Mr. Chairman, we have one substantive amendment, but we have members who have questions that they would like to raise with the Minister on individual clauses. So, for the most part, we would prefer if we could go clause-by-clause.

**MR. CHAIRMAN:** Okay. We'll go clause-by-clause then.

Page 1, Definitions. First definition, Appeal Board.

**HON. L. EVANS:** Mr. Chairman, we have a change in the definition of "child" and also, another one changing the definition of "Day Care Centre," another referring to "Occasional Day Care Centre" and Ms Phillips has the amendments.

**MR. CHAIRMAN:** Okay, so could we go by each individual one. So there's no problem with the Appeal Board. Appeal Board—pass; Child.

Ms Phillips.

**MS M. PHILLIPS:** Thank you, Mr. Chairperson. I'd like to move amendment

THAT the definition of "child" in section 1 of Bill 21 be struck out and the following definition substituted therefor:

"child" means a boy or girl of 12 years of age or less but, where the regulations respecting subsidies permit subsidies to be paid in respect of persons over 12 years of age, but under 13 years of age, includes such a person in respect of whom a subsidy is paid.

The explanation of that is sometimes we have children who are 12 in the school year and turn 13 and this is to enable the subsidy to continue until the school year is over.

**MR. CHAIRMAN:** Pass, as amended. Day care.  
Ms Phillips.

**MS M. PHILLIPS:** No, I have an amendment for the definition of Day Care Centres.

**MR. CHAIRMAN:** Okay, well day care can pass. Day Care—pass; Day Care Centres.  
Ms Phillips.

**MS M. PHILLIPS:** I'd like to amend

THAT the definition of "day care centre" in section 1 of Bill 21 be amended by adding thereto, immediately after the word "care" in the 2nd line thereof, the words "either alone or in combination with parental care."

And that's to make it consistent with the definition of Family and Group Day Care.

**MR. CHAIRMAN:** Day Care Centres, as amended—pass; next is Director—pass; Facility—pass.  
Are there any others in that whole section?

**HON. L. EVANS:** There is, there's another one.

**MR. CHAIRMAN:** Okay, next is Family Day Care Home—pass; Group Day Care Home—pass; Licence—pass; Licence—pass; Minister—pass; Occasional Day Care Centre.  
Ms Phillips.

**MS M. PHILLIPS:** Yes, on the definition of Occasional Day Care Centre

THAT the definition of "occasional day care centre," in Section 1 of Bill 21, be amended by adding thereto, immediately after the word "care" in the 1st line thereof, the words "either alone or in combination with parental care."

**MR. CHAIRMAN:** Any discussion? Occasional Day Care Centres, as amended—pass; Private Day Care Home—pass; Parental Care—pass; Review Committee—pass. -Item 1, as amended—pass; Item 2.  
Mr. Evans.

**HON. L. EVANS:** Mr. Chairman, just for your information, we do not have any other amendments, just for your guidance and the Committee's guidance, until we get to Section 16 on Page 6. That's our next amendment, that's for your information.

**MR. CHAIRMAN:** Mr. Sherman.

**MR. L. SHERMAN:** Mr. Chairman, I don't want to restrict study to clause by clause where it doesn't have to be clause-by-clause. Where it can be page-by-page we will certainly indicate from our point of view. We do have a couple of questions in the next section.

**MR. CHAIRMAN:** Okay. We'll go clause-by-clause in the next section.

Under Exemptions, 2(a).  
Mrs. Hammond.

**MRS. G. HAMMOND:** Mr. Chairman, I'm wondering if we could add "brothers and sisters" to that particular section at 2(a). I can conceive where that would happen in a number of instances.

**MR. CHAIRMAN:** Mr. Minister.

**HON. L. EVANS:** I'm just wondering, maybe I could ask Legislative Counsel, where do you wish to use the term "brothers and sisters?" Whereabouts?

**MRS. G. HAMMOND:** Yes, to be included under children, grandchildren, nieces, nephews, cousins, wherever in that section, brothers and sisters.

**MR. CHAIRMAN:** Ms Phillips.

**MS M. PHILLIPS:** I'm trying to think of circumstances. Would that be a situation where I, for instance, was married but had a young sister under 12 and I was taking care of her?

**MRS. G. HAMMOND:** Yes.

**MS M. PHILLIPS:** I don't see any problem with that.

**MR. CHAIRMAN:** Mr. Nordman.

**MR. R. NORDMAN:** As an example, my mother was 18 years older than my youngest uncle.

**MS M. PHILLIPS:** It's not my own children; it's not my niece; it's my brother and my sister.

**HON. L. EVANS:** The Act, as I understand, doesn't apply to one brother looking after his sister. There's no harm to put it in but I was just pointing out that if an older brother were looking after, say, a 12-year old brother even, was looking after an eight-year old sister, this Act has no bearing on that situation. That's a family situation; we don't consider it to be Day Care, of course.

**MRS. G. HAMMOND:** When I was looking at children, if it applies to children, grandchildren, nieces, nephews and cousins, why wouldn't it include brothers and sisters? When it's so specific as to what's in, then I would think you would have to add the others.

**MR. CHAIRMAN:** Do you have that written or could you make a motion please, Mrs. Hammond? Could you give it in writing as well, we have to have it in writing. Perhaps we could move on and you could bring it back.

We'll hold 2(a) until we get the written amendment. 2(b)—pass; (c)—pass; (d)—pass; (e).

Mr. Sherman.

**MR. L. SHERMAN:** In (e) the question arises, Mr. Chairman, as to whether the government has in mind here, specifically, such programs or institutions as Sunday Schools or Synagogue Schools. Is that what the clause refers to specifically?

**MS M. PHILLIPS:** We didn't intend the Act to apply to Sunday School services or meetings that a church

might have for small children.

**MR. L. SHERMAN:** The question that occurs is where, for example, in what category would fall a program or a training service of some kind for children that didn't occur on the same day on which religious services are conducted for members of the congregation?

**MS M. PHILLIPS:** I assume that would come under (f), Leadership and Guidance by Organizations.

**MR. L. SHERMAN:** Okay. Thank you.

**MR. CHAIRMAN:** (e)—pass; (f)—pass; (g)—pass; (h)—pass; (i)—pass.

Do you have your written amendments yet? Could you read it please?

**MRS. G. HAMMOND:** I move

THAT Clause 2(a) be amended by adding thereto, immediately after "the grandchildren," the words, "brothers, sisters."

**MR. CHAIRMAN:** 2(a), as amended—pass; Section 2, as amended—pass.

**MR. L. SHERMAN:** We don't have any other questions on Pages 3, 4 or 5, Mr. Chairman.

**MR. CHAIRMAN:** Page 3—pass; Page 4—pass; Page 5—pass; Page 6; Item 15—pass; Section 16.

Ms Phillips.

**MS M. PHILLIPS:** Yes, Mr. Chairperson. I'd like to amend

THAT section 16 of the English version of Bill 21 be amended by striking out the last three lines thereof and substituting therefor the following lines:

"the director may issue a provisional licence in respect of the facility for such period, not exceeding 6 months, as he feels will be necessary to permit the applicant to bring the facility into compliance with the requirements and standards prescribed in the regulations."

Now, what happened here was that this Section is supposed to be in 18 and the one in 18 is supposed to be in 16.

**HON. L. EVANS:** It's to correct a printing area, that's what this is.

**MR. CHAIRMAN:** Are there any questions on that?

**MR. L. SHERMAN:** No, that's fine.

**MR. CHAIRMAN:** Fine. Okay, Section 16, as amended—pass; Section 17.

Mr. Sherman.

**MR. L. SHERMAN:** Some question on 17, Mr. Chairman, as to the discretionary feature where the director is concerned. Not that one is promoting compulsion necessarily, but could we have an explanation from the Minister as to why the director is left with the discretion in these cases, as to whether he or she would require the person to upgrade and improve

their facilities or not, if the director is satisfied that the facility is not meeting those requirements?

