

**First Session - Thirty-Ninth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Justice**

*Chairperson*  
*Ms. Marilyn Brick*  
*Constituency of St. Norbert*

**Vol. LIX No. 2 - 6:30 p.m., Monday, October 29, 2007**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Ninth Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON JUSTICE**

**Monday, October 29, 2007**

**TIME – 6:30 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Ms. Marilyn Brick (St. Norbert)**

**VICE-CHAIRPERSON – Ms. Flor Marcelino (Wellington)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

Hon. Ms. Allan, Hon. Messrs. Ashton, Chomiak

Ms. Brick, Messrs. Eichler, Graydon, Hawranik,  
Ms. Marcelino, Messrs. Saran, Swan, Mrs.  
Taillieu

**SUBSTITUTIONS:**

Mr. Dewar for Hon. Ms. Allan at 10:05 p.m.

**APPEARING:**

Mr. Kevin Lamoureux, MLA for Inkster

**WITNESSES:**

Bill 19–The Fair Registration Practices in  
Regulated Professions Act

Ms. Sharon Eadie, College of Occupational  
Therapists of Manitoba

Mr. Douglas Bedford, Law Society of Manitoba

Mr. William D.B. Pope, Registrar and CEO,  
College of Physicians and Surgeons of Manitoba

Mr. Ronald Guse, Manitoba Pharmaceutical  
Association

Ms. Sheila Dresen, College of Registered Nurses  
of Manitoba

Ms. Diane Wilson-Maté, College of Registered  
Nurses of Manitoba

Ms. Robyn Taylor, Association of Professional  
Engineers and Geoscientists of the Province of  
Manitoba

Ms. Annette Osted, College of Registered  
Psychiatric Nurses

Mr. David Ennis, Private Citizen

Mr. Mamadou Ka, Private Citizen

Mr. Dustin Gosnell, Provincial Council,  
Manitoba Institute of Agrologists

Ms. Monika Feist, Success Skills Centre

Mr. Teyeb Mereji, Social Planning Council

Mr. Virgilio Nazareth, Immigrant Professionals  
of Manitoba

Mr. Bahram Groohi, Association of Foreign  
Medical Graduates in Manitoba

**WRITTEN SUBMISSIONS:**

Bill 19–The Fair Registration Practices in  
Regulated Professions Act

Verna Holgate, College of Licensed Practical  
Nurses of Manitoba

Bill 20–The Planning Amendment Act (Deemed  
Single Operations)

David Rolfe, Keystone Agricultural Producers  
Karl Kynoch, Manitoba Pork Council

**MATTERS UNDER CONSIDERATION:**

Bill 5–The Public Accounts Committee Meeting  
Dates Act (Legislative Assembly Act Amended)

Bill 19–The Fair Registration Practices in  
Regulated Professions Act

Bill 20–The Planning Amendment Act (Deemed  
Single Operations)

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**Madam Chairperson (Marilyn Brick):** Good evening. Will the Standing Committee on Justice please come to order.

This meeting has been called to consider the following bills: Bill 5, The Public Accounts Committee Meeting Dates Act (Legislative Assembly Act Amended); Bill 19, The Fair Registration Practices in Regulated Professions Act; and Bill 20, The Planning Amendment Act (Deemed Single Operations).

We have a number of presenters registered to speak this evening as follows on Bill 19, The Fair Registration Practices in Regulated Professions Act: Allan Fineblit, Dr. William D.B. Pope, Ronald Guse, Sheila Dresen, Robyn Taylor, Annette Osted,

David Ennis, Mamadou Ka, Dr. Kennedy Mang'era, Dustin Gosnell, Monika Feist, Teyeb Mereji, Sharon Eadie, Virgilio Nazareth, and Dr. Bahram Groohi.

Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in attendance 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, with 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 a presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

On the topic of determining the order of public presentations, I will note that we do have an out-of-town presenter in attendance marked with an asterisk on the list. With this in consideration, in what order does the committee wish to hear the presentations?

**Mr. Andrew Swan (Minto):** I would suggest that we proceed first with Bill 19 as I understand every presenter that registered is with that bill. So I ask that we proceed with line by line of that bill as well before we move on to the final two bills.

**Madam Chairperson:** Just prior to that, and the out-of-towners?

**Mr. Swan:** The out-of-town presenter or presenters go first.

**Mr. Ralph Eichler (Lakeside):** No, Madam Chair, I was going to suggest the out-of-town presenters go first, but you've covered that.

**Madam Chairperson:** Is that agreed from the committee? *[Agreed]*

I would like to inform all in attendance of the provisions in our rules regarding the hour of

adjournment. Except by unanimous consent, a standing committee meeting to consider a bill in the evening must not sit past midnight to hear presentations unless fewer than 20 presenters are registered to speak to all bills being considered when the committee meets. As of 6:30 this evening, there were 15 persons registered to speak to these bills. Therefore, according to our rules, this committee may sit past midnight to hear presentations.

How late does the committee wish to sit tonight?

**Mr. Swan:** I propose the committee sit until our work tonight is finished.

**Madam Chairperson:** Is that agreed? *[Agreed]*

The following written presentations or submissions have been received and distributed to the committee: Verna Holgate from the College of Licensed Practical Nurses of Manitoba on Bill 19; David Rolfe from the Keystone Agricultural Producers on Bill 20 and Karl Kynoch from the Manitoba Pork Council also on Bill 20.

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

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for the *Hansard* recorder to turn the mikes on and off. Thank you for your patience.

We will now proceed with public presentations. Does the minister want to join me?

### **Bill 19—The Fair Registration Practices in Regulated Professions Act**

**Madam Chairperson:** On Bill 19, The Fair Registration Practices in Regulated Professions Act, Allan Fineblit from the Law Society of Manitoba.

**Mr. Andrew Swan (Minto):** An out-of-town presenter would go first.

**Madam Chairperson:** Yes, thank you. I apologize. So we will start with the out-of-town presenter, Sharon Eadie from the College of Occupational Therapists of Manitoba. Ms. Eadie, you can proceed.

**Ms. Sharon Eadie (College of Occupational Therapists of Manitoba):** Thank you very much for

allowing me to begin the evening. I'd like to begin this presentation today to express my thanks and that of our college to the staff of Manitoba Labour and Immigration, namely those in the Adult Language Training branch and the Settlement and Labour Market Services branch. Of particular note is the work of Eileen May, Qualifications Recognition Co-ordinator in the latter branch. COTM has worked closely with Eileen and a number of her colleagues to work to continuously examine and improve our registration processes, support and collaboration in the form of consultative advice, monetary contributions for large and small projects and ideas on the best practices of others have been readily offered. Making this presentation provides COTM with the opportunity to acknowledge this input in our work and to extend our thanks to Minister Allan and her staff.

COTM is highly committed to continuously improving the manner in which we conduct our work. This is evident in our registration of international applicants who we often come to know as individuals as a result of the small number of out-of-country applicants and the ongoing contact that occurs during that application process.

Before I go on, it's important that you have some perspective of our organization. The College of Occupational Therapists of Manitoba has a membership of about 525 occupational therapists. We process about 40 new applications each year, and based on an average over the last six years we estimate that 10 percent or four international registrations are processed each year.

The range can be a low of one per year as in last year when we were transitioning to our new legislation and about 10 in and around 2002. We have a staff complement of 1.1 EFTs, which includes our administrative assistant who works a 0.6 and myself who works a 0.6.

COTM administers The Occupational Therapists Act which received Royal Assent in 2002, but did not go into effect until December 2005. One of the reasons for this time line which might seem protracted was because of our efforts with the support of Manitoba Health to introduce through the occupational therapists regulation a category of provisional registration for individuals requiring supervised practice. These provisions would allow individuals who required further academic preparation, recent practice, or English and French

language acquisition to be granted a provisional registration.

During this period of regulation development with the legislative unit of Manitoba Health, we were receiving applicants from a greater variety of source countries than in the past, and seeing the unique challenges faced by these individuals to integrate into occupational therapy practice in Canada.

With our experience with these individuals as the backdrop, we would like to express our concerns with the proposed legislation, not because of its spoken goals, but its anticipated implementation

Firstly, the requirement to provide time lines sets an almost impossible expectation. Once we receive all the required documents, our academic assessor and the board of assessors will attend to the application within weeks. It does, however, take most applicants many months from the point of submitting their application to forward to us all the required information, despite having a comprehensive list at the outset of what is needed.

Of significant concern is the potential to have to document every phone conversation and copy every e-mail and label every piece of paper related to an applicant in order to prove that we were not slow with it.

\* (18:40)

The opportunity to communicate so readily with applicants who are most often beginning the process while still in their home countries has resulted in far fewer application inquiries that do not result in actual applications and far fewer applications that do not proceed to registration. It is this ready and ongoing exchange that is an important part of our process. The legislation appears to take the view of the application process as being overly simplified.

Secondly, COTM strives to be innovative with the manner in which we work with applicants. We have recently reconstructed our processes so that an individual need not send all their application for registration documents at the outset of the application process. If they anticipate that there will be a long delay in arriving in Manitoba, this new process allows the applicant to provide all the necessary documents for COTM to conduct only the academic review. This allows them to know their academic status in relation to COTM registration before leaving their home country.

Much of the other evidence we require to process their application, such as criminal history, professional regulatory history, professional liability insurance, is time sensitive and is relevant to provide much closer to the time of registration and employment. This flexibility in meeting the needs of the international applicants to COTM is a value. We do not believe that Bill 19 is facilitating this dynamic innovation except in an overly formal and regimented manner that is not as responsive to the needs of our applicants.

Having introduced the provisional supervised practice registers, COTM is acutely aware of the needs for the involvement of others in the integration process for the internationally-educated occupational therapist. This support takes the form of mentors, tutors, language coaches, the clinical community offering volunteer experiences or supervised employment, the occupational therapy academic program opening its classes to visitors or for audit.

What we've found is that though individuals may be keen to provide this support, the systems which in they work are often not facilitating. We found that unions restrict facilities from offering volunteer opportunities to the COTM applicant who needs supervised practice opportunities or who might benefit from structured exposure to the practice environment. We found that if an OT at a facility is willing to provide supervised practice, there's minimal capacity in the system for the supervising therapist to take time from their clinical work to offer this support.

I do not see that the legislation acknowledges that regulatory organizations operate in a system that requires the involvement of a great many constituents, and though the regulator may be seen as the gatekeeper, integration into practice depends heavily on others.

The bill contemplates that we need to confirm the quality of services provided by third parties. I fear that this will create a workload that is greater than the capacity that exists for our organization, or that it will limit the options for our applicants. For example, since many of our applicants begin the process while outside of Canada, we give them an option of using any one of a number of academic credentialing agencies such as the World Education Services or the International Qualifications Assessment Service. In fact, they can use any agency which is a member of the Alliance of Credential Evaluation Services of Canada.

It would be impossible for us to conduct our own evaluation of these agencies. Some provinces, like Ontario, use only WES as their provincially approved agency, a move that, in our opinion, reduces the applicant's choice. Requiring that our applicants use only the Manitoba service is impossible given that most of our applicants are confirming academic eligibility prior to arriving in Canada.

Professional regulatory organizations such as COTM do not deal in supply and demand when it comes to processing registrations. Our standards remain consistent whether there's a shortage of occupational therapists or an oversupply; we remain committed to confirming that each applicant meets the requirements that we use to confirm that they possess the competencies needed for safe practice.

I wish to close with three stories that may illustrate the complexity of registration and the need to be able to modify our processes. Our learning, which occurs with each application and each applicant, dictates adjustments. The ability to innovate and to improve is not facilitated by this legislation, though I believe that is what is hoped for.

The need to objectify and regiment and report will overshadow the inclination and the time and resources to do what is needed for our occupational therapy applicants. Alternatively, the increase in financial resources to conduct the reports, create the appeals body, and track every step of the application process will place an additional burden on these applicants and, potentially, all our members.

All three of the OT applicants I wish to introduce were registered under our previous legislation, which did not have the range of requirements of our current act. This experience serves to highlight how important the requirements are, how individual each applicant is and how challenged we are by the ability to provide the competency-based assessment and the support that is needed and can only be provided by the practice communities in which these individuals will eventually work.

The first OT arrived as a refugee to Manitoba with limited ability to communicate in English, let alone to demonstrate any professional language ability. She did, however, meet all the registration requirements under the previous act which did not include a language requirement.