**HON. L. EVANS:** Well, Myrna will elaborate on this, but there is in the next section, Section 18, an itemization of the reasons for refusal, suspension, or relocation of a licence. There are various circumstances, Mr. Chairman, where it may not be appropriate to issue a licence, or where it may be appropriate to revoke a licence, and some of those are itemized in 18. So what we're doing in 17, I gather, is to give the director that administrative responsibility to make those decisions. Somebody's got to make a decision at some point.

**MR. CHAIRMAN:** Ms Phillips.

**MS M. PHILLIPS:** Yes, are you questioning the word, "may?"

**MR. L. SHERMAN:** Yes.

**MS M. PHILLIPS:** And you feel that if the director is satisfied and the director believes then he or she shall, by written order, require?

**MR. L. SHERMAN:** Well I simply raise the question, Mr. Chairman, as to what is the purpose of the Bill and what is the purpose of the clause, if that is left entirely discretionary?

I would move, for purposes of discussion, THAT the word "may" be struck out and the word "shall" be inserted in the 8th line thereof.

**HON. L. EVANS:** That's acceptable.

**MR. R. NORDMAN:** Would you then not revert back to "shall" in Clause 16 as well?

**MR. L. SHERMAN:** No, I don't think so.

**MR. CHAIRMAN:** Shall we get that drafted and then pass it? Can we accept that as unwritten because it's only a single word change? I think there should be no problem with that. Could you make a formal amendment verbally then, Mr. Sherman?

**HON. L. EVANS:** As I understand it, it doesn't really require.

**MR. CHAIRMAN:** Could you write that up please then?

**HON. L. EVANS:** Well, the Committee can waive the rule if they want.

**MR. CHAIRMAN:** What is the wish of the committee? Does the committee wish to waive the rule in this instance?

Therefore, the amendment replaces the word "may" with "shall" in the 8th line of Clause 17. Clause 17, as amended—pass.

Section 18.  
Ms Phillips.

**MS M. PHILLIPS:** Yes, again, because of the printing error, I would like to make a motion

THAT Subsection 18(1) of the English version of Bill No. 21 be amended by striking out the last four lines thereof and substituting therefor the following lines:

"the director may, as the case requires, refuse to issue a licence or a new licence in respect of the facility or to the applicant or, by written order, suspend or revoke the licence issued in respect of the facility or to the applicant."

**MR. CHAIRMAN:** Is there any discussion? Section 18(1), as amended—pass.

**MR. L. SHERMAN:** Mr. Chairman, we don't have any further questions until Page 11.

**HON. L. EVANS:** We don't have any until 12, so.

**MR. CHAIRMAN:** Page 7, as amended—pass; Page 8—pass; Page 9—pass; Page 10—pass; Page 11. Mr. Sherman.

**MR. L. SHERMAN:** We're all right. If you want to take Page 11 clause-by-clause, Mr. Chairman.

**MS M. PHILLIPS:** No, it's Page 12 that we have . . .

**MR. CHAIRMAN:** No. Mr. Sherman has one. Just one second while I catch up here. Page 11, Clause 27(2)—pass; Clause 27(3)—pass; Clause 27(4)—pass; Clause 28—pass; Clause 29(1)—pass; Clause 29(2).

Mr. Sherman.

**MR. L. SHERMAN:** At this juncture we don't have a formal amendment, although we would be prepared to move one, but we would prefer to defer that to ask the Minister for an explanation of the fact that there is no provision for appeal to a decision by the Review Committee. I recognize that if, in fact, we were to propose and approve a Review Committee, there would have to be a substantial amendment moved covering the processes and procedures and the mechanics of permitting the appeal. But, at the moment, my question has to do with the principle of rejecting the idea of any appeal from such a decision relative to a persons qualifications.

**MR. CHAIRMAN:** Mr. Evans.

**HON. L. EVANS:** Yes well, Mr. Chairman, I believe that, in a very substantive way, is looked after by 29(3) because 29(3) allows the Minister to issue, in special circumstances, a certificate. In other words, if a person doesn't meet the requirements, appeals to the Review Committee, and the Review Committee sees that he or she still does not meet the requirements and therefore cannot facilitate establishment of a Centre, or what have you or whatever, the Minister then may look at the special circumstance and issue a certificate. In a sense you've got an out, another avenue that we can follow.

**MR. L. SHERMAN:** Well, Mr. Chairman, is the Minister saying that 29(3) covers the question of a person's qualifications in training and experience?

**HON. L. EVANS:** I'm sorry I didn't hear the . . .

**MR. CHAIRMAN:** Mr. Sherman, could you please repeat that.

**MR. L. SHERMAN:** I was asking the Minister, Mr. Chairman, whether he's saying that 29(3) specifically covers the issue of a person's qualifications in training and experience?

**HON. L. EVANS:** Yes, it would.

**MR. CHAIRMAN:** Mr. Sherman, any further commentary.

**MR. L. SHERMAN:** Would 29(2) not be strengthened by reference to the fact that appeal could then appeal against a decision of the nature described in 29(2), could then be reviewed by the Minister.

**HON. L. EVANS:** Mr. Chairman, the Review Committee is the appeal procedure. In other words, you're saying you want an appeal to the appeal procedure. You're saying that, having gone through the bureaucracy, the director, and so on, that finally it goes to the review body, which is an appeal body in a sense; the appeal body turns it around. You're suggesting there should be still another level of appeal.

**MR. L. SHERMAN:** Well, I don't read the Act, Mr. Chairman, as setting up the Review Committee as an appeal body. This is a qualifications review committee.

**HON. L. EVANS:** It says the Review Committee shall hear the dispute - the dispute between the person who meets the qualifications prescribed in the regulations. So the director shall refer the matter to the Review Committee who shall hear the dispute.

**MR. L. SHERMAN:** But the Review Committee is the committee that establishes the qualifications to begin with, is it not? So you're going back to the same judge or the same jury.

**HON. L. EVANS:** No it isn't; no it doesn't establish the qualifications.

**MR. CHAIRMAN:** Ms Phillips do you have a comment?  
Mr. Evans.

**HON. L. EVANS:** If you look at 28 it says - the duties and functions of the Review Committee shall advise the Minister of requirements and qualifications for staff facilities and training thereof and perform other such related duties.

**MR. L. SHERMAN:** Well, who is going to say, Mr. Chairman, what the qualifications are for an employee in a Day Care facility? I guess that's the fundamental question.

**HON. L. EVANS:** Yes, they'll be set out in the regulation.

**MR. L. SHERMAN:** The Review Committee will determine though, will it not, as to whether, when I come in to hire somebody in my Day Care facility, that person is qualified and can be licensed? Will the Review

Committee not make that decision?

**HON. L. EVANS:** Ms Phillips may elaborate on this, but we're talking about qualifications of staff. The Review Committee establishes various standards and so on but the actual administration and decision making is done by the staff; by the administration; by the bureaucracy, if you will; by the departmental administration. So that the Review Committee is advising the Minister, and so forth, but the actual administration is done by our staff and then, of course, as we say then in 29(2) where there is a dispute arising, the Director then can refer it to the Review Committee, so the Review Committee then becomes the appeal body. Maybe Ms Phillips would like to elaborate on that.

**MS M. PHILLIPS:** Yes, we see the Review Committee being involved with the staff, under the regulations, as a body that will advise on what the standards specifically should be for the qualifications, but if every single Day Care worker in this province had to go to the Review Committee to have their qualifications recognized or determined, it would be administratively very difficult. If, on the other hand, once the guidelines are established the people go to the Director of the Day Care Office and are slotted in according to the guidelines then they can be issued with a certificate.

You said you rate as a child care worker I or II or III or whatever. If the person is not satisfied with that then it would go to the Review Committee who would further investigate the situation and make a decision. If there is some extraordinary circumstance the Minister then can give that person a certificate that would entitle them to work in that one Day Care Centre. For instance, the Board of Directors said, well, we're satisfied with this person and we want them, we can't get anybody else in Norway House and this person's been doing the job and we're satisfied. That person wouldn't be able to come and work in another Centre unless they upgraded themselves. But the Review Committee's power would be similar to that of the Welfare Appeal Board where when someone appeals to the Social Service Advisory Board and they make a decision, that's as far as it goes.

We did consider, in the beginning, all individuals having to go to the Review Committee to have their qualifications established or determined but on further thought, it was felt that if the Review Committee is part of advising what the qualifications should be in setting up the criteria then the Director should be able to administrate that.

**MR. L. SHERMAN:** Thank you, I appreciate Ms Phillips' explanation and I'm not suggesting that everybody should have to go through the Review Committee before they could be hired, for obvious reasons. But I guess my difficulty is that I don't understand how a dispute could arise as to a person's qualifications if the Review Committee had never been involved because certainly I can't conceive of myself having a dispute with my own employee on that point, in my own Day Care Centre. The dispute, it seems to me, must arise because somebody on the Review Committee says that person is not properly qualified.

**MR. CHAIRMAN:** Perhaps Legislative Counsel could

come in and maybe add some clarification here.  
Mr. Tallin.

**MR. R. TALLIN:** The only time a dispute will arise is when the Director says you are not eligible for a licence because you do not have qualified staff. There is nothing in the Act that says that a person cannot hire unqualified staff. The only thing is, he may lose his license if he hires unqualified staff in certain positions in the operation. For instance, if you have 20 children they may say you must have at least two Class I people and one Class II. They may have two Class I and one Class II, but it doesn't prevent them from hiring another 14 people to come in who have no classification. As long as there are always the 2 and the 1 there, now that may be the standard. They may lose one of their Class I and hire another Class II and the Director then says you do not meet the qualifications any longer for your licence because you only have one Class I and you're supposed to have two Class I's. Then a dispute arises and that dispute can be referred then to the Review Committee to see whether or not the person does meet those qualifications. So it has nothing to do with whether a person is hired by the employer; it has to do with whether the employer is meeting the standards required under the regulations for the personnel that is required for that kind of an operation.

**MR. CHAIRMAN:** Mr. Sherman, does that satisfy your question?

**MR. L. SHERMAN:** Yes, I see, thanks very much, Mr. Chairman. Thank you, through you to Legislative Counsel. That's satisfactory and then the Minister and Ms Phillips have also said that beyond that there is the opportunity for ministerial review. That's okay, Mr. Chairman.

**MR. CHAIRMAN:** 29(2)—pass. Mrs. Hammond.

**MRS. G. HAMMOND:** Mr. Chairman, just one question on that. It says the decision of the Review Committee is final and binding and not subject to further appeal. Does that still leave chance for someone to then go the Minister when you're saying something that is so final and binding?

**HON. L. EVANS:** Yes, as it's outlined in 29(3) if there is special circumstances existing, maybe a remote Day Care facility where there is just no Class I available, and even though the Review Committee has turned it down because they're bound by regulations and that they just can't approve of it because there's a contravening of the regulations, nevertheless we can, because we may deem these to be special circumstances, issue a certificate anyway. In effect, we have really got an appeal beyond the appeal body so 29(3) certainly, as Mr. Sherman has pointed out and agrees with us, it does leave for that additional avenue for special circumstances.

**MR. CHAIRMAN:** 29(2)—pass; 29(3)—pass.

**HON. L. EVANS:** Mr. Chairman, we have an amendment to Section 30.

**MR. CHAIRMAN:** Which Section of 30, (1), (2) or (3)?

**HON. L. EVANS:** This will require changing some of the numbering. This will become subsection (2) and (2) will become (3) and (3) will become (4) and I just point out - Ms Phillips can elaborate on this - what we're proposing here is to insert a clause which will require all Day Care Centres to have a Board of Directors with representation from the parents of the children, from the community at large, as well as some of the staff of the Day Care Centre. Now, we were planning to put this into regulations; this is required now and as a matter of fact, the laws of incorporation require a Board to be established anyway. Because of concerns expressed during debate and by some of the delegations we felt that we would satisfy these concerns by putting forward this amendment. As I say, it is not absolutely necessary but, nevertheless, it doesn't hurt to put it in so we're proposing this particular amendment which you should have before you. So this is an amendment that relates to clause 30 and it would become 30(2).

**MR. CHAIRMAN:** Well, could we go clause-by-clause then please, under Grants, 30(1)—pass; 30(2) as amended.

**MS M. PHILLIPS:** Mr. Chairperson, I would like to move

THAT Section 30 of Bill 21 be amended by numbering subsections (2) and (3) thereof, as printed, as subsections (3) and (4) respectively; and by adding thereto immediately after subsection (1) thereof, the following subsection:

"Limitations on Grants to Day Care Centre"

30(2) "The Minister shall not authorize a grant to be paid under clause 1(a) to a corporation or co-operative which operates a licensed Day Care Centre unless;

"(a) the articles of incorporation charter or by-laws of the corporation or co-operative provide for representation on the Board of Directors to the extent required in the regulations from parents of children receiving Day Care in the Day Care Centre, the staff of the Day Care Centre and the community at large; and

"(b) where there is no such provision the articles of incorporation charter or by-laws provide for an Advisory Board composed to the extent required in the regulations of representatives from parents of children receiving Day Care in the Day Care Centre, the staff of the Day Care Centre and the community at large to advise and assist the Board of Directors in operation of the Day Care Centre."

**MR. CHAIRMAN:** Are there any questions or comments on the new section 30(2) as proposed in the amendment by Ms Phillips? 30(2)—pass. Now the new Section 30(3), formerly Section 30(2). Mr. Sherman, you have a proposed amendment.

**MR. L. SHERMAN:** No, we're all right on the rest of this page.

**MR. CHAIRMAN:** Oh, 32 - I'm sorry. The new Section 30(3)—pass; Section 30(4) new section, Audit by Pro-

vincial Auditor—pass; 31 (1)—pass; 31 (2)—pass; Section 31 (3)—pass; Section 32—pass.

Mr. Sherman.

**MR. L. SHERMAN:** Mr. Chairman, I'd like to propose an amendment, a new subsection in Bill 21 after Section 32 as it currently appears and I move, seconded by Mrs. Hammond

THAT Bill 21, The Community Child Day Care Standards Act, be amended by renumbering Section 32 Further Assistance as Section 32(1) Further Assistance, and that new subsection 32(2) be inserted in the following form immediately following the end thereof. Section 32(2) Special Assistance: Where the director is satisfied that

(a) a child of an employed single parent is in need of Day Care; and

(b) the employment of the single parent is necessary for the child's and the parent's livelihoods; and

(c) the hours of the parent's employment involves substantially outside the hours of operation of a facility to which the parent, if his hours of employment coincided with the hours of the facilities operation, would otherwise reasonably seek and could reasonably expect admission of his child; and

(d) the parent during his hours of employment is bearing a financial expense to provide supervisory care of the child, the director may in accordance with, and subject to the regulations, authorize payment to the parent of an amount of Special Assistance toward the financial expense of providing that supervisory care.

In speaking to the proposed amendment, Mr. Chairman, it is doubtless reasonably self-explanatory to members of the committee. It speaks to the difficulties faced by the working single parent who is on shift work and therefore is denied the opportunity of access, if access is available, to Day Care Services for his or her child or children. It does not attempt to address or redress the problems faced by that parent in any complete or comprehensive way and there is certainly no suggestion implicit that it's any kind of ultimate solution or panacea for that situation. But it's proposed by our members on this committee as an acknowledgement of that special problem and a gesture that would take the system at least one step down the road toward alleviation of that problem.