COTM, then the Association of Occupational Therapists in Manitoba, could have issued her registration. However, we realized that she would be unemployable. If she did not acquire a job, she would, in three years, be faced with doing a re-entry program. Rather than put her in that position, we created supervised practice opportunities with the support of another facility.

The second OT arrived, also met the registration requirements of the old act, but we discovered, in working with her, that she, too, may have had similar education but the context of that education was quite different. The third OT met the registration requirements and then she was hired in short order. Within a month, she was terminated for unskilled practice, because what we couldn't provide then was the supervised practice and support that every international applicant potentially needs.

In all three cases, there was a need for extensive integration efforts, some provided by us and many needing the support of others.

The granting of registration is more complex as source countries of applicants to COTM and to Manitoba, generally, change and become more varied. This may look like a protraction of the registration process. However, without this, the net result is potentially unsatisfactory to applicants.

If competency-based assessment and supported practice is critical to success, as we believe, then this legislation doesn't necessarily assist us to put that into place.

**Madam Chairperson:** Ms. Eadie, I'm going to have to stop you. Thank you for your presentation. Your time has expired. Are there questions for the presenter?

**Mrs. Mavis Taillieu (Morris):** I want to thank you very much for your presentation tonight. I just wanted to ask you, you've brought up a number of points here and I'm wondering what opportunity you had prior to this legislation for input into these particular concerns that you've raised here.

**Ms. Eadie:** We've been working with Manitoba Labour and Immigration on what transparent, consistent, fair, equitable registration looks like. So we've been working with them all along in terms of what are we doing, how we can improve.

In that context, I think much of what's contemplated by this we've been involved with, but,

in terms of specifically addressing this legislation, this was the first opportunity that we took to do that.

**Mrs. Taillieu:** I just thank you. Could I just clarify, then, that you weren't involved and you didn't see the legislation proposed ahead of time then?

**Ms. Eadie:** In the springtime?

**Mrs. Taillieu:** I guess what I'm asking is, when the legislation was proposed in the spring, is that the first that you saw the legislation or were you consulted before the legislation was actually written?

**Ms. Eadie:** I think we had a meeting just prior to the bill being submitted in the House. We met with the deputy minister of Health and the deputy minister of Immigration.

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Thank you for the presentation. I read through your presentation and then I read through the act, and I don't see a divergence in the way the act is written and from the presentation you made, so can you enlighten me?

**Ms. Eadie:** I think what we contemplate is that because we have a very small staff, 1.1 EFTs, the amount of time and energy that will be taken in terms of perhaps the kind of recordkeeping that I think this anticipates, that's what our concerns are.

If we need to meet with a fair registration commissioner for one day, maybe twice a year, that's a huge percentage of the amount of time that I actually work for the college. So I don't think that we are opposed to the goals. I think that we are concerned about the implementation of it.

I've only addressed specifically related to our international applicants. I know that, as the legislation is written, it could, in fact, affect all the registrations that we process, which would be 40 each year.

\* (18:50)

**Mr. Kevin Lamoureux (Inkster):** That's where I want to pick up on. On the international applicants that come through, what would you estimate would be, or a guesstimate, in the last, say, four or five years, where you've gone through the process, you've done the background work and after either awarding or turning down the registration, where the immigrant didn't come to the province of Manitoba, what percentage would you say?

**Ms. Eadie:** You know, I can't give you that off the top of my head.

What we find, because so many of our applicants are actually people who are beginning the process before they come to Canada, there are probably in any given year maybe one out of the five that we might process that don't end up coming. The process for many people is quite protracted. We'll start the process sometimes three or four years before they actually come here, and it's often because of the immigration process for them. It's not that we've said you can't come; it's often that there are many steps that they are also dealing with prior to them arriving here.

**Mr. Lamoureux:** Would the process be easier for you as an organization if those applicants then were here and then applying? Would that help do you feel?

**Ms. Eadie:** What we've tried to do is recognize that many times people want to know whether or not they are going to be able to be registered. One of the things that we've tried to change, just in this whole review with Manitoba Labour and Immigration on looking at the types of applicants we've had, is really a lot of people want to know before they leave their own home country, are my academics going to be something that's recognized.

So what we've tried to do is recognize that if we can do that review prior to them leaving, then if there are courses they need to take they can take those in their home country. If there is some additional, they will know what our language requirements are even though we won't have asked for those results at this point. They will know what they need to potentially acquire in terms of that. So I don't know that we want to necessarily say we'll see you when you arrive on our doorstep. The more that we can work with them before the upheaval potentially of moving, especially around academics, we think that there is a benefit to doing that early.

**Madam Chairperson:** Thank you very much for your presentation, Ms. Eadie.

The committee calls Allan Fineblit with the Law Society of Manitoba. You can proceed.

**Mr. Douglas Bedford ( Law Society of Manitoba):** My name is not Allan Fineblit. It's Douglas Bedford. However, I am—

**Madam Chairperson:** I thought I was pronouncing it wrong.

**Mr. Bedford:** I am pleased to tell you all that Mr. Allan Fineblit, QC, the chief executive officer of

the Law Society of Manitoba, is with me this evening. I am the president of the Law Society of Manitoba.

**Madam Chairperson:** And your name is?

**Mr. Bedford:** Douglas Bedford.

**Madam Chairperson:** Thank you.

**Mr. Bedford:** I want to begin by congratulating the government on addressing what will always be an issue of public concern.

When this bill was first introduced in April of this year, the news release quotes the Honourable Minister Allan as saying, and I quote: "This new Fair Registration Practices bill will pave the way for newcomers to have their qualifications recognized sooner. The proposed bill will help immigrants and individuals from out of province to use their skills, education and experience to establish successful careers in Manitoba."

We, at the Law Society of Manitoba, applaud the goals, that is, fair and equal treatment for immigrants to Manitoba and to Canada, of this legislation and support them fully.

Minister Allan went on to say, and I quote again: "To support increased in-migration and economic growth, Manitoba is committed to leading an informed and fair approach to improving recognition processes for skilled individuals. Improved assessment and registration practices should provide more efficient routes for the qualifications recognition of Manitoba's skilled newcomers and their entry into relevant employment."

Again, we at the Law Society of Manitoba, think these goals are laudable, and the government is to be congratulated for addressing them.

We also want to go on record as supporting the tone of the bill, which takes a minimalist approach. Again, to quote from the April 18, 2007, press release, and I quote: "This bill represents a balanced approach as it respects the responsibility of self-regulatory bodies to protect the public interest by maintaining their own standards of professional practice."

We are here today because we think the bill can be improved in two important ways. The Law Society of Manitoba is the licensing and governing body for lawyers in this province. Our statutory mandate is to protect the public interest in the



delivery of legal services with competence, integrity and independence.

I want to begin my specific comments with the independence issue, because the citizens of this province often take an independent justice system and an independent legal profession for granted.

Last week, our chief executive officer, Mr. Fineblit, attended an international meeting of Law Society chief executive officers. There he met Mr. Arnold Tsunga, the chief executive officer of the Law Society of Zimbabwe. Mr. Tsunga showed him a letter, and we have attached a copy of that letter to the submission which I have distributed this evening in which instructions are given to the military intelligence in Zimbabwe in collaboration with the ZANU PF intelligence wing, to extra-judicially execute a number of people, including two lawyers. Mr. Tsunga himself and Lovemore Madhuku, a law lecturer in Zimbabwe.

Mr. Tsunga's crime as chief executive officer of the Law Society of Zimbabwe was his efforts to discipline certain lawyers friendly to the government in Zimbabwe for their professional misconduct.

Mr. Fineblit asked Mr. Tsunga, as any of us here this evening might well have done, what he could do to help. Mr. Tsunga said that whenever western democracies take any steps that erode the independence of the legal profession, even in the most benign ways, the Zimbabwean government points to this as a justification for their actions. He urged us to vigorously defend the independence of our legal profession in Manitoba and our courts in Manitoba.

Now this evening we are a long, long way from Zimbabwe, and we recognize that the intrusion into the independence of the legal profession presented by Bill 19 is very benign and very moderate. We at the Law Society believe that we now comply fully with all of the proposed requirements of fairness and transparency that are defined and described in Bill 19. We, the Law Society of Manitoba, intend to comply fully with those requirements in the future, as we have in the past, whether or not Bill 19 becomes the law of this province.

All we ask is that the schedule to the bill exclude the legal profession, not on the basis that there is anything wrong with the stated objectives of this legislation and its requirements, but because it is an intrusion, and I repeat my acknowledgment, albeit a benign one, into our statutory independence at the

Law Society of Manitoba. On behalf of the society and also on behalf of our friend, Mr. Arnold Tsunga of Zimbabwe, I ask you to consider such an amendment.

\* (19:00)

Our second point is more mundane. The government information about Bill 19 addresses the issue of foreign-trained professionals. That is what the bill should be about. The draft, however, is not restricted to foreign-trained professionals. It applies to every registration decision. Nowhere in the government's information package is there any suggestion that there are any concerns about domestic registration practices. Nothing in the press release that accompanied this bill or other government information even mentions domestic registrations.

The Law Society of Manitoba and, I suspect, most other professions deal with only a very small number of foreign-trained professional registration matters every year. For every one of those decisions we deal with in a given year, we have approximately 250 domestic registration matters. As drafted, this bill will require us to set up a compliance infrastructure paid for by our members, that is 250 times, because we only deal in Manitoba as a law society with one or two on average, foreign-trained applicants each year. Accordingly, that is 250 times the size that would be required if the bill was limited to its intended target, foreign-trained professionals.

Similarly, the government will be required to, itself, set up a much larger infrastructure paid for, in this case, by taxpayers than would be required if the bill limited itself to its intended object. So our request is that the bill be amended to limit its application to its intended object, foreign-trained professionals. I thank you for your attention.

**Madam Chairperson:** Thank you.

**Mrs. Taillieu:** Thank you very much, Mr. Bedford, for your presentation. I did have occasion to speak with Allan Fineblit before in regard to this proposed legislation.

Were you not consulted in this in the beginning for your input before the bill was drafted so that you had an opportunity to bring your concerns forward at that time?

**Mr. Bedford:** We were not. Mr. Fineblit does assure me that just prior to the release of the bill, we did

receive a draft of the bill that's now before you, together with, and I've referred to a press release. We got the information package, but I understand we were not consulted as the department and staff and the minister actually thought through the process of what to put in the legislation.

**Mr. Chomiak:** The argument with respect to jurisdiction, I take it, is that the imposition of a fair practices commissioner to review practices of the Law Society will have an impact on the Zimbabwean law society because it will be seen as a fettering, or limiting, or an intrusion into the jurisdiction of the Law Society of Manitoba.

**Mr. Bedford:** The concern, Mr. Chomiak, is that the independence of the legal profession, we suggest this evening, is one of the fundamental underpinnings of a democratic society. I reiterate that we are a long way from Zimbabwe, and we are a long way from having wandered down the road that they have wandered in Zimbabwe, where a government, it appears, will decide who can and who cannot practise law, and what will be done with the body that proposes to discipline lawyers who are answerable to the government of the day as opposed to the public.

We say, at the Law Society, that we govern in the public interest. I repeat that we recognize that this particular bill is benign and it intrudes in only the smallest of ways into what does lie within the jurisdiction, this evening still, of the Law Society of Manitoba and has lied within our jurisdiction since we were founded by statute in 1877.

**Mr. Chomiak:** The second point made, that by virtue of this bill applying to internationally trained professionals, it will increase the requirement of the Law Society to register, license a lawyer. I don't understand that one either.

**Mr. Bedford:** The point I made, with respect, was exactly the reverse, if you'll forgive me, of what I understand the question is you posed to me.

This bill, as presently worded, would require us to report on all the registrations we process each year, about 250. The recommendation that I put forward was if the bill was confined to what the press release initially told us the bill would be about, to foreign applications, we would be reporting on one or two a year. Yes, I can assure you the cost to our members and the cost to any government administering the bill will be much less if we are

reporting on one or two applications and how we process them, as opposed to us reporting on 250.

**Mr. Chomiak:** Real quick, and I can't avoid this one. It reminds me of law school.

I don't read it that way. I do not read the bill that way, and I suspect that our drafters, in reflecting the legislative intention, did not intend that to be. I throw that out to you.

**Madam Chairperson:** Just prior to that, I do have another person who has a question.

**Mr. Gerald Hawranik (Lac du Bonnet):** Mr. Bedford, you indicated that you weren't consulted or the Law Society wasn't consulted prior to receiving a draft of the bill or even prior to reading the news release or being provided with the news release.

In the last line of your presentation, you indicated that the bill should have been limited to foreign-trained professionals. Can you tell me whether or not this particular point was brought to the attention of the minister prior to this committee hearing?

**Madam Chairperson:** Mr. Bedford, and it just has to be a quick answer.

**Mr. Bedford:** The concerns that I've addressed tonight were indeed brought to the attention of the minister. We got the press release, I believe, simultaneously with the draft bill.

While you didn't ask me to respond to Mr. Chomiak's further follow-up, I might suggest you start reading at section 15(1) and 15(2) of the draft bill because the heavy labour is going to occur if you start to implement—and that's 15(1) and 15(2), but I've probably transgressed my 10 minutes.

**Madam Chairperson:** Prior to that, there are several other people who have their hand up. Our presenter and our question time has since expired, so I'm looking for—*[interjection]* Ask for leave? Is there a time limit on the leave you're asking for, Mr. Hawranik?

**Mr. Hawranik:** No, no time limit.

**Madam Chairperson:** Mr. Hawranik, you have a supplementary. *[interjection]* Is that agreed? *[Agreed]* Mr. Hawranik.

**Mr. Hawranik:** I just really have one further question. It's in regard to what you brought up, Mr. Bedford, and that is that you direct our attention

to section 15(1) and section 15(2), of concern to the Law Society of Manitoba.

Did you suggest an amendment to the minister prior to this evening, or is it the position of the Law Society that those sections—and I don't have them in front of me—perhaps be deleted. Is that the concern, or what kind of amendment would you suggest to allay the concerns of the Law Society?

**Mr. Bedford:** Speaking as the president of the Law Society, I would reiterate that, as far as the Law Society is concerned, opt us out of the bill through implementation of the schedule, as opposed to saying 15(1) or 15(2) doesn't apply to us.

There may be purpose for other professions in implementing the legislation, but the suggestion that I made with respect to my first concern was, just opt us out of the bill.

\* (19:10)

**Madam Chairperson:** I just want to review this for the committee. I have three other people who have their hands up and that would be Minister Allan, Mr. Lamoureux, and Mrs. Taillieu. With the agreement from the committee, I was going to suggest that we have one question per individual who has their hand up. Would that be acceptable to the committee?

**Floor Comment:** Sure.

**Madam Chairperson:** Agreed? Okay.

**Hon. Nancy Allan (Minister of Labour and Immigration):** I'd like to take this opportunity to thank you for your presentation this evening.

In regard to the opposition's questions in regard to consultation, I just want everyone to remember that this legislation was tabled in the House in April. Staff in the Department of Immigration sent the legislation to every one of the professional bodies that are listed in the legislation, and the door was always open for any kind of dialogue or communication with our department at any time. Then, when the election was called, this legislation died on the Order Paper. In September, when the legislation was reintroduced, the bill was once again sent to the professional associations. There were also meetings with the professional bodies, the health professional bodies, and I can talk about those later.

I also understand, Mr. Bedford, that you did communicate in writing to my office and that we did communicate back and forth, and I know that Allan

Fineblit did call my office, and there was a communication in regard to this particular piece of legislation. So I would just like to thank you very much for your presentation this evening.

**Madam Chairperson:** Mr. Bedford, did you want to respond?

**Mr. Bedford:** Thank you, and yes, I reiterate; minister is correct. We got a copy of the draft bill just before it was tabled in April of this year and there have been communications in September between the Law Society and the minister's office.

**Mr. Lamoureux:** With the minister's comment, it actually gave me another question. As opposed to a question, it's more of a confirmation. My understanding with your previous answers is that in no way was the Law Society consulted prior to the bill, consulted with the drafting of the bill in any way whatsoever. That's my understanding of it. Having said that, the question I have for you is, as of right now, this commissioner, and I suspect that you are not going to see the amendments that you're hoping to see, but this commissioner is going to be reporting to the minister. I would argue ultimately that it would be better if the commissioner was reporting to the Legislature as to a minister. Would the Law Society have a preference if it had to be one of the two? *[interjection]*

**Mr. Bedford:** You can see whom I take my orders from.

I suppose, Mr. Lamoureux, that at the end of the day, there is something somewhat more appealing if the commissioner reports to the House as a whole than if the commissioner is reporting directly and solely at first instance to the government of the day.

You first began with a comment about consultation. I can say we were not invited to assist with the drafting of the bill, but the nuance of the issue seems to be what is consultation in our society. The minister's correct; it was sent to us, and the door has been open to receive written comments and oral comments from the minister's office. But, no, we didn't know when it was in the drafting stage that it was in existence at all.

**Mrs. Taillieu:** Thank you very much. I think, from speaking with Mr. Fineblit previously, and I know that you've said tonight that this is fairly benign, but I think what I understood from that it's sort of a slippery slope when you start allowing governments to decide who should be in what regulated profession, and I don't think that there is an intent to

go there, but I do see that there's a possibility of going that way.

Also, I think that most of the professions will have done a very good job of regulating themselves, so I'm wondering what will change. I guess, why was this legislation needed in terms of your profession, your law society? What can you tell me why the legislation was needed there?

**Madam Chairperson:** Mr. Bedford, for closing comments.

**Mr. Bedford:** As far as we're concerned at the Law Society, this legislation was not needed and, with the greatest of respect, your question's an excellent one for the minister who's introduced the bill. We don't think for the Law Society that this is needed or necessary legislation, and yes, you've caught correctly; in life we have slippery slopes, and that is a concern.

**Madam Chairperson:** Thank you very much. We thank the presenter.

Our next presenter is Dr. William D.B. Pope, the Registrar from the College of Physicians & Surgeons of Manitoba. Dr. Pope, you can proceed.

**Mr. William D.B. Pope (College of Physicians and Surgeons of Manitoba):** Thank you, Madam Chair. I'll just pull this down a little bit here. Mr. Chomiak knows about lowering the microphone. My name is Bill Pope and I am the Registrar and CEO of the College of Physicians and Surgeons of Manitoba, and thank you to the committee for the courtesy of permitting me to address you this evening.

I'd also like to thank the Department of Labour for meeting with the college over the past week to discuss quite a number of issues that we had, and we were allowed to have significant discussion with the assistant deputy minister and some of the policymakers about our concerns.

As Mr. Bedford has said for the Law Society, the College of Physicians and Surgeons of Manitoba is responsible for the registration of physicians in Manitoba, and we operate in accordance with requirements of The Medical Act and Qualifications Regulation 25, 2003. We are committed to registration practices that are transparent, objective, impartial and fair, and we understand barriers in this act to mean immaterial considerations that impede registration. We certainly support removing any of

these barriers to registering individuals who are educated outside Canada.

However, we do oppose Bill 19 for three reasons: Firstly, its scope is too wide compared to the original stated purpose; the second, it contains provisions that we consider to be unclear, unduly burdensome, unfair, and serve no useful purpose; and thirdly, we suggest there are better ways to achieve the stated end.

This evening I will highlight the foremost serious concerns we have about Bill 19. The material I circulated is more comprehensive, and the executive summary at the beginning includes our proposals for specific amendments.

Concern No. 1 is scope. The legislation is intended to remove barriers to international medical graduate registration, but the draft captures all registration applicants and it can be interpreted to catch all subsequent renewals and reinstatements as well. Clarity is a problem, but even with initial registration only, there are real burdens and we simply cannot meet some of the requirements.

For example, section 8(3) requires that we take measures to ensure that any third party upon which we rely to assess qualifications does so in a way that is transparent, objective, impartial and fair. For some of those third-party institutions which are nationally recognized in Canada such as Canadian medical schools, the Royal College of Physicians and Surgeons of Canada, the College of Family Physicians of Canada and the Medical Council of Canada, all of which are already noted in our legislation, this legislation makes no sense. Why would the Department of Labour now want us to review institutions that are presently approved by Manitoba health legislation?

For other institutions upon which we rely for the verification of literally all credentials from outside Canada, we simply cannot meet the requirement of this subsection. The principal office that assesses international medical graduates' credentials for use in Canada by Canada and the United States is the EICS, the International Credential Service of the Educational Commission for Foreign Medical Graduates which is headquartered in New York. Our college has no authority over the EICS and no reasonable basis to conduct any review of its processes. Also, how could we sensibly expect that a verification service would meet the required criteria such as transparency when their work is investigation to detect fraud?

\* (19:20)

When we raised this example with the department, we were told that the use of the words "reasonable measures" adequately addresses this concern. But the department didn't answer what we are to do when there are no "reasonable measures." Shall we disregard this requirement? Shall we stop relying upon the only institutions we can use when we cannot ourselves conduct any meaningful review? Obviously, this would negate the intent of the legislation, which is the last thing we wish to do.

Therefore, Bill 19 leaves us in an impossible position. Ladies and gentlemen, what are we to do? We submit that the answer to the problem lies in amending Bill 19 to limit its scope to only initial registration of international medical graduates who do not meet requirements for full registration and to delete section 8(3) or to redefine "third party" to allow us to meet the obligation.

The second concern is fairness, or lack of. Bill 19 requires the fairness commissioner to review a regulatory authority's processes, to make recommendations, and to make reports, but it contains absolutely no process to oblige the fairness commissioner to allow us any meaningful input. There ought to be a process permitting the regulatory authority to correct misapprehensions on the part of the fairness commissioner, to dispute the fairness commissioner's conclusions, and to otherwise participate in any constructive process to improve practices.

Without these rights, the report may contain misinformation or one-sided views, any of which can and may be made available to the Legislature and therefore widely to the public. Unless the review and recommendations are confidential between the fairness commissioner and the regulatory authority, or the public report must include the comments of the regulatory authority, the process is unfair and may be destructive rather than constructive.

The third concern is disregard for privacy and the privacy rights of individuals. Sections 12, 15 and 16 all contain language that may give access to the personal information of individual applicants. When individuals apply for registration, they must disclose highly personal information which we keep in our files. This information is compulsory and is gathered in the public interest, but it is provided with the highest expectation of privacy. The legislation is aimed at practices, not individual decisions.

So we submit that individual privacy rights in this case greatly outweigh any other consideration in legislating away privacy rights. When we met with the Department of Labour, we were first advised that it was never intended that the fairness commissioner have access to individual applicants' files or personal information. But we have since been informed that the position being taken is that the commissioner must now have access to these files to carry out the legislative responsibilities, and that access may also be required if a regulation is made about audits.

We would ask that Bill 19 be amended to make it plain that the fairness commissioner has no right of access to personal information about any individual applicant. There should be a section in the miscellaneous provisions clarifying that access to information is limited to aggregate information, and that nothing in this act entitles access to individual applicants' personal information.

My final point is that there is already a process under way within the Department of Health for legislative change. We and the other regulated health professions are presently intensely involved in the development of umbrella health legislation for regulated health professions. A primary stated goal of that legislation is to bring consistent legislative provisions, including registration, under one act, for all regulated health professions. Bill 19 would be contrary to that act. We submit that if there is to be legislation on the topic of fair registration practices, it should be moved over and created within the umbrella health legislation.

Some of my colleagues in other regulated health professions are here this evening and have and will address other issues, but we share their concerns.

So I close by submitting that Bill 19 has serious flaws. Our written submission notes that it is unclear in several respects, unduly burdensome, unfair in some respects, and in some ways we cannot comply with it. Our submitted executive summary suggests specific proposals for amendment and we urge you to make these amendments.

Thank you for your attention.

**Madam Chairperson:** Thank you, Dr. Pope. Prior to entertaining questions, I wanted to ask if it was the will of the committee that we entertain one question per each person who is asking a question, and if there is sufficient time, and we get through each individual who wishes to ask a question, we can then return. Would that be agreed by?

No? It's just that we're having a difficult time getting through everybody's questions, but, okay.

**Mrs. Taillieu:** Thank you, Dr. Pope, for your presentation.

I think it was well noted with the previous presenter that intentions, and what intentions may be, they may be interpreted in other ways along the road. So we have to be careful about wording and what intentions are there.

From your presentation, it just seems that there are a lot of concerns, a lot of concerns that you have with this legislation that—you talk about the medical legislation that you're already governed by, so does this supersede that legislation? Does it make your present legislation redundant? Or is this legislation actually redundant?