We could have gone on to propose the parameters of such assistance and, in fact, at one point were considering proposing that the amendment be extended by the addition of a clause that would say the payment to be authorized by the director should not exceed the amount of a subsidy that would otherwise be payable to the parent, if the child were in the facility described.

However, we limited our formal amendment, Mr. Chairman, to the words that the committee sees in front of them, preferring to leave the determinations of the parameters on such assistance to the government and to the regulations; and thus make it conform to most of the other provisions in the Act, specifically in other words, that it be dealt with in regulations. At that point in time the parameters of that form of Special Assistance could be defined.

Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Commentary, Mr. Evans.

**HON. L. EVANS:** It seems to me and maybe I can be corrected if I am wrong in my perception, that what the Member for Fort Garry is proposing here really is a paid baby-sitting service for people who meet the requirements such as have been outlined where the person, the parent, is being employed at hours that are rather unusual, or that are evenings or nighttime and where there is no Centre open to look after the child. So what is being proposed then, as I can understand, is really a paid baby-sitting service for those people.

One comment I'd make, it seems to me we're not really focusing in on a Day Care program as such. What we've been attempting to do in the legislation and in this program is to provide a measure of assistance to the community by financing Day Care Centres, group homes, etc. We've been wanting to move toward some kind of programming, so certainly there is nothing in here regarding program, there's nothing regarding any other standards that we may wish to impose as we're suggesting under 33, Regulations where we're referring to all kinds of health, safety, nutrition, staffing and other requirements.

The other point I would make, there are now provisions for people who are in need, people who are on low income and who do need assistance with care of their child or children while they're working under the Social Allowances Legislation. There is provision now for people who are in dire straits and who require some financial recognition of the need to have that baby-sitter service. Of course, more elaborately, we do have the Homemaker Service. The Homemaker Service can now be provided, I believe, for up to a year in cases where there is a demonstrated need where there has to be someone go in and help that young woman, let's say, for example, look after the two children. There is a homemaker who can be put in to help that single parent.

So what I am saying, Mr. Chairman, is that unless Mr. Sherman can explain it better or elaborate more on what he means by this, I'm saying: (1) it doesn't really fit into the thrust of Child Day Care legislation per se or any kind of community Day Care legislation. It is really another thrust which is some sort of a subsidy to certain single parents who need to have their child or children looked after at odd hours. I am suggesting that those who are in dire straits are already covered by The Social Allowances Act and by Homemaker Services. Perhaps some other members might like to comment or ask questions.

**MR. L. SHERMAN:** I am prepared to address the questions raised by the Minister as best I can but, Mrs. Hammond, go ahead.

What I would say, Mr. Chairman, is that, first of all, this isn't designed to help people who are in dire straits, nor is it designed to help people who are affluent. For the most part, people who are affluent can look after themselves and, for the most part, people who are in dire straits, as the Minister puts it, are addressed by a whole spectrum of government programming. Maybe it's not good enough, but the fact of the matter is that governments of all stripes have moved to meet the problem of the person in dire



straits, at least to some degree. It is the person in the middle in society today who neither has the affluence nor qualifies for those programs who is carrying the heaviest burden. I think that most of us would agree that burden is substantial and this is directed at those people, not people who would qualify or who would even consider applying for social assistance, but people who would use a Day Care Centre and would qualify for a Day Care Centre in their neighbourhood, if that facility were operating at hours in which it were available to them.

There has been considerable discussion in the representations that have been made before the committee in the last couple of days about 24-hour Child Care Service. The Minister says that this bill is designed to develop, reinforce, expand, and improve the community Child Day Care system. This proposed amendment really doesn't speak to that system. I would agree with him that the bill is designed to reinforce and improve that system but, taken to its logical conclusion, reinforcement and improvement of that system would, in an ideal economic situation, include and involve the availability of 24-hour Day Care service, Child Care supervision. We can't practicably and reasonably expect to move to that in the immediate future, except maybe in isolated situations.

So these single working parents who are addressed by this amendment are caught in a situation where they cannot take advantage of what otherwise would be available to them and what many of their contemporaries and their counterparts in society who happen to work a normal 9 to 5 work day can take advantage of. I think that the amendment doesn't pretend to be anything other than it is, Mr. Chairman, an acknowledgement of that problem. As soon as that working single parent had his or her shift changed to hours of the day that generally coincided with the hours of operation of a Day Care facility that they could reasonably be expected to use, they would certainly not qualify for this kind of assistance. But if you're locked into a 4:00 p.m. to midnight shift or a midnight to 8:00 a.m. shift without much chance of change in that situation in the foreseeable future, then I think that is a circumstance warranting this kind of Special Assistance.

It is really proposed as an adjunct to the kinds of things the Minister and Ms Phillips are attempting with the best spirit to do in the bill.

**HON. L. EVANS:** I'll just make one other comment and there may be others who might like to discuss this. There is another concern we have and that is, in effect, we are destroying here a major principle in this bill which is that we do not provide monies to pay relatives to look after your children, the children of any family, whether you're an uncle or a grandmother or a cousin or whatever. This is a principle we have been upholding, that we shouldn't somehow or other provide or allow payment to close relatives for such services. This provision, in the straight payment to a parent of some kind of amount for Special Assistance, the parent could then pay another daughter or son, a grandparent, an uncle, who we would hope might do it anyway. We would hope that such close relatives would want to help. A grandmother of a child would certainly want to help her daughter, for instance, or

another close relative certainly would want to assist somehow. This provides for payment to the parent who then is free to do that, to hire relatives if necessary.

**MR. L. SHERMAN:** Mr. Chairman, with respect, that would be left to the regulations and to the discretion of the Director. With respect again, that is no more vague than many of the other clauses in the bill. The bill is Enabling Legislation and the mechanics for administration and implementation are going to be spelled out in the regulations. The regulation could make it quite clear that the client, the working single parent in this case, would have to demonstrate to the Director and the Director would have to be satisfied that the assistance was for necessary supervisory care of the child that could otherwise not be obtained and would not be available. If possible, the regulation could go on to say, and shall not include any direct siblings or family members.

I don't think that this is any more open-ended at this point than most of the other clauses in the bill.

**MR. CHAIRMAN:** Mr. Corrin.

**MR. B. CORRIN:** I just want to say a couple of things and direct my comments, I guess, chiefly and principally to the nature of the proposed revision or extension of the bill and from a more strictly technical and legislative point of view.

I have some difficulty, not with the concept and approach of the honourable member, because I think that I, and I'm sure most, if not all, of the members around the table, were in sympathy with the particular plight described by the people who came here and talked about the difficulties of shift workers obtaining assistance with the care of their children. I think we all recognize that there was a substantial burden imposed on these people as a result of their particular and peculiar working arrangements.

What I have difficulty in accepting is that this is the appropriate vehicle for dealing with the concern that was raised by these people and is now being brought forward by the Member for Fort Garry. It seems to me that essentially the amendment is repugnant or contrary to the intent and theme of the legislation and that's the problem I have; and I think that from a legislative point of view it's unsound to extend a piece of legislation in a way that is essentially contrary to its thematic emphasis and, in saying that, I'll make a couple of points just to try and underscore the concern that I'm raising.

The bill in question does make provision for talks in subsections under 31, about subsidy; but it talks about subsidy for people who are within the program, within the Day Care sphere and program. What the member is proposing is essentially - and this point I think was made by the Honourable Minister - an income assistance directed type of amendment, it's not really an extension of the Enabling Legislation affording subsidy for people who are going to utilize the program. But it's essentially something that would provide discretion to the Minister and his department with respect to affording these people access to funds on a special basis because they can't use Day Care. It's sort of contrary to the whole emphasis and theme

of the bill. What you're doing is you're saying, well because there are certain people who can't gain access to the system - and I'm dissatisfied with the system as it now is and has been for several years; I suppose it's never been any better under either our government or the previous administration under the Conservative Government.

I have a concern about that and that's a legal concern because I think if we're going to have that sort of legislation, and we're going to flesh out that sort of legislation, we should do it in the Social Allowance or Assistance context.

What bothers me, I suppose, is that that legislation is already in place. There is enabling legislation that allows us to put homemakers in people's home, provide special subsidy to people who have these peculiar working problems. So, I'm not sure we're really doing anything legislatively except, again, endorsing a general principle which all of us are sympathetic to.

The other concern I have is much more direct, and that is the fact that the legislation says in Clause 2 that the Act doesn't apply to care and supervision of children where the care and supervision is provided in the home of the child or in the home of persons providing the care and supervision. I guess essentially what this sort of amendment proposes is that we direct ourselves to an area that we have already exempted, an area that is already outside the ambit of the legislation and I'm not sure, from a drafting point of view, that we should be addressing things that have essentially been exempted in the legislation. It doesn't seem consistent or logical to do that in a piece of legislation. I think we all understand what the member's concern is and we're all sharing it, I'm sure of it, but I just don't think that it would be good legislative process to include this amendment in the context of this legislation, and if that is upheld, of course, by committee the member could raise concerns respecting this general question during the course of Estimate Review; he could propose extended funding in this area during the course of the next Session. We could deal with this whole question in, I think, a much more appropriate context for him. But this is a very difficult question for all of us, I'm sure, because anybody who chooses to vote against this would want to make clear that it wasn't his or her intention to vote against the concern that has been raised, but rather just vote against the legislative deficiency that's posed as a dilemma in this sort of amendment.

**MR. CHAIRMAN:** Mrs. Hammond.

**MRS. G. HAMMOND:** My comment is I think that we get, as governments, too hung up in both what's good legislative process and what is in bills and we forget about the people that need this service. Now these are people we're talking about that are not wanting Social Assistance, they had it when the needed it; they are only allowed it, evidently, for about a year, in fact, sometimes people are saying to them that you'd be better off to get on welfare. They do not want this type of life for either themselves or their children. They need just some sort of assistance to get them by and I think we get a bit hung up on Day Care as particularly being in an institution or even in the home. These are very special circumstances and until we have facilities

that allow these people to use this service then, I think, that the Act should make provision to help them because here we have people, single parents, in the main, who are wanting to help themselves. We're not asking for big subsidies, we're not asking for anything untoward but where you have a special circumstance I really do feel that to get hung up on whether it destroys the principle of the Act and the difficulty and the appropriate vehicle and go through other things. I think that those things can be overcome and very ably because I know we all want good Day Care for the children in this province but we don't want to leave out a certain segment of the population who, by just the very nature of the work that they do, can't get help. To suggest that they get social assistance, this isn't what they want. They want something that doesn't really set them aside from other people but they feel that they should have, and I quite agree, that we should be able to try and do something for these people, too, even though they can't get into a Day Care facility, as such.

I really would like to see the Committee take a look at this and if there are some parts of the legislation that this is offending then why don't we fix that particular area right now; and if there's something that we can do, and we're leaving it up to regulation, you can take care of the mothers, the fathers, and all these people that you're worried that might get some extra money, what we want to do is - and I think all of us feel the same way - help this particular segment of society. In most cases it'll probably be mothers who are trying to keep their homes together, who are trying desperately to make a life, and jobs today are hard to come by and for social workers to suggest that these people try and get a day job, in some cases it just does not exist. I think that this Committee really would go a long way by adding this particular amendment, and even if there are some parts of it that need amending that would help out I'm sure that we would be willing to go along with that.

**HON. L. EVANS:** Mr. Chairman, we appreciate the intent and desire, and the concerns that the member who has just spoken certainly has, but I want to point out this, if you think for a moment about the people who have need of Child Care Services but don't have access to it, it's not only the people who are working odd hours, working on a night shift or something. Certainly they have a need and they can't have their need met, but I can tell you for every one person in that category there are probably 10, or 20, or 40, or 50 in the category who cannot find any Day Care facility in their area because we just don't have enough Day Care spaces in Manitoba. We're only meeting, I'm told by various delegations if their estimates are at all correct, at the moment we're only meeting a third of the need that's out there. We've still got two-thirds to go and, therefore, I'm suggesting that there are all kinds of women, all kinds of single parents, all kinds of two-parent families who are in a bind because there is no Child Day Care facility in their community, and they're working during the day. They're up the creek too, so to speak; they're in just as dire straits - dire straits is not the term - but they're in just as much problem as the people described in this particular amendment.

In fact, I'm convinced that there are more people

probably, if you could somehow do a survey you'd find more people, needing assistance in that category than you would people working at odd hours when normally the Day Care facilities, Child Care facilities are closed. So that's one point I would make, you know, if we want to meet need I would say there's a bigger case to be made for the need that's already out there where we simply don't have enough Day Care spaces provided for right now; that's the biggest need.

Now the other point I would make is that the administration of this, as you're pointing it out here in this legislation, is this amendment. It would seem to me that the administration would become a nightmare because you're not proposing, I am sure, that we make monies available to everybody who has some special need. Let's say they work the night shift, I'm sure you're not suggesting we give it to everyone; you're not suggesting we make a payment to some doctor who happens to work from midnight 'til 8:00 a.m. in the Health Sciences Centre. All right you're not. So, therefore, what are you left to. You then have to search out the circumstances of the applicants; you have to test their income, they have to declare their income; you have to ensure yourself that they are within the income guidelines, so you're getting into the kind of investigation you require for social allowance cases where you have to declare your income, and then you have to also explain your circumstances. So, frankly, the administration of this I can see could create quite an administrative nightmare; it could create a much bigger bureaucracy. The members of the Opposition are always talking about the growth of bureaucracy. You would need, indeed, considerably more staff to thoroughly check out the income levels and the circumstances of the people.

Now, having said that, I would point out as well, Mr. Chairman, that we have two major review under way. There is a review going on within the department and other governmental agencies of The Child Welfare Act. It's The Child Welfare Act really the monies that are now paid through Homemaker Services and related items at the present time. So that is the legislation we should be looking at to help people in special circumstances.

The other point is we have a task force review in The Social Allowances Act, the Ryant, Dr. Joseph Ryant, we have a task force looking at Social Allowances legislation. It's possible that they might address this question as well. So there are two major legislative reviews under way, in effect, and they do have some bearing on this. So, while I appreciate the concerns expressed by the members, I submit that this is not the way to alleviate the concerns that the members have.

**MR. L. SHERMAN:** Mr. Chairman, briefly could I just speak to three points.

First, with respect to the legal arguments raised by Mr. Corrin and the drafting of the bill. I'd just ask Mr. Corrin whether his basic concerns with respect to the drafting of the bill could not be very easily and very simply accommodated by the simple insertion of a Preamble to Clause 2, on Page 2 of the bill - I know we passed that but the bill hasn't passed yet; we haven't passed the Bill or the Title yet - a simple Preamble that would simply say "except where otherwise specified in this Act." The Act does not apply, etc., etc., etc.

That's done in a great deal of legislation. So I think that technical drafting difficulty could be very easily accommodated with that kind of a Preamble.

Secondly, on the point that the Minister raises about the fact that there's a great problem already out there; there aren't enough Day Care spaces available to those who fall into the conventional Day Care community category and conventional working hours category. No one would dispute that, certainly we couldn't agree more with the Minister when he says that problem is out there and for every one of the persons who we could cite in this category of difficulty because they are shift workers, there are probably ten others who were out in the community who can't get the services that they need, but the proposed amendment accommodates that.

I'll just wait until the Minister finishes his . . . The proposed amendment takes that into account, Mr. Chairman. It says specifically in the proposed Clause (c) that the single working parent in question would otherwise be going to a Day Care facility to which he or she could reasonably expect admission of the child. Obviously if there's no Day Care facility in your community the fact that you are a shift worker would not qualify you for this special assistance because the fact that you were working daytime hours wouldn't be any good to you either because there is no Day Care facility in your community. So while I accept the Minister's argument there's another problem out there, I don't accept that this would somehow provide special service, or special recognition exclusively to a particular segment of the community. The shift worker wouldn't qualify unless there was a Day Care service that he or she could otherwise reasonably expect to have and is only prevented of having by virtue of his or her shift work.