It just seems that there are so many things that you've brought up here. I guess I just have to ask: In your view, was this an ill-conceived bill with not enough input and consultation before it was drafted?

**Mr. Pope:** I understand that this bill does have a section in it which does give it precedence over any other legislation. So, to answer your first question, it would overrule some of the requirements of The Medical Act, such as the privacy issue.

I think I've already described that, initially, we were first informed of the bill when it was first introduced into the House. Of course, within about 24 to 36 hours, the election was called. When it was reintroduced in September, we were sent another copy. We were not involved in the initial presentation of the bill, but I must acknowledge that Labour was very responsive to issues that we had raised about 10 days ago, and has met with us on several occasions to discuss our concerns. But we were not involved in the initial development of the bill.

**Mrs. Taillieu:** Then, with the number of amendments that you've suggested here, what has been the response of the minister in terms of the amendments that you've proposed?

**Mr. Pope:** The issues have just been raised, really, over the last three or four working days, so we aren't sure what. We understand that there will some amendments introduced, possibly this evening, but we are not sure what they are.

**Ms. Allan:** Dr. Pope, I guess I'm curious because, according to the information that was given to me by my departmental staff, there was a meeting with the

department with the deputy minister of Labour and the deputy minister of Health, with the health professionals associations in regard to the proposed legislation.

That meeting was on April 2. The bill was not introduced into the House until the 18th of April. So I guess I'm trying to square the circle on the information in regard to the fact that you were not consulted about the bill until it was tabled in the House. My understanding is your professional association was at that meeting. Is that incorrect?

**Mr. Pope:** Yes, there was a member of my staff at that meeting when the first principles were introduced, but there was, of course, no substance at that time.

**Madam Chairperson:** Seeing no other questions, we thank the presenter very much for your presentation.

The committee calls Ronald Guse from the Manitoba Pharmaceutical Association.

You can proceed, Mr. Guse.

**Mr. Ronald Guse (Manitoba Pharmaceutical Association):** On behalf of the Executive Committee of the Manitoba Pharmaceutical Association, I will present our perspective on The Fair Registration Practices in Regulated Professions Act. I am the Registrar of the Manitoba Pharmaceutical Association and the association is the licensing and regulatory body for the practice of pharmacy in the province.

\* (19:30)

We believe in the intended purpose of the act and support the concepts of transparent, objective, impartial and fair registration practices by bodies entrusted with regulating a profession and protecting the public and providing additional information and assistance to register qualified people applying from other countries.

Upon review of Bill 19, the Manitoba Pharmaceutical Association is concerned with content of the legislation in that it considerably broadens the scope beyond international applicants, potentially places provincial regulatory bodies in opposition of nationally approved entry to practise competencies, unnecessarily increases administrative duties or activities and requires the release, or may require the release of personal information, contrary to provincial practice acts.

The bill would affect all registrants and all potential registrants of a provincial regulatory authority. Presently there are two sources of domestic applicants to register with the Manitoba Pharmaceutical Association: persons that have graduated from University of Manitoba, and those that have already registered in another province and wish to transfer to Manitoba. For both these groups, the licencing process is transparent, objective, impartial and fair and, quite frankly, relatively simple and straightforward. Because these applicants are familiar with the process within Manitoba or the province they're transferring from, the process is rarely taken to an unsuccessful completion and very much in a timely fashion.

By extending the bill to include these two groups, it would consume already scarce resources that would be better applied to assisting applicants from other countries. Understandably, fair registration processes are important, but focussing the application on the bill to international graduates should be the priority.

The wording or definition for registration would also unnecessarily add to the administrative activities of the Manitoba Pharmaceutical Association, that being the definition seems to inadvertently include annual licencing of members. The association has a two-step process for licencing. The first step is a one-time registration process and this is the process that should be covered within the scope of Bill 19. The second process is an annual licence to practise, and this should not be included in the scope of Bill 19. Once a pharmacist is registered, they can receive a licence to practise on a renewable annual basis. The annual licencing process is routine. It involves completion of an application that includes a declaration of active practice, and participation in professional development, and also paying a fee. This annual licencing process was to be included in the bill, the association would be required to provide written responses for all annual licencing decisions and include that in the review as well.

With few exceptions, this is routine and licences are issued. Certainly, where the licence is not issued, a written response is provided in a timely manner. These additional requirements for the processing of an annual licence would increase the administrative task and divert the resources available to accomplish the perceived intent of the legislation, and that is, enhancing the process of registering international pharmacy graduates.

If changes to the definition of registration can be included—can be done to exclude annual licences, I would also suggest the definition of registration should include the recognition of competencies and qualifications for membership, and not just a granting of membership.

Another area of concern is assessment of third-party assessors, as some of my colleagues have mentioned earlier, used by the association in order to meet registration requirements. Bill 19 would obligate the provincial licencing authority to assess national organizations to ensure they're doing their job in a transparent, objective, impartial and fair manner. This really would be an impossible task for us to accomplish. For example, the Pharmacy Examining Board of Canada was established 50 years ago to perform competency and education background assessments of international graduates. Bill 19 would place the Manitoba Pharmaceutical Association in a position of assessing the work done by this national group whose processes have been validated and also approved by the other provinces.

The National Board of Directors governed the PEBC, the Pharmacy Examining Board of Canada, and the association provides a board member. However, the association does not have the knowledge or resources to assess or perhaps replace the PEBC. Should the fairness commissioner recommend not using PEBC, it would potentially then place the association outside the signed Mutual Recognition Agreement developed on the Agreement on Internal Trade.

The concern with third-party assessment becomes even more obscure and unattainable when considering the third parties utilized by the association for fluency assessment, record of conviction, physical or mental conditions and addictions as they relate to the ability of the applicant to practise pharmacy. The solution might be to limit the review of the registration process performed by the provincial regulatory authority with the acknowledgement and understanding there is reliance on validated and third-party assessors.

On a related matter, the status and enforceability of the recommendations by the fairness commissioner is somewhat unclear. Presumably, the regulatory authorities and the fairness commissioner would work collaboratively to achieve desired outcome of a transparent, objective, impartial, and fair registration process. However, if there is a difference of opinion, a resolution process has not

been identified. Further clarification is needed on the status of recommendation, appeal process and requirements for implementation.

Bill 19 requires the descriptions contained therein, individuals of regulated professions' board of examiners to be trained on "how to hold hearings." This is under section 9. The reason for this training is not stated and it would seem to add an unnecessary, additional cost and burden to the board of examiners' activities and process.

Part (b) of that same section refers to training in "special considerations." However, once again, it's not clear as to what "special considerations" are. Further clarification of the reasons for section 9 as it is written and the resources available to the regulatory bodies, before the bill is passed, would be helpful to understand the ramifications of this section.

Regarding the purpose of the act and responsibilities the minister described under section 14(a) of the bill, there is need to enhance the support of international graduates seeking registration and employment in Manitoba in order to facilitate the regulated professions to fulfil their obligations under Bill 19. A sufficiently funded "one-stop shop" that provides support and assistance for international applicants wanting to become registered in their chosen profession or trade, and continuing that support and assistance after that is accomplished is a very important need.

Manitoba Labour and Immigration is doing some of these tasks. The association has worked closely with Manitoba Labour and Immigration to develop the program, Prescription for Learning, which funded classroom time and onsite mentorship for newly licensed international graduates. The program was an overwhelming success in assimilating internationally educated, newly licensed pharmacists into the work force and the health-care system. However, it's my understanding that the continuation and expansion of this program for pharmacy and the implementation for other health-care professions had been adversely affected by the lack of funding. It is my hope that Bill 19 will cause a renewed commitment.

I'll skip down to my final point of my presentation, is one of the importance of simple solutions. The Manitoba Pharmaceutical Association reports to the Minister of Health (Ms. Oswald). Over the many years, we have developed a collaborative working relationship with the Minister of Health, the

deputy minister, their staff and representatives of Manitoba Health.

The Pharmaceutical Act, both the current one and the proposed one, covers registration and appeal processes. We have not been advised of any incidents where international graduates who qualify for registration have been rejected or subject to a process that is not reasonable or timely. The Pharmaceutical Act also requires a report to be filed with the Minister of Health that includes the registration activities. Bill 19 would require a duplication of these activities, managing contacts and relations with the Minister of Labour and Immigration (Ms. Allan). It may also create some unnecessary confusion over who is the authority in the area of registration. We encourage the legislators to consider including fair registration practices under the proposed health discipline legislation that was mentioned earlier by one of my colleagues.

In summary, Bill 19 legislates the important need for transparent, objective, impartial and fair registration processes by the regulated health professions. The concepts are supported and practiced by the Manitoba Pharmaceutical Association. The bill may provide the public with confidence that the regulated professions will conduct their registration practices in an acceptable manner. Notwithstanding, the regulated health professions should be removed from the schedule to Bill 19 and bring the important concepts under the health discipline legislation being developed under the authority of the Minister of Health. In doing so, concerns raised at these meetings could be addressed and collaboratively resolved without bringing any unnecessary delay to the passage of Bill 19. Failing to carve out the regulated health professions from the schedule to Bill 19, I suggest amendments to the bill might be considered addressing the concerns raised in this presentation and the presentation of my colleagues this evening. Thank you.

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

**Mrs. Taillieu:** Thank you, Mr. Guse, for your presentation. Again, you raise some concerns that are similar to some of the previous presenters, so I am going to again ask what input you had previously. How much were you consulted previously and, since then, have you had an opportunity to propose some of your amendments, and what has been the response?

**Mr. Guse:** Earlier this spring, we were invited to attend a meeting called to look at the legislation at



that point in time. I sent a colleague from my office and, upon his return, the debrief that I was given was that proposed legislation in scope was to look at the international pharmacy graduates and also focussing more so on the trades, as opposed to the health-care professions. That's the information that my colleague gleaned and passed on to me at that point in time.

\* (19:40)

If I can answer your second question with regard to what happened since, we have been involved with our colleagues in the other health-care professions. There was one meeting, as was referenced earlier in the deputy minister of Health's office, and there were subsequent meetings, which I was unable to attend, but I understand there were subsequent meetings to that.

**Ms. Allan:** Thank you very much for your presentation. My understanding of the meetings—because that consultation seems to be a recurring theme here—my understanding of the meeting that was held on the 2nd of April that your association was at, there was an explanatory note given to every one of the professional associations, and that also there was a list of contacts in my department, three contact people, that if anyone at any time had any questions or wanted to speak to my staff in regard to the legislation, that that information was made available to your organization. Of course, the bill was then presented on the 18th of April, and I've outlined the process after that.

So I guess I was just curious as to, when was it that you decided to get in touch with my department in regard to the various concerns that you had about this legislation?

**Mr. Guse:** We contacted your department, I would suspect, when the bill was presented in the House under the title of Bill 19.

**Ms. Allan:** The second time?

**Mr. Guse:** I believe it was Bill 24 the first time, so, yes.

**Ms. Allan:** Thank you.

**Mr. Hawranik:** Yes, thank you—

**Madam Chairperson:** Could you just bring your mike up a little, Mr. Hawranik?

**Mr. Hawranik:** Yes, thank you for your presentation. You've identified, as at least a couple of other presenters have identified this evening, a concern about the bill with respect to not only

potential registrants having to comply, being affected with the bill, but existing registrants that you have within the profession as well that also have to comply with the bill.

You also indicate in your presentation that there will be additional cost and burden to your association. Have you identified the staffing levels that would have to be required in order to deal with the existing registrants to comply with this act? Also, have you identified how much the additional cost would be to the association?

**Mr. Guse:** Just for clarification, the existing registrants mean all of the licensed practitioners. We haven't done a research or an exploratory on what the cost to the organization would be. Again, the numbers that we receive from international pharmacy graduates are reported on an annual basis to the minister. Typically, that's where we focus our efforts on. The workload involved in renewing the annual membership is, again, pretty routine. If we now have to go back and include that in the review ordered by the commissioner, I couldn't say exactly what time and energy and cost would be involved until we're a little more clear on what exactly the commissioner is asking us to do.

**Mr. Hawranik:** That particular concern about this bill affecting not only potential residents, but the existing registrants you have with your association, this particular concern, was that identified to the minister prior to this committee? And, if so, what were you told?

**Madam Chairperson:** Mr. Guse, and a short answer.

**Mr. Guse:** It was identified in the meeting that was referenced earlier involving the deputy minister of Health and the deputy minister from Labour and Immigration. Again, the subsequent meetings that were called to address the concerns raised, I wasn't able to attend. My understanding is discussions took place, and I'm hopeful that there's some amendments being considered.

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

**Mr. Lamoureux:** May I have leave to ask a question?

**Madam Chairperson:** Is there leave from the committee? *[Agreed]*

**Mr. Lamoureux:** I was interested, on page 5 of your presentation you state: "We encourage the legislators

to consider including the Fair Registration Practices concept in the health disciplines legislation currently being developed by Manitoba Health."

Are you currently, then, meeting with Health officials, and this is an issue in which you are talking about?

**Mr. Guse:** Yes. As mentioned by a colleague of mine earlier, there is discussion undergoing with health disciplines legislation; umbrella legislation has various terms. So, yes, we are actively meeting with representatives of Manitoba Health to work on the document.

**Mr. Lamoureux:** Why would those meetings be then necessary if, in fact, this bill actually passes? It seems to me it would be complete duplication. If anything, it would be considerable more costs and burdens put on to the different health-care associations, if you're going to have it in both places.

**Mr. Guse:** Yes, well, the discussions we've had to date have included other items that would be included or proposed for inclusion in health disciplines legislation. To date, a discussion hasn't included Fair Registration Practices concept, but those practices are already in the provincial legislation. As it's common to all the health disciplines, what we're suggesting or what I'm suggesting is that it might find its way into the health disciplines legislation and then it would be consistent if we were to report to which minister we report to.

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

The committee calls Sheila Dresen, College of Registered Nurses of Manitoba.

You can proceed, Ms. Dresen.

**Ms. Sheila Dresen (President, College of Registered Nurses of Manitoba):** Thank you. My name is Sheila Dresen. I'm the President of the College of Registered Nurses of Manitoba. The document that is being distributed is a slightly longer version of the remarks that I'm going to share with the committee this evening, so you may have difficulty if you're trying to follow along.

I'm very pleased to be here this evening. Thank you for the opportunity to speak to the committee. The College of Registered Nurses of Manitoba is pleased to have this opportunity to discuss the concerns raised and to address this committee and present on this legislation.

The college is the professional regulatory body for more than 12,000 registered nurses, graduate nurses, and non-practising members of Manitoba. We regulate nursing in the public interest on behalf of the people of Manitoba. We are both pleased and proud to have modern, effective legislation in The Registered Nurses Act and its regulations. Our act promotes fairness, transparency and objectivity in our processes, and ensures that we are accountable for our performance in carrying out the business of regulating professional registered nurses.

We report annually to the Minister of Health in a report which is published and available for all to read. We take accountability for the work we do very seriously. It should be no surprise that we wholeheartedly support the intent of this bill and the principles of fairness, transparency and objectivity.

Unfortunately, the chasm between the bill's stated intent and the legislation before this committee is vast. We have concerns that this legislation negates an opportunity to deal with registration practices within the context of the health professions legislation currently under development. Given that the rationale behind the health professions legislation is in large part to avoid duplication, it seems a shame that this bill will, in fact, duplicate work that could easily be enshrined within the health professions act.

We strongly urge this committee to amend the bill by removing all the health professions from the schedule of regulated professions and, instead, incorporate the intent of this bill regarding fair access to those professions into the health professions act where they rightfully belong. That will address the duplicative nature of Bill 19 and also utilize the productive reporting relationships that already exist with the Minister of Health.

Our college is deeply concerned about both the broad powers the fairness commissioner will have and their intrusive nature. Under the guise of fairness, the commissioner will be able to enter our premises and access information from the individual registration files of our applicants and members without their consent or knowledge. These files can contain information about criminal convictions, financial information, school records and transcripts and other personal information.

\* (19:50)

Ironically, the bill contains exemptions that will allow us to restrict access to records an applicant or member may request from his or her own file, but the

fairness commissioner will have carte blanche access to any and all records.

It causes us to wonder: If these powers are granted in this bill, what information will government want to access next in the name of fairness—our medical records, taxation and bank records? The commissioner's powers seem almost draconian in their approach and impact. We have serious concerns about this unfettered access.

Given these powers, we believe it is very important that there be clear language within the bill that protects the confidentiality of any information the commissioner receives. This language should also include a penalty provision for a breach of that confidentiality, as many provincial laws currently contain. We also believe that the same exceptions restricting applicant or member access to information in section 10(2) should apply equally to the fairness commissioner.

A lack of clarity is a repeating theme when it comes to our concerns with the bill as it is currently written. While the stated intent of this bill is to assist internationally-educated individuals with access to registration within regulated professions, the language of the bill is far broader and appears to apply to anyone seeking initial registration or registration renewal. Last year, we had 478 new initial registrants. At the end of 2006, we had more than 12,000 individuals who were eligible to renew their registration within the college.

As one can well imagine, the resource implications of having to demonstrate compliance with a provision of this bill on 478 individuals versus more than 12,000 are huge. We strongly suggest these provisions apply only to initial registration of individuals. Within the definition of a registration decision, we suggest the definition read initial registration decision, with the word "initial" added throughout the definition.

Section 6 speaks to timeliness, responses and reasons. We have a couple of points to make regarding this section.

First, 6(a) talks about timeliness of decisions. We agree that accountability is very important, but it is equally important to ensure regulatory bodies are held accountable only for processes within their direct control. A complete application, containing all of the documentation required in accordance with our regulations, is required before we can begin to assess and process an application for initial

registration. Supporting documents do not always arrive simultaneously. The clock on timeliness should not start until we have a complete application in hand. We suggest the beginning of section 6 be amended to read: A regulated profession, on receipt of a complete application for initial registration must, and so on.

Section 6(c) references all registration decisions. A requirement to provide written reasons for the granting of registration is redundant and needlessly burdensome. We suggest the following wording for 6(c): provide written reasons to applicants within a reasonable time in respect to the denial of initial registration decisions and internal review, and so on.

Given that 6(a) requires us to make decisions within a reasonable time period and 6(c) will require us to provide a written decision which includes reasons within a reasonable period of time, we believe 6(b) is redundant and duplicative, and should be deleted.

In section 8(3) of the bill, the language ensuring compliance by any third-party process is quite problematic. The college uses a number of third-party sources, over which we have no direct control, to perform specific functions related to registration, these range from agencies performing the assessment of the veracity of credentials, to police agencies, like the RCMP, submitting records of criminal convictions and organizations providing the board-approved licensing exams our applicants must write. We would have significant difficulty ensuring the transparency, objectivity, impartiality and fairness this clause requires. In fact, we would find it virtually impossible to comply with this clause as written. We strongly recommend modifying the language to encompass either alternate, recognized benchmarks or other mechanisms that can achieve the intent of the provision.

Section 17(1)(b) should have the word "knowingly" inserted before the word "provides false" so that the issue of intent is clear. The college is in no position to warranty all the information others provide us in forms or declarations. In those situations, we act in good faith that the information we receive is true and correct. The offence provision should relate to an intent to deceive or mislead, and not simply passing on information received from others.

As I close, let me reiterate one issue. We, like our pharmacist and physician colleagues, believe the

whole issue of registration practices should be more efficiently and effectively handled within the context of the health professions act. Given that eliminating duplication is central to health professions legislation, it is obvious to us that this bill will, in fact, duplicate work that could and should be enshrined within the health professions act.

These are our views on the proposed bill. We believe we have offered a number of value-added suggestions which we hope will result in amendments, which will strengthen and improve the bill. Thank you.

**Mrs. Taillieu:** Well, thank you, Ms. Dresen, for your presentation. Again, I think that you raise a lot of the same issues. The recurrent theme here is a lack of consultation prior to the drafting of this legislation. We know that it was modeled after the Ontario legislation, but it seems that it was done in haste. We could have maybe addressed some of these issues with the proper consultation process ahead of time with the regulated professions that this legislation governs. I recognize that you, your organization, along with other organizations affected by this legislation do practise fairness, openness, impartiality and transparency. As you say, this could be addressed within the health professions act.

So, in your view then, is this act redundant?

**Ms. Dresen:** I believe that the sections of the act that refer specifically to the regulated health professions could be dealt more efficiently and effectively within the health professions regulation without being disrespectful to the intent and purpose of the act as stated by the minister.

**Mr. Lamoureux:** Thank you for the presentation. If you could indicate, have you had any discussion with the Department of Health with regard to your concern, in particular the Minister of Health?

**Ms. Dresen:** I'm sorry, I don't know the answer to that question. If I could be allowed to consult our acting executive director, she could, perhaps, answer the question.

**Madam Chairperson:** Yes? I'm sorry, you have to introduce yourself.

**Ms. Diane Wilson-Maté (College of Registered Nurses of Manitoba):** Oh, Diane Wilson-Maté. I'm the Acting Executive Director of the College of Registered Nurses of Manitoba.

**Mr. Lamoureux:** Yes. The question was, is more so, has your association had any dialogue with regard to this bill with the ministry of Health, in particular the Minister of Health?

**Ms. Wilson-Maté:** I believe that there was some dialogue between our executive director involved in the same meetings as were referred to by the College of Physicians and Surgeons of Manitoba and the Manitoba Pharmaceutical Association.

**Madam Chairperson:** That was Ms. Maté, is that right?

**Ms. Wilson-Maté:** Yes.

**Mr. Lamoureux:** Could you share with us what it is that might have come out of that department? Did they say that—did they give any indication—are they going to say we're not going to take responsibility for this area now because of this legislation? Was there any dialogue that you might be able to report on so that we'd have a better sense of what the Department of Health might be thinking?

**Ms. Wilson-Maté:** I don't know that because I wasn't present at the meetings. I do know that some of the discussions that have been going on concerning the health professions legislation have dealt with matters related to registration practices and complaints and discipline practices.

**Mr. Hawranik:** Thank you for the presentation. You've identified it, I think, a similar issue to what all the other associations have identified, and that is the fact that this bill will actually apply to registration renewals. You've identified, in particular, particularly in the nursing profession, 12,000 registration renewals to which this bill applies. Obviously, there's going to be an extra cost to you if this bill does get passed the way it is, and there's going to be a lot of extra time required of the college to comply.

\* (20:00)

Have you done an analysis in terms of the cost to the profession, to your association, and the extra time that's going to be involved in order to comply with this bill, particularly with respect to registration renewals?

**Ms. Wilson-Maté:** We haven't completed that analysis yet.

**Mr. Hawranik:** I take it, though, that your position is that the cost will be substantial and the extra time required to comply with the bill will be substantial.

**Ms. Wilson-Maté:** Yes, that's correct. I would say, too, that if we need to notify every registrant of the decision with reasons, that is a mailing cost in and of itself for us.

**Mr. Hawranik:** Also, with respect to these concerns, that particular concern because it certainly will increase the costs to your association substantially.

Prior to this committee hearing, did you voice this concern to the minister and, if so, what was her response?

**Ms. Wilson-Maté:** I wasn't present at those meetings, although I do believe that this was one of the issues that was raised.

**Madam Chairperson:** We thank the presenters for their presentation.

The committee calls Robyn Taylor from the Association of Professional Engineers & Geoscientists of the Province of Manitoba.

Did you have a presentation to circulate?

**Ms. Robyn Taylor (Association of Professional Engineers and Geoscientists of the Province of Manitoba):** No.

**Madam Chairperson:** You can proceed, Ms. Taylor.

**Ms. Taylor:** Madam Chair, Minister Allan and committee members, my name is Robyn Taylor and I'm the president of the Association of Professional Engineers & Geoscientists of the Province of Manitoba.

I'm here today on behalf of the council and our 5,210 members of our association in support of Bill 19. APEGM has been effectively integrating professional trained professionals into Manitoba for decades. Engineers and geoscientists from China, India and U.K. and many other countries have settled in Manitoba, and they have gained their professional registration through our association.

Currently, we have 170 active files in our foreign-trained applicants in our assessment program, and we definitely expect this number to climb. In a year, we register between 40 and 50 foreign-trained applicants as new members to practise both engineering and geoscience in our province in addition to our home-grown graduates. The Manitoba economy could definitely employ hundreds more.

These applicants have overcome barriers to relocate to our province, geographical barriers, cultural barriers, and most, even the barrier of a language. We recognize that many of these individuals are highly trained, and they have skills and experience from their homeland. It's crucial to the growth of our province and should be a goal of every profession to receive these newcomers and to find ways to integrate these professionals into our system with fairness, transparency, and efficiency.