The other point that the Minister raised had to do with the fact that two reviews are under way in the social allowances area and welfare area and that there probably are designations under Social Allowances legislation under which people in these circumstances could qualify, but I think my colleague, the Member for Kirkfield Park, has already addressed, that these people don't want to come under Social Allowances Legislation. Why should they? They're working people; they're paying their way; they're paying their taxes; they're helping to carry the burden of the economy and the social programming that we've all taken on unto ourselves; they don't want to be on social allowances and they don't want to ask for social allowances; they just want to feel that if their neighbour, who is working from 9:00 until 5:00, can use the neighbourhood Day Care Centre and they can't, because they're working from midnight until 8:00 a.m., they should, in all fairness, qualify for the same sort of consideration by government and by society when it comes to the supervision of their child.

**MR. CHAIRMAN:** Ms Phillips.

**MS M. PHILLIPS:** Yes, Mr. Chairperson, I don't think that there's any question in this committee from the delegations, that the problem of taking care of children while parents work is not a dire concern for all of us. Whether they're working during the day, or 4:00 to 12:00, or midnights, that's not the question. The ques-

tion, as was very evident, is the lack of funding to provide that service and the commitment by society to provide that service. So that is the major concern is how do we get the money to the people who need this kind of service and you're talking about subsidies so you're talking about, through the government mechanism, paying for that care of children.

So the dilemma that we have here is how we go about doing that, recognizing the need and the variety of needs. This Act is set up to cover the areas that we have in the definition: Day Care Centres, Group Family Day Care Homes, Family Day Care Homes; setting up a mechanism to do a certain job.

If we're concerned about having a Day Care program in this province that meets the needs out there, then I think one of the first things that we have to do is have the money to put into meeting those needs in the parameters of this program. If we're talking about putting people into individual homes and paying for it on an income means-testing basis, which is what you're implying in your legislation or in your amendment, then to me, the Day Care money, the money for Day Care goes into the Day Care Program, as we've outlined in the definitions and we've outlined throughout the other provisions in the Act.

If there are special circumstances, as you're proposing in the amendment, then I can't agree with the Member for Kirkfield Park that it doesn't matter where you put it. If it's special circumstances because of whatever emotional needs of the children, not to be taken out their home, or the parents are working at odd hours that can't fit into the regular Day Care Program, although there's nothing in the definition that says they can't put that child in a Family Day Care Home or a Group Family Day Care Home in the evening or at night, because the definition covers 24 hours. The problem is that there isn't enough of those 24 hour facilities.

Then under those very special circumstances, and usually it is because of income that the part a person would have to pay for their child to have someone come in and take care of the child in the home, is because that is monetarily prohibitive, according to their income. What we look at then is to have an expansion of the Homemaker Services, so that it isn't just for those people on welfare who have emotional, physical, or whatever kinds of special circumstances, but that, in the Homemaker Program, it's seen as legitimate and we help it to become seen as legitimate for a person to apply to - even if you have to have a separate section of that - to apply for that kind of assistance that doesn't have a stigma on it. But under the Day Care Program and the definitions, our goal has to be to have the funds to extend the kind of program that we've outlined in the definitions. There's nothing that says a Day Care Centre cannot operate on a 24-hour basis. The reason they don't is because they don't have the funds; the reason that there isn't more Group Family Day Care Homes available in the program, is because they don't have the funds. If it's a situation of someone in their own home, to me, that's directly under a Homemaker Program.

Now when I lived in Thompson and I was travelling two weeks out of the month, we had a Day Care Centre in Thompson that operated 24 hours because it was recognized in that community, and the company rec-

ognized and provided assistance to that Day Care Centre, that there was a lot of shift work going on. I didn't happen to work for the company; I worked for the Telephone System, where we not only had shift work but we had split shifts so, in some cases, for four hours my child could be in the Day Care Centre, but the other four hours I had to find someone to come in to look after her. The problem in that circumstance was the Day Care Centre had to close down the 24-hour service because there wasn't the money in the budget to assist with Infant Care, to assist with extended hours.

So when we talk about wanting the best Day Care system in the country, our goal has to be within this framework to extend the funding, with standards, for quality care under the kind of 24-hour care that's necessary to take into account these circumstance. There is a concern about Workplace Day Care and a lot of the larger shift operations are workplaces that have a 24-hour operation. We should be looking at encouraging those employers, either through their union if they have one, or representative of employees, to move into providing co-operatively that kind of an operation. Or if it's a circumstance where an individual is working in the local restaurant that stays open until 1:00 in the morning, then we should have neighbourhood Day Care centres that are open 24 hours; or more funding for Family Day Care so that she can take her child down the street to a Family Day Care Home.

If it's a very special circumstance where the child cannot be taken out and the income is so low that she can't afford to hire someone to come in, then we have to look after that under the Homemaker Program. To put this in under subsidy it would mean changing all those definitions, or putting another definition in for this particular thing, plus not only that kind of beginning, that we've already said that the standards don't apply to care in the child's own home. So we would have to develop a whole bunch of categories that would say this person has to have qualifications, these are the other physical conditions, etc., etc., and I don't think you or I want to go to somebody's home and, say, you're bathroom isn't adequate. It's a totally different view of our responsibility for taking care of children. We can help parents financially with the money problems because that's what it comes down to and we can take away that stigma by having a special service for people who are in dire straits and can't work unless they have this.

As we have taken it away on Family Allowances, no one considers that when the Family Allowance cheque comes that you're all of a sudden a welfare recipient and you get a payment from the government. If that was seen as a legitimate right to help those who were working in the evenings with their baby-sitting costs and they got a cheque from the government on the 19th of the month, then that's a different kind of system than the Day Care Program.

So when we're setting up the parameters of the Day Care Program and the subsidies therein, I want to be able to use as much money as we can possibly get to provide the needs that we have under the Day Care Program and not divert those funds into something else that isn't either Group or Family or Day Care per se.

**MR. L. SHERMAN:** Mr. Chairman, I would only say in response to Ms Phillips that I think in many of these situations you have to seize the opportunity when you've got it. I don't think that the government is going to be able to do all it wants to do because it is going to be severely limited fiscally and financially. I think they are facing the moment of truth on this bill right now. They are never going to have enough money, not only this government, but no government; unless some economic miracle occurs which no one can count on, no government is ever going to have enough money to do all the things that we would, in society, really like to see done if they could be done.

You may be a long, long time getting to 24-hour Day Care. If the money is as tight as it is, and we all acknowledge it, and it goes into other aspects of the program for reasons of need, then the problems that exist with respect to this particular group of citizens addressed by this amendment will never be resolved because there will always be demands on that money; and there will always be the request for more spaces in Day Care; and there will always be the requests for higher standards of qualifications and training. Those demands will be insatiable. We see them in Health; we have seen them in every social program into which we've ever entered. So that if we don't seize the opportunity to do something for this particular group of citizens today, I think that they will be lost in the scale of priorities in the future.

**MR. CHAIRMAN:** Mr. Kovnats, you had a comment?

**MR. A. KOVNATS:** Yes, thank you very much, Mr. Chairman. I was listening with great interest as we all did when the presentations were being made. We asked the people making the presentations a few questions, so it was accepted as being part of this bill; it wasn't that we were just allowing them to speak and not going to be paying any attention because that's the purpose of these people making their presentations.

As my associate, the Member for Fort Garry, has just mentioned, I don't think that we can afford to wait. I can't afford to wait but, more important, the people out there who need this help can't afford to wait. It is not a babysitting agency as the Honourable Minister mentioned, not suggested, but it just came in the conversation. I am not accusing him of so stating, but if that's what is required then let's give them the help that they need.