APEGM is one of the partners of the Internationally Educated Engineering Qualifications Program, also known as the IEEQ Program, at the University of Manitoba. Together with the Manitoba government and Engineers Canada, we've successfully put in place this option for integrating foreign-trained professionals into our Manitoba marketplace. Recently, this program received increased support from Manitoba Labour and Immigration, and we would like to acknowledge Minister Allan for the generous support and pledge our association's ongoing efforts towards assisting these foreign-trained professionals into finding meaningful positions within Manitoba.

It's our goal to improve our registration practices to attract and retain as many professionals as possible for the benefit of our province. Once more, on behalf of the council and members of APEGM, we publicly state our support for Bill 19 and encourage the other professions in Manitoba to support this legislation as well. I'd like to thank you for the opportunity to speak with you this evening.

**Madam Chairperson:** Thank you, Ms. Taylor.

**Mr. Lamoureux:** Ms. Taylor, I really appreciate your presentation. It's, in essence, one of the principal reasons why I think the concept is very good, you know, to recognize, and I applaud the organization in terms of being able to get immigrants' credentials recognized. It's an issue that I bring up on a regular basis. So, to you and your organization, by the sounds of it, you're doing just a fabulous job.

The question I have for you is, I'm wondering if it would not be better, given the importance of that issue, as opposed to having the fair practices commissioner report to a political minister, it would be more appropriate that it be reporting to the Legislature so it's not as political. Would you have a problem with that?

**Ms. Taylor:** I don't really see that we would have a problem with that necessarily. The process of us providing a report to any individual wouldn't be cumbersome due to the database files that we have for our members at present. We would be more than happy to work toward assisting more foreign-trained professionals to attain their registration.

**Mr. Lamoureux:** Finally, as you heard a number of the presenters before you, I could sense some frustration. I suspect you might have, too, in terms of the government seem to have developed the legislation, and then after the legislation was done it went on some sort of a public appeal of support, wrote letters and asked for input, but that was after the fact.

Were you privy to any information prior to the actual legislation?

**Ms. Taylor:** We were invited and did attend a meeting prior to the first reading of the bill, and we look forward to being consulted in further working as required.

**Mrs. Taillieu:** Thank you very much for your presentation. I just had one quick question. Were you asked if this is legislation that you wanted? Did your body come to the minister and say, we want this kind of legislation?

**Ms. Taylor:** I don't think it was something that we came up with and said that we need anything in addition, but it's something that we can definitely work toward to increase the ability for these newcomers to our province to obtain their registration in our province.

**Madam Chairperson:** Thank you very much for your presentation, Ms. Taylor.

The committee calls Annette Osted, College of Registered Psychiatric Nurses.

**Ms. Annette Osted (Executive Director, College of Registered Psychiatric Nurses):** Good evening. Thank you very much for the opportunity to be here this evening. We always like to spend these evenings in committee sessions.

We have about 1,000 registrants who hold active practise status in Manitoba, and we receive three to five applications per year from persons from out of the country. Over the years, the overwhelming majority of these applications have come from Commonwealth countries.

The processes that we have are fairly streamlined. We do this fairly quickly. Once all the documentation has been received, and I think that that has been explained before by my colleagues, the assessment will take place within 10 working days, with a decision and reasons being sent to an applicant within 48 hours of that decision being made. But the decision and the reasons are if somebody is denied registration. If the registration is accepted, of course, we don't need to send reasons. They just come and register.

Just a point that we wanted to make, it has been our experience that registered psychiatric nurses, in spite of the shortage of that occupation or within that occupation, have not always been included as one of the high-demand occupations for Manitoba. At times, the Department of Employment and Immigration Canada has stated that there was no longer a need for registered psychiatric nurses because the mental health centres were closing. The opposite is true, of course, with more human resources needed when quality services are delivered in the community. This demonstrates that the issue of maximizing opportunities for internationally educated professionals is much more complex than just the issue of regulation.

I don't want to be too repetitive, because we do support the issues that have been brought up by previous colleagues, but we do have concerns in the definitions, whether this legislation applies to internationally educated professionals for their initial registration process, or for internationally educated individuals whenever they apply for registration—we have some who have been with us who are internationally educated who have been registered for over 20 years—or whether it applies to all registrations. I've heard that also from other persons who presented this evening. So, obviously, this may need some clarification.

*Madam Vice-Chairperson in the Chair*

We're also concerned about the term "intends to apply" for registration, because, quite honestly, we're not sure what that means. An intent to apply does not give us anything concrete with which to work.

\* (20:10)

We are a little bit concerned as to how the information about supports that we can provide to applicants during the registration process can be interpreted. I'm not sure if that can be fixed, if you wish, but we have certainly been asked for assistance

for persons to obtain landed immigrant status and have been solidly criticized by those individuals and others when we did not get involved in that process. We certainly don't have not only the resources but the expertise to assist in that process.

The reliance on third party to assess. That has been addressed as well. We're not sure whether the individual assessing qualifications is the one who needs training in how to hold hearings. Is the intent here to ensure that a regulated profession has that capacity within its organization?

The access to records issue has been addressed.

We have not stated very much about the commissioner issue. I think there's been enough discussion about this and the issues have been brought forward.

By virtue of our profession, we have a relationship with the Ministry of Health. We have a relationship with the Minister of Healthy Living and we have a relationship with the Ministry of Labour and Immigration, especially in relation to the agreement on internal trade. So we also are concerned that this legislation be co-ordinated and, at the very least, congruent with what's happening with health professions legislation where we are spending a lot of time these days.

One other thing, because I know the questions will be asked, is in terms of the consultation. I want to identify that Minister Allan sent us a copy of the legislation. We did attend—one of our representatives attended the April 2 consultation meeting. We received the piece of legislation. Ms. Taillieu also asked us for comments on the legislation. We did not respond to either one of those invitations. By virtue of some of our resources, sometimes we only end up responding when the rubber hits the road, and it seems like it has hit the road now. So that's why we're here.

We do have some concerns. I think they've been discussed quite thoroughly this evening. So thank you very much for the opportunity to be here.

**Madam Vice-Chairperson:** Thank you, Ms. Osted. Question from Mrs. Taillieu.

**Mrs. Taillieu:** Thank you for your presentation again. Some of the things that you have identified are very similar to the other health-care professionals that have presented here this evening and certainly around clarification and intent and language that could strengthen the legislation.

Have you proposed any amendments and have you had an opportunity to do so or speak to the minister on that?

**Ms. Osted:** Two issues. One, we knew that the intent was to ensure fair, transparent processes, and we have no arguments with that whatsoever. In terms of whether we were consulted for the technical drafting of legislation, that would be unusual unless it was our own professional legislation, so we were not involved in the technical drafting. We were involved in looking at the principles of the legislation.

**Mrs. Taillieu:** Thank you. Just to clarify, all of the things that you have concerns regarding, you do say that they could be addressed in the health professions act, is that correct?

**Ms. Osted:** The principles, I think, could be addressed in the health professions act. Again, I'm not a technical drafter of legislation and so would hope that it could all be addressed in health professions legislation, but I don't have that expertise either.

**Madam Vice-Chairperson:** Any more questions?

**Mr. Chomiak:** Thank you, just a quick one. Training for registered psychiatric nurses takes place in western Canada. Does any take place in United States and Commonwealth countries as well?

**Ms. Osted:** In Commonwealth countries, yes. The education of registered psychiatric nurses takes place in all of the United Kingdom, in Australia and New Zealand, in some of the other Commonwealth countries, does not take place in the United States, nor does it take place in Canada east of the Manitoba border.

We've been told that that will be addressed after April 2009. Minister Allan will know what that deadline is.

**Madam Vice-Chairperson:** Thank you.

**Ms. Osted:** Thank you very much.

**Madam Vice-Chairperson:** We now call on Mr. Dave Ennis.

Mr. Ennis, do you have any written material for the committee members?

**Mr. Dave Ennis (Private Citizen):** No, I do not.

**Madam Vice-Chairperson:** Please proceed.

**Mr. Ennis:** Madam Vice-Chairperson, members of the committee, I am here today as a private citizen. I

am a registered professional engineer with the Association of Professional Engineers and Geoscientists in the province of Manitoba, and, for the most part, a retired engineer.

I speak in support of the bill. In my career, I have served as a registrar of the Association of Professional Engineers and Geoscientists for some 16 years. I am also, currently, the Manitoba representative on the board of directors of Engineers Canada, the national organization of the 12 provincial and territorial associations that regulate the practice of engineering in Canada. As a group, they license more than 160,000 professional engineers. I emphasize, though, that I do not speak for Engineers Canada. I mention these involvements only because they have provided me with 20 years of exposure to the issues of surrounding the registration of engineers and the persons in the engineering profession, and that one goes outside the boundaries of Manitoba.

The spirit of Bill 19, together with the Internationally Educated Engineering Qualifications Program at the University of Manitoba, meshes nicely with an initiative of Engineers Canada, known as From Consideration to Integration. The goal of From Consideration to Integration is to develop new processes and/or improve current processes by which international engineering graduates are able to obtain an engineering licence without compromising public safety or lowering professional standards, and also define meaningful engineering employment. That goal fits nicely with the stated purpose of your bill in section 1, namely, registration practices that are transparent, objective, impartial and fair.

Our project at Engineers Canada has been ongoing since early 2003. It is a partnership with Human Resources and Social Development Canada and has been making steady progress. In particular, there will be a national database of engineering degrees issued by international institutions. That database is now in the testing phase and will become operational in early 2008. When it is fully operational, the regulators in the 12 jurisdictions across Canada will be able to share information and make decisions on internationally educated engineers' academic qualifications more quickly and with greater confidence.

On a more local level, Engineers Canada's project is also working to assist other provinces and to learn from the success of Manitoba's Internationally Educated Engineering Qualifications

Program and to adapt our approach to their circumstances.

In supporting the bill, I am pleased with the government's commitment in section 16(2) to consult the affected professions before making the regulations. I am comfortable that a thorough consultation will result in continued advancement of the engineering profession and integrating the international engineering graduates who have chosen to make Manitoba their new home. On that note, and to comment on the low numbers that are cited by other professions, I can report to you that in Ontario they have now more than half of the first-time registrants are internationally educated engineers.

So thank you for the opportunity.

**Madam Vice-Chairperson:** Thank you, Mr. Ennis. Any questions?

\* (20:20)

**Mrs. Taillieu:** Thank you very much for your presentation. I just want to recognize all the hard work that you've put in over the years for your profession, and certainly recognize the work of the professional engineers in the province.

Just one quick question: You share no concerns, then, with the other presenters?

**Mr. Ennis:** Thank you for the comment. With regard to concerns, the only one that twinges me a bit is this matter of the renewal of licensure, renewal of registrations. My personal point of view of it is that's a database change. It's relatively easy to report on that.

**Mr. Lamoureux:** My question is actually a bit of a follow-up from what Mrs. Taillieu was saying. I think that what we have in common is in support of the concept, the principle, what it is that the bill is attempting to achieve. The concern, as I hear a presenter, and I notice you've been here this evening listening to the presentations, is, if the bill is not amended, should it pass? Or are we better off to, you know, there's that remote clause, at least I believe we still have it in the Legislature, which could, in essence, put a bill on suspension for six months and bring it back. It seems to me that the minister responsible has dropped the ball in terms of didn't do the work that she was supposed to do in trying to bring it here.

In your opinion, is it better to pass the bill as is, or should the minister listen to the presentations and



make amendments? If she's not prepared to make those amendments, do we put off the bill?

**An Honourable Member:** That's a hypothetical question.

**Mr. Ennis:** Thank you, Minister Allan. I wouldn't begin to be the Minister of Labour, even if at a good salary.

No, my initial reaction to the bill, and before I heard all this, is the real essence of it is going to be in the regulations, and, until you see the regulations, you don't know really what some of the obligations are going to be that some of the other professions see

So, right now, as I say, I think it's a bit of a hypothetical question, and I'll use my privilege to sidestep it.

**Mr. Chomiak:** Thank you for the presentation. Just to clarify a point that you made in your presentation that I think I grasped, it was that in Ontario, which utilizes similar wording to this legislation, half of the engineers are international. Am I correct in that observation?