I am very, very sentimental, as I mentioned. I mentioned it in a humorous vein, but I think I got my point across that I feel very strongly toward these people being allowed to go out and receive some compensation so that they can be independent. What we have done, at this point, as members of the Opposition, is taken it out of the political arena. You are not going to be accused of paying for babysitters because we are supporting this type of a proposal. If you support it, then it's universal and nobody - and the press who was here to report - are not going to say, well, you know, it was done because of political purposes. It is not political at all, at this point, we have taken it out of the political arena. Let's accept it as what it is, help to somebody who needs it. I think that we can do it in this bill.

The Honourable Minister mentioned that, you know, where are we going to get the money? I don't know how much money is required to give this type of assistance and I really don't think it is going to be that much. He also mentions that there are other people who are just as deserving. You are not going to get everybody covered. You are just not going to because this bill, no matter how thorough it is, isn't going to cover everybody. I guess I can live with that for the time being, not for too long because it has to be expanded when times get better and when there is more money available. We agree with the Minister saying that there isn't this type of money, but let's take it out of the political arena; let's support this amendment and I am sure we could find the money somewhere to see that it happens.

I was very, very touched by the proposals that were made, as we all were. So nobody is going to take any great credit for getting this thing passed as long as we all agree to it.

Thank you, Mr. Chairman.

**MR. CHAIRMAN:** We have discussed this for quite a bit of time now. I will give the Minister, I guess, what I hope will be a final commentary.

**HON. L. EVANS:** I will be very, very brief and try not to overly repeat. We are all concerned to helping people. We want to make sure that Manitoba is a good place to live, that people have an opportunity to work if they have a job and certainly be independent and so on. That is not the point. The point is how best you do this and whether this is the appropriate vehicle for fulfilling that concern for alleviating that need.

I am suggesting that, No. 1, if you're concerned about people in need, I submit, Mr. Chairman, that there is a greater need for people during the day. You have isolated one group here, the people who happen to work at odd hours when a facility in the community is closed. That's fair enough, I recognize that, but I am saying for every person there, I suspect there are 10, 20 people who just haven't got any facilities available, period, because we just don't have enough subsidized Day Care spaces in the province. So that's the first point. As I am saying, if you are really concerned about need, what we should be doing is voting a lot more money for subsidized Day Care spaces on a regular basis because there's a greater need for that.

The second point I would make is, again I guess, the administration - I don't want to be too repetitive - but it will require quite a bit of bureaucracy because it's an income-tested proposal that you are making and it would require details on family income. We have to check to make sure that the special circumstances did exist and you do build up bureaucracy in doing it that way. If you're concerned about expanding to the bureaucracy you certainly will be whenever you get into this type of income-tested program.

The third point, and maybe the major point I would make, is that the major thrust of this legislation is to bring about higher standards of Child Care in the province; higher standards, better quality programming, better quality Day Care facilities and Group homes and the like. I would submit, Mr. Chairman, if you look at the list of the delegates and listen to what they said, that is the major concern. The Coalition on

Day Care, for one, which is the major group representing another 25 to 30 specific organizations, that's what they told us. This is what they want, they want to improve the Community Child Care system that we have out there and that is the thrust of this bill.

There are other ways and means of helping people who have special circumstances and I suggested what's being proposed here is more in the area of Child Welfare. The Child Welfare Act is being actively reviewed and the Social Allowances Legislation is also being actively reviewed. The thrust of this Act is to make sure that we have a proper licensing procedure for facilities. We want to ensure that adequate standards are being maintained, the physical standards including that there's proper fire protection, proper health conditions, adequate physical standards. We want to ensure that there is some developmental program for the children; that is what we want to do. This cannot be done in the home but what we're talking about - and I don't mind using the term subsidized baby-sitting because that's in essence what is being proposed here.

That is in the opposite direction of what is being proposed by the Coalition on Day Care representing the vast majority of Day Care organizations in this province. The Coalition says we want an improved quality community care system for our children. What we're proposing here is really in the opposite direction. If we had those delegates here I'm sure these key delegates would tell you that that is not what they want, in fact, they want to go in the reverse way. They want to get rid of some of the private arrangements where children are being looked after by babysitters and some of the developmental needs of those children are not being met. This is the message I get, at least from some of these delegates.

So really you could, I think, make the valid observation that what's being proposed is just in the diametrically opposite direction of what we are being asked to do by the Day Care community, the Child Care community of Manitoba to increase quality, to increase standards. This is what we'd like to do. This arrangement Mr. Sherman suggested, while it may provide some income relief, income support for certain people in a limited way, and that's fair enough in its own, is not in keeping with the intent, the purpose and the objectives of Bill 21.

So unless there is other debate I'd like to call the question.

**MR. CHAIRMAN:** If I could ask for the question, at least. Is it the will of the Committee that the question be put? (Agreed)

**QUESTION put on the amendment, MOTION defeated.**

**MR. L. SHERMAN:** Yeas and nays, Mr. Chairman.

**A COUNTED VOTE** was taken, the result being as follows:

Nays, 5; Yeas, 4.

**MR. CHAIRMAN:** The amendment is defeated.

Section 32, that was passed, I believe, as is. Section 33, Regulations.

**HON. L. EVANS:** We have an amendment on Page 14, I believe.

**MR. CHAIRMAN:** So the rest of Page 13—pass; Page 14, the remainder of Item (j)—pass; Item (k). You have an amendment there.

Ms Phillips.

**MS M. PHILLIPS:** Yes, I'd like to make a motion

THAT clause 33(k) of Bill 21 be amended by adding thereto at the end thereof the words "and respecting payment of subsidies in respect of persons over 12 years of age but under 13 years of age to allow the person to continue to be placed in facilities for purposes prescribed in the regulation."

**MR. CHAIRMAN:** (k) as amended—pass; (l)—pass; (m)—pass; (n)—pass; The rest of the Page—pass; Page 15—pass.

Mrs. Hammond.

**MRS. G. HAMMOND:** Could I just ask one question? I'm sorry, when I was doing that first amendment I missed it, if the Minister could explain 11(1), the Condition of Licence, where it says "and to such other terms and conditions as may be imposed by the director on issuing the license." Would you mind telling me what that would entail?

**MR. CHAIRMAN:** What section is that again?

**MRS. G. HAMMOND:** 11(1) on Page 5.

**HON. L. EVANS:** It relates to the number of children you can have, that you can have 4 children under a certain age or only two children under age 4; or you can't have infants, for instance, you're not entitled to look after infants. There are various circumstances that we may have to decide upon, the number and the age grouping of those children.

**MR. R. NORDMAN:** Mr. Chairman, would that relate to the type of facilities that you have?

**HON. L. EVANS:** Yes.

**MR. CHAIRMAN:** Preamble—pass. Mr. Tallin

**MR. R. TALLIN:** We have had a French version of this bill distributed and the equivalent amendments will have to be made to the French version. Would it be satisfactory to the Committee for us to make those amendments?

**MR. CHAIRMAN:** Agreed? (Agreed)

**MR. A. KOVNATS:** Do you require any assistance?

**MR. R. TALLIN:** Yes, yes, all we can get.

**MR. CHAIRMAN:** Preamble—pass. Title.

**MR. L. SHERMAN:** Mr. Chairman, just before the Title—pass, I wonder if I could ask the Minister what he contemplates in terms of input into the formulation of the regulations?

**HON. L. EVANS:** What we had contemplated, Mr. Chairman, for the Member for Fort Garry, is that we consult with the community out there in a relatively informal way. We would communicate with everyone who has made a submission and also make it known to the public at large that we will prepare a working paper or a document that will indicate the basis of regulations to, as much as possible have the regulations written out but, as I was indicating to some of the delegations, that actually what is finally prescribed in regulation may very often depend on how many dollars we have. To that extent the regulations themselves may not be as specific as some people would like but we have to be guided, as usual, by the reality of being able to deliver with a given amount of dollars. So our procedure would be to make that document, that working paper, available to everybody who is interested in it and Ms Phillips, my Legislative Assistant, would be communicating with those people who would be going around the province to meet those people that wish to discuss it and to get their views. It was meant to be an informal, albeit meaningful discussion with the public at large.