**Mr. Ennis:** With regard to the wording of the Ontario legislation, I am not privy to that. I've not examined that. But, certainly, I saw a report as recently as Friday that, yeah, more than half of the first-time engineering registrants in Ontario are internationally educated engineers.

**Mrs. Taillieu:** Just for clarification, then, could you say or could you not say if this is due to the enactment of legislation in Ontario, or with the number of registered engineers, foreign-trained engineers, is this something that would've occurred with or without legislation? I'm just wondering if you could comment.

*Madam Chairperson in the Chair*

**Mr. Ennis:** I really don't know. It's my understanding that the Ontario legislation is probably a year old at the most. The registration process may well have not caught up with that legislation. So I don't know.

**Madam Chairperson:** Seeing no other questions, we thank you very much for your presentation, Mr. Ennis.

The committee calls Mamadou Ka, private citizen. Did you have a presentation you wanted to circulate?

**Mr. Mamadou Ka (Private Citizen):** No.

**Madam Chairperson:** If you want to just bring the mike up a little bit. Thank you. You can proceed.

**Mr. Ka:** My name is Mamadou Ka. I work at St. Boniface College. I'm a political science lecturer.

You know, I was here sitting and I'm very surprised to see all this opposition. It seems like everybody was consulted and nobody was there. Everybody was consulted, but it's like either the minister dropped the ball or there is some kind of conspiracy. I don't know.

But I'm not sure. I think this bill is an excellent bill, because, you know what? I am an immigrant. I went through the whole process and I understand. I agree with the governing bodies. It's true, you know, but you see, I wouldn't be here, seriously, if this bill really gave, like, special status to any foreign-trained professional. I wouldn't be here if this bill was so lenient to a point where it fast-forwarded people through the process and people would be admitted in a profession and don't have the qualification. I'm not going through it; I just look at the bill. That's my point. I wouldn't be here even if the bill was doing some kind of affirmative action for anybody coming from Africa, from China. I wouldn't be here, seriously.

You know, I'm here because of one concept that I read in that bill. The concept is fairness; that's it. The bill, like, because of the fairness and the justice that Bill 19 will bring to the assessment, to the accreditation, to the licensing process, this is just enough.

Nobody should be here, really, because—what I don't understand, this bill, really, is for the governing bodies, and everybody was consulted. Everybody was called. I'm surprised to see everybody saying there is a cost issue here. I just wrote, asked some people, were you there? Oh, nobody was there. Everybody who came here and spoke weren't at the meeting; they don't recall. Maybe their deputy director was there. Maybe.

Anyway. We all know that there are systemic barriers when it comes to foreign-trained professionals. We all know that. There is no secret of that. The bill, in my opinion, gives credit and also will give a chance to all immigrants. It doesn't matter if you are Chinese, white, coming from Western Europe, coming from a Commonwealth country, it will give to all of them, because the process will be fair and faster.

Also, we must emphasize that it is on a competency-based process. There is nothing given. There are no freebies in this bill, if you look at the bill. I have a hard time understanding, really, why people are all opposing this bill. If I look here, the bill says, I read, at the end of the day, they are and they will be, the governing bodies will be "responsible for protecting the public interest by ensuring a high standard of professional practice." This is in the bill.

I look here, like on section 12 here, it says: "The fairness commissioner may not become involved in a registration decision or an internal review or appeal decision on behalf of an applicant or potential applicant for registration." So what is wrong with this? Nothing.

The thing, people are opposing this bill because we're going back. People are saying, you know, they shouldn't, they should, they shouldn't. If a commissioner doesn't have access to information, what is a commissioner for, really? You know what? Maybe we are wasting our time here tonight. Seriously.

Maybe what we should do, before I finish here, is to remind everybody, throughout the history of this country called Canada, both levels of government, meaning provincial and federal government, have always used immigration policy, really, as a means of addressing labour market shortage; we know that, okay, and economic development.

Why can't we give a chance to those people coming to participate in the development of this great province? I can't understand, people are seriously standing here and opposing the bill. Yes, maybe the bill might have some little problems. You know what? This can be solved. Because everybody was sitting around the table with the minister and trying—you know, why don't you tell her that the bill will cost this and that for us? I don't even think that anybody should be here today like that. Nobody should be Liberal. Nobody should be Conservative. Nobody should be whatever, I don't know.

\* (20:30)

But you know what? Just be honest. This is a fairness bill. You know what? I'll finish to say that Bill 19 represents, you know what? As an immigrant, it represents opportunity, honesty and fairness and, more than anybody here, I guess, would understand, me included, Bill 19 represents dignity.

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

**Mr. Lamoureux:** I appreciate the boldness and comments from the speaker. You know, you make reference to Liberal, Conservative, NDP. The principle of the bill, I for one, as I say, support, but we're in a process in which we could actually make this bill better. An example being, and I would ask if you would not agree with this, if, as opposed to having the commissioner respond to the political minister of the day, whatever political party, why not have the commissioner respond to the Legislature, to all political parties, the same way we do for the Ombudsman, the Auditor? Would that not make it a better bill?

**Mr. Ka:** Could I ask you a question? What is wrong with the commissioner responding to the minister?

**Mr. Lamoureux:** Well, the same question—

**Madam Chairperson:** Order. I just have to recognize each speaker.

**Mr. Lamoureux:** You know, it's a fair question. Having said that, for the same reason why it's not appropriate for Elections Manitoba or the Auditor or the Ombudsman or the Child's Advocate to report to the minister. We want to give it more independence. We want to be able to see more authority with it. If it provides a report to the Legislature as opposed to the minister, would you not think that would be better for immigrants?

**Mr. Ka:** You just said one word, which I can't a little bit agree because you said "independent." That's true. Maybe, I'm not sure, but this is something you should talk with Minister Allan, and you might get her understanding because, if anybody feels that the fact that you respond really to a commissioner is a problem, I don't think that's a big deal really to the bill. Maybe it's possible to change it to respond to the whole honourable members of the Legislature.

**Mr. Lamoureux:** Well, I'm going to follow that advice you're giving. I'm making the suggestion to the minister that that's what she do because it would make it better—better, independent, more accountable, and so forth.

The other issue that you had raised, and I don't think it would be appropriate for me not to at least make reference to it. Quite often, when a government brings in legislation, it will look for opinions and canvass what the stakeholders have to say before it actually puts the legislation together.

Opposition members are concerned that that wasn't done this time around. Again, it doesn't mean

that we oppose the legislation, but there is a responsibility of government to make sure that they do what they're supposed to do before they bring in the legislation. Now we're in the position in which we are looking at having to possibly make more amendments because they didn't do what it is, but, hopefully, the minister listens and follows through. Either way, I'm sure the legislation will pass.

**Mr. Ka:** I was just going to say that everybody who came here, all the people who oppose the bill here said that they talked at one point with the minister. At one point, they received the documents, so my understanding is when you don't agree with something, why not say it? Why just wait here? It seems like nobody was consulted, and that's what I have a problem with. There's no problem like saying, Mrs. Minister, I don't agree with that, but don't wait today and trying to, I don't know, make it look like she dropped the ball. I don't think she did.

**Mrs. Taillieu:** Thank you, Mr. Ka, for your presentation, and, certainly, welcome your passion and your ability to be here tonight and present. I think that the overall spirit of the legislation is well recognized and accepted. As Mr. Lamoureux was saying, there is a responsibility to look at each piece of legislation, ask for presenters to come to committee and give people the opportunity to say what the things are in the legislation that they may have concerns with. We did hear some of these concerns tonight. We have an opportunity, I think, from now to go forward and look at bringing some amendments that will strengthen the bill, and will be then acceptable by all of the regulated professions that are governed by the bill.

So, again, I just want to welcome you here to the committee tonight, and I know you have to sit there and wait for your turn. You've done a wonderful job. Thank you.

**Madam Chairperson:** Thank you. Just, the minister has a comment. Minister Allan.

**Ms. Allan:** Thank you very much for your presentation tonight and your passion. In regard to the MLA for Inkster and his suggestion that the fair practices commissioner should be independent of my department, I would like to make a couple of comments in regard to that, because of the simple reason that he asked you what your thoughts are.

We have probably one of the best records in regard to qualifications recognition of any jurisdiction in Canada. One of the reasons that we

have a fair practices commissioner in the legislation is because we want to continue on the best practices and the smart practices that we have developed here in Manitoba and in our department with so many of the regulatory bodies.

I was just at an event, a graduation this evening at 5 o'clock with the certified general accountants, and the opportunity to see 12 individuals' first-time grad, and it was because of the work that the dedicated professionals in my department have done with the self-regulatory bodies.

The fairness commissioner's role will be to provide information and advice to the regulatory bodies and to those individuals, stakeholders and associations that are involved in this legislation. It'll provide a focal point for our department to continue this kind of best practices kind of work. We think it's important that that individual be in our department and not independent of the good work that has already happened in our department that you're so aware of.

So thank you very much for being here this evening, and I'd just like to let Mr. Lamoureux know that his suggestion isn't going to happen.

**Madam Chairperson:** Thank you. At this point, I'm going to say thank you very much to the presenter. I just want to remind all members on the committee that we are to be asking questions to the presenter.

Thank you very much, Mr. Ka.

**An Honourable Member:** On a point of order.

**Madam Chairperson:** Yes, Mr. Lamoureux.

#### Point of Order

**Mr. Lamoureux:** On a point of order, I'm not sure, but I thought I heard, the Minister of Labour (Ms. Allan) said that my suggestion just won't happen.

**Madam Chairperson:** Well, you know what? At this point, I'm going to ask for—Mr. Lamoureux, did you want to finish with your point of order?

**Mr. Lamoureux:** No, that's fine, Madam Chairperson.

**Madam Chairperson:** Okay. Thank you.

There is no point of order.

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**Madam Chairperson:** What I would like to do is to finish with the presenters, and then we can go into

debating the bill. So I think that would be probably advantageous to the presenters who are here waiting.

The committee calls Dr. Kennedy Mang'era, a private citizen. Once again, the committee calls Dr. Kennedy Mang'era, private citizen. Seeing that Mr. Mang'era is not here, his name will be dropped to the bottom of the list.

The committee calls Dustin Gosnell from the Manitoba Institute of Agrologists. Thank you very much. You can proceed, Mr. Gosnell.

**Mr. Dustin Gosnell (Provincial Council, Manitoba Institute of Agrologists):** Thank you for the opportunity to bring our comments and concerns to the standing committee regarding Bill 19.

My name is Dustin Gosnell. I'm the vice-president of Provincial Council for the Manitoba Institute of Agrologists, as well as chairman of our board of examiners, which is responsible for reviewing membership applications and recommending acceptance of potential members to council. The Manitoba Institute of Agrologists is the regulatory body for professional agrologists in Manitoba.

I'm here today to tell the committee that the MIA is supportive of registration practices that are transparent, objective, impartial and fair. We continue to review our own practices and procedures so that, with or without legislation, we have a balanced registration system, one that meets our obligations with regard to protecting the public interest and results in a fair and open registration process. We are particularly interested in focussing attention in this area so that internationally trained agrologists have the opportunity to put their skills to work.

\* (20:40)

I'll provide a very brief background about the role of MIA so that you may have a greater understanding of the regulatory function related to the practice of agrology in terms of the contribution to the ag and bio-resource sectors and to environmental sustainability. The majority of time will be to comment on Bill 19 and the proposed regulations.

The Manitoba Institute of Agrologists is the provincial organization that operates under the authority of The Agrologists Act. Through this legislation, the government has mandated the MIA to

regulate education credentials, as well as the standards of practice and conduct of its registered members.

Agrology is a unique term in Canada and Manitoba, but it is by no means a new term. It's synonymous with the application of the sciences to agriculture and the bio-resource sector. Agrologists acquire and use specialized knowledge in a diverse and changing industry that reaches well beyond production agriculture. In simple terms, agrologists give advice with respect to the principles, laws or practices relating to production, improvement, use, processing or marketing of ag products, crops or livestock. In broad terms, agrologists are trained and qualified to specific standards that under Manitoba law entitle them to take legal responsibility for the work they do and the advice they give.

As the evolution of the ag industry continues, the public interest and expectations regarding how their food and other products are produced is greater than ever before. People not only want to know what the products they are eating and using are safe, but that they've been produced in an ethical and environmentally responsible way. It is important that the public can recognize and have confidence in professional agrologists and in a supportive and effective regulatory regime.

One of our challenges is to manage and adapt to the increase in applications for registration from foreign-trained applicants, and the significantly larger number and locations from where they received their training.