**MR. L. SHERMAN:** Would that working paper, that document, be available to the Opposition members of the Legislature?

**HON. L. EVANS:** Absolutely, it's available to the public.

**MR. L. SHERMAN:** How long does the Minister contemplate this process taking, Mr. Chairman?

**MS M. PHILLIPS:** We are working in a time frame considering that we will be responsible for issuing the licenses to Day Care Centres in the City of Winnipeg whose licences will be expiring next spring; the ones in the country, in the rural areas, usually expire in the fall, I think it's around the end of November. So, we're hoping to have them, over the summer and the early fall, fairly well put together by then so that the Act can be proclaimed in terms of requirements of the licenses for Centres that are already operating.

**MR. L. SHERMAN:** Thank you, Ms Phillips, through you, Mr. Chairman. After that working paper is prepared and circulated what will be the process the Minister is entertaining for inviting submissions relative to that document? Will he be holding committee hearings or public hearings?

**HON. L. EVANS:** We weren't contemplating formal hearings, as such. We want to get the views and there is nothing precluding formal meetings, I suppose. There is nothing precluding open meetings. Certainly they would be open, but the idea would be for a Legislative Assistant and staff to sit down and just get the views on the working paper. The members of the Opposition . . .

**MR. L. SHERMAN:** But if someone wanted to respond to it, for example, where is the location of the file for incoming proposals from the Opposition? Is it in some far distant corner of the building near the incinerator?

**HON. L. EVANS:** Ms Phillips will sit down and talk to the members of Opposition, as well.

**MR. CHAIRMAN:** Did you guys wear out the shredders? I didn't think there were any shredders left.

Ms Phillips.

**MS M. PHILLIPS:** I'll just add to that. I will be working on this steady until the bill is proclaimed and I am quite willing to go out and meet individually with certain groups and, if the Opposition considers themselves a certain group, I would be quite willing to sit down with them and talk to them. I intend to go around the province so, say, I'm going to Portage la Prairie, we can certainly advertise that there will be a public meeting or I can meet individually with the Central Child Care Association separately. I am quite intending to be very open about that and to go into as many communities who indicate they have a concern. I will certainly put out a press release when the paper is ready and anyone can write to us and say, we would like to make a presentation to you or can you come to us. We will work that out as detailed and as open as funds and time are available.

**MR. CHAIRMAN:** Title—pass; Bill be reported.

## BRIEFS PRESENTED BUT NOT READ

### BILL NO. 21 - THE COMMUNITY CHILD DAY CARE STANDARDS ACT

Brief presented by: Mrs. Sharlene Wiebe President -Winkler Day Care Centre Board

I am writing on behalf of the Winkler Day Care Centre Board. We request that this letter be read at the Law Amendments Committee Hearing for Bill 21. We, as a rural Day Care Centre, have three major concerns that we would like to draw to your attention.

1. Bill 21 - Day Care Standards Act - We are in support of Day Care and of setting standards for child care. Under Bill 21, enforcement procedures have not been outlined specifically. We are concerned that the enforcement of these standards receive a high priority in these discussions and decisions.

2. In rural areas, the Volunteer Day Care Board plays an important role in the functioning of a Day Care Centre. The Board consists of community and parent representatives who have an understanding of the cultural, financial and child care needs of their community. Because of the advantages of a local volunteer Board, we are concerned that the local Day Care Board remain an effective decision-making body.

3. There is a need for a rural voice in government decisions concerning Day Care. Rural Manitoba is too large and varied to be represented by one or two people. Efforts should be made to include representatives from various regions in child care issues.

We can appreciate the emphasis this government is placing on child care. We trust that we can continue to work together for quality child care in Manitoba.

Brief presented by: Dr. Laura Mill, Ph. D., Psychologist Child Development Clinic, Health Sciences Centre.

With regard to Bill 21 now before this committee, I would like to address the need to include provision in this bill for children with special needs. I include in this category not only children with identified mental or physical handicaps, but also children suffering from problems of psychological adjustment, behavioural difficulties and children who have experienced emotional and social deprivation, neglect or abuse. Such children typically require additional services. They need a Child Day Care environment that will provide intensive socializing and nurturing experiences in order to develop adequate intellectual, emotional and social skills. While Sections 3(1) and 3(2) of Bill 21, regarding provision of proper environment and program activities, will likely allow for some of the needs of these children to be met, I propose that the following additional resources be included in Bill 21. These additions may allow such children to truly benefit from their Day Care experiences and may enable such children to be considered to be a challenging complement to a Day Care environment rather than an exhausting burden.

1. Educational and Behavioural Consultant - an individual or individuals who can work in conjunction with Day Care Co-ordinators to provide (a) staff education-workshops and (b) on-site consultation to Day Care staff regarding children whose behaviour, needs or development is problematic. Such consultants would advise Day Care staff of methods to deal with behavioural and adjustment problems within the Child Care setting. These consultants could also advise Child Care Centres of the suitability of referral to other agencies in the community for additional diagnosis, treatment and social support.

2. Special needs funding for staff - provision of sufficient funds to Child Care facilities so that children requiring intensive involvement with Child Care staff can experience a 1:1 child-staff ratio while benefiting from a group experience. Special needs funding must be adequate so that Centres can engage qualified individuals to provide the consistent care given often required by children with adjustment and behavioural difficulties.

I hope these suggestions are useful to the committee. Congratulations to the current Manitoba Government for this long awaited and much needed Act.

Brief presented by: Roberta Ellis Co-Chairperson, MACSW

MACSW wishes to communicate to the Committee concerns regarding the proposed legislation.

In our Position Paper, Day Care Needs in Society, we make the following recommendations:

1. That the government immediately take steps to the adoption of a provincial Day Care Act under which provincial standards for programming, staff training, pupil-teacher ratio, nutrition and space are specified; and provisions are included for enforcement of these standards.

2. Further, that Family and Group Day Care, and Lunch and After School Programs be expanded under the Provincial Day Care Program to ensure that all children, whose parents want it, receive care at whatever hours needed, in government regulated facilities.

3. That all Family and Group Day Care, and Lunch

and After School Programs be financed through government grants in the same manner that public schools are financed.

4. That provincial funding must ensure that adequate staff salaries are paid to Child Care workers.

We cannot accept any legislative innovations or changes which do not incorporate the practical demands and the spirit of these recommendations

Furthermore, recognizing the thorough knowledge and expertise that the Day Care Coalition has in this area, MACSW has, through unanimous Executive resolution, endorsed the position and recommendations of the Day Care Coalition. We would simply reassert, in addition to their observations and recommendations, the rights of shift workers to the same Day Care facilities as anyone else. MACSW Recommendation No. 3 clearly states that all children, whose parents want it should receive care at whatever hours needed.

We strongly urge that these hearings satisfy in their recommendations to government, the recommendations of the Manitoba Action Committee on the Status of Women and the Day Care Coalition.

We remind these hearings that Day Care is a necessity beyond dispute. A 1980 survey found that Day Care was available for less than 16 percent of the estimated 530,000 children aged 2 to 6 of working parents. Parents of the rest must scramble around for some substitute, and MACSW has a particular concern here for the women for whom we act in an advocacy capacity.

Since women earn, on average, only 60 percent as much as male workers, we are particularly hard hit by the lack of adequate Day Care. This in turn perpetuates inequality of income and opportunity. We are also greatly concerned that the salaries of Day Care workers reflect that they are taking care of what politicians like to call our most precious asset - our children.

**MR. CHAIRMAN:** Committee rise.

56898,