In this regard, MIA has revised or modified some of its procedures and is working to improve what we communicate and how we communicate with new applicants. MIA is working to respond to the need for highly trained individuals for the ag and bio-resource sector, with a fair, transparent, impartial and objective qualifications system. Our responsibility is to balance what needs to change with continued assurance to the public and employers, that all agrologists have a high level of professional competency.

Professional competency is not only the significant scientific and technical knowledge acquired through formal education, but also the skill, aptitude and attitude to apply the knowledge effectively. Knowing what the standards are makes sense. It's good for applicants for registration, and it's good for the industry and the public. Our experience of late is that we've accepted and registered more

agrologists from more countries with a more highly diverse education and experience background than at any time in the history of our organization.

Now, with regard to the bill, MIA has several specific comments on Bill 19 and the proposed regulations. The overarching theme is to balance the positive intentions and features of the legislation with a flexible approach to regulation. Balance can be achieved if a careful, co-operative and consultative approach is used to confirm that the regulatory aspects are needed and fit the circumstances. From MIA's perspective, no one initiative or activity is a fix-all or silver bullet solution that will result in the perfect system. Legislation such as Bill 19 is presumed to be based on a desire to standardize to some extent the various credentialing and admission procedures and add to a positive overall impression of regulated professions. It's also our view that specific problems with regulators should not be addressed through one-size-fits-all solution, thereby creating solutions for problems that are not widespread and pervasive.

In our view, the preamble to Bill 19 sets the tone for the kind of balance we expect should be the outcome of this legislation. The preamble recognizes the responsibility of regulated professions to the public, and the government's apparent desire to provide an open and transparent means to validate the practices of the regulated professions in Manitoba. The bill sets out what is expected of us and a way of determining if a better result is possible by addressing specific gaps. In general, MIA supports the purpose of Bill 19. What it is attempting to measure and determine is consistent with where we are going and where we want to be. Some features of the bill are of particular interest to MIA, and I'll go through those quickly.

We are pleased that the legislation generally recognizes the requirement of regulatory bodies to meet their ongoing responsibilities. For example, section 5(c) clearly establishes that it is only the regulatory bodies that can identify alternatives that are acceptable to the regulated profession. In our view, this is the correct approach and one that should prevail as the regulations and other processes are being established.

A similar approach that recognizes the responsibility of regulatory bodies is also found with respect to the fairness commissioner. In MIA's view, section 12(3) of the act correctly limits the commissioner from becoming involved in specific

decisions of regulatory bodies. In particular, we agree with the government that there is no reason that processed legislation should include for the commissioner the role of an intermediary or advocate for specific applicants or potential applicants. That would clearly usurp the role of the regulators under existing legislation and create unnecessary tension and potential conflict.

The standing committee may be interested to know that we'll be following up with officials with regard to specific sections of the proposed act and regulations. The first area of interest is at section 13(1) concerning the commissioner's report to the minister. MIA respectfully submits that it would be useful ahead of time to detail to the public and regulatory bodies what specific measurables would establish effectiveness of the act. We also intend to clarify the meaning and rationale for including the words "or any other Act and regulations under this or any other Act" in section 13(2).

With regard to the regulations, we agree that section 16(2) should require the minister to consult with affected regulated professions before proceeding with Governor-in-Council regulations identified in 16(1). This is particularly important for new legislation where performance or effectiveness benchmarks have not been established.

Similarly, we intend to probe further regarding section 20(1)(c). This section requires the minister to review the certification or registration criteria and processes under any other act than the two already specified. MIA is interested to know under what specific circumstances the minister might consider a review to be desirable. Rather than leaving this matter open-ended, MIA's view at present is that a set of limited conditions might be more reasonable. The current wording seems to imply that there might be cause for the minister to determine that a review of criteria and processes is warranted. What we will be seeking is the criteria that would be used for this determination.

In conclusion, MIA respectfully requests that the committee ask government officials to meet with regulators before the bill is returned to the Legislature. The purpose is so that regulatory bodies can have a complete understanding of amendments and changes that may have been proposed by the standing committee or brought forward by other means during review.

No one has a monopoly on ideas, and it would, therefore, seem appropriate to MIA that legislators

and the minister consult meaningfully with regulatory bodies so that Bill 19's themes of transparency, objectivity, impartiality and fairness are extended throughout the regulation process. In our view, a collaborative and co-operative approach will work best. Effective consultation has the potential to result in a more dynamic regulatory regime, rather than slavish adherence to a set of regulations simply because they exist.

MIA believes the government and the department are trying to help qualified professionals, particularly when they are educated outside of Canada, to achieve their full potential. MIA is interested in that as well, and we are working actively with the department on a number of initiatives that are important to professional agrologists and our industry sector. MIA will continue to work with the government and others to achieve a balanced approach to carrying out our responsibility to protect the public interest and demonstrating fair registration practices.

**Madam Chairperson:** Thank you, Mr. Gosnell. Questions?

**Mrs. Taillieu:** Well, thank you again for your presentation. Just following along, it appears that you're supportive, but you have some concerns, although I'm just not sure that you've actually spelled them out here, what the concerns are. You talk about some concerns, but I'm wondering if you could specifically address some of the concerns that you have.

I also notice here that you're asking for the government to meet with the regulators before the bill returns to the Legislature. So have you not been consulted ahead on this bill either?

\* (20:50)

**Mr. Gosnell:** I guess that in responding to that I would say that we haven't been explicitly consulted on the bill itself. In response to your first question, I guess, how I would respond to that is saying that we do have some concerns. I think they can be addressed going forward through a more consultative process and that that can happen in the time ahead following this session, and that we would be committed to being part of that consultative process.

**Ms. Allan:** Thank you very much. I'm just trying to clarify—my understanding of the consultation was around the regulations. Is that not correct?

**Mr. Gosnell:** My understanding is that we weren't explicitly consulted in the development of the act and that—sorry, can you ask your question again? I'm not sure whether you were—

**Ms. Allan:** Well, I guess, first of all, I believe there may be a confusion in regard to the legislation, okay, in regard to consultation because my understanding is that my department met with your professional association in regard to the proposed legislation. We're required by the Legislature—we cannot consult on a bill prior to MLAs seeing the legislation. That is a legislative requirement, but we did consult with your association in regard to the parameters of the bill. But, in regard to the presentation that you made this evening, my understanding is that you look forward to consultation with my department around the regulations that will fall out of this legislation. I just want to make sure I've got it right.

**Mr. Gosnell:** Yes, and I guess I should clarify. We certainly have met with your department's officials and have done so on a number of occasions for other purposes and this act would have come up in those discussions. But, again, we haven't been explicitly consulted on the legislation itself. As far as the consultative process, whether it's the regulations or the legislation itself, I guess all I would say is that we feel there needs to be some consultation that happens, and that can happen going forward, and we're certainly committed to being part of that process.

**Madam Chairperson:** Thank you. Seeing no other questions, we thank you very much for your presentation, Mr. Gosnell.

The committee calls Monika Feist from Success Skills Centre. Did you have a presentation you wanted to circulate?

**Ms. Monika Feist (Success Skills Centre):** Actually, originally I did, but I have made some amendments since so I will forward those amendments to the committee. I'll just hand out this information.

**Madam Chairperson:** Okay, that's great. You can proceed.

**Ms. Feist:** Good evening, committee members. I'm here on behalf of Success Skills Centre, a not-for-profit agency working with immigrant professionals and highly skilled workers since 1985.

We want to wholeheartedly support the passage of Bill 19, however with some recommendations for

improving it. I do want to emphasize just in passing that I don't think that the minister did drop the ball. In fact, I think she did pick up the ball and she has rolled the ball into your court in order to get this bill forward.

The bill, as we see it, focusses on the fairness aspect which does sound good but, in practice, I think it still comes across missing the systemic discrimination immigrant professionals and highly skilled workers have faced when applying for equivalencies. I would venture to submit—and don't get me wrong how strong this might sound—that none of the 30 self-regulatory bodies covered in the bill would ever admit publicly, nor have I ever encountered in all my years in working with some of these bodies of them saying that they are not fair to any applicant in their assessment or in meeting with the provisions of even the present bill. Well, maybe some of them don't yet have an appeal process in place.

What else I see missing from the bill is the requirement to examine and remedy the systematic provisions which shut out and will continue to shut out immigrant professionals and highly skilled workers in spite of the fairness provision. There's no real indication that the bodies must themselves actively provide for educational programming that addresses the gaps identified for recognition of credentials or for those bodies to identify actively—I'm emphasizing these words—the need for such programming to appropriate deliverers, most often the universities and colleges.

Gap programming is an afterthought rather than a forethought. Only after the lack of programming has been identified outside of these bodies and only a few have come to the table on their own to develop appropriate programming. You did have some of those few come today. I do laud, for example, the Canadian General Accounting Association, Manitoba branch, APEGM, the Faculty of Engineering, CTTAM, the Canadian Certified Technicians and Technologists Association of Manitoba, and a number of others, and MIA as well, for their efforts and for their gap program delivery. To that, I also add the praise to the Department of Labour and Immigration, the minister and the staff for responding to the community immigrant-serving agencies and to immigrants on initiating a number of language and skill programs and pilot programs to help address the gaps.

Sadly, though, in spite of the numbers of immigrants at the self-regulators' doors, they haven't seen fit to deal with the issue very thoroughly, as they already see themselves, in most instances, as being fair. I haven't heard anybody say they're not fair. As a matter of fact, they want to be exempt.

The fairness commissioner also appears to be one of very limited powers. Any consequences to the self-regulating organizations, as I see it, would be long, drawn out and not likely enacted in removing any regulated profession from the schedule. I wonder how often that has ever occurred in spite of all.

Further, the act is now also, I think, becoming protective of the self-regulator and the fairness commissioner so that they can be exempt from any civil proceedings. Now, I may not understand this clause very well. This clause under immunity is incredible as I see it and steps backward as opposed to stepping forward. I'll just laud the mentioned case of medical doctors who had to go all the way through to the Human Rights Commission in Manitoba, even through civil court. They would have been thwarted, those particular doctors, with this provision as I see it. I guess I wonder whether the public law centre hasn't had an opportunity to review the bill's clauses, as I am not a lawyer. I suspect the clauses could be framed a bit differently, but that's an opinion.

What bothers me though most is that, quite a number of years ago, Canada signed with the United Nations a convention for the recognition of foreign qualifications, and we are still not there. When I look to the European Union and even prior to that and even to the United States, I see them as miles ahead of Canada and Manitoba in the recognition of foreign credentials. Although I think Manitoba has come a way, particularly I would say in the last seven to eight years, we, as a matter of fact, have directed clients to the United States, for example, because, for example, they could become doctors there sooner rather than later or never because of the cumbersome and discriminatory processes that have been in place.

What I have seen in the past is an arrogance by self-regulators and some Canadians in general that somehow we in Canada have higher standards, higher education and training than anyone else in the world except maybe those from the British or former Commonwealth. I'd like to see where we would be if we took away all the inventions, all the discoveries and equipment in Canada that came from non-Commonwealth communities. I think we would be in trouble.

Nevertheless, I commend the government in taking these steps in attempting to remedy some of the barriers our clients are facing. We hope to work with the fairness commissioner and the department responsible for the new act when it is proclaimed to remedy problems which may ensue. I hope that no regulated profession or government department—which also, by the way, provides certification to professionals, for example, teachers—is ever exempt from this bill. Thank you.

\* (21:00)

**Madam Chairperson:** Thank you very much. Are there questions for the presenter?

**Mrs. Taillieu:** Thank you very much for your presentation. I appreciate that.

I guess I just have a question in that, I think what we're looking for is strengthening the bill and we need to look at what all of the presenters have to say, and look at balance. Are there any specific concerns that have been raised today that you take vast exception to?

**Ms. Feist:** Well, certainly, the exemption part of being exempt from the bill. The other part, incorporating it, for example, into the Health act; quite frankly, that has been an area, the Department of Health, has been an area that has been very slow in coming to the table.

I think there needs to be support for the organizations, for the associations. In other words, some of the organizations are minimally staffed, and I think you've heard of some of those identifying that, and there needs to be some support in order to increase their resources, their staff resources particularly. That's about all. I'd have to go and check my notes now, on that one.

Those are the main issues that I want to see dealt with. I'd like to see the systemic discrimination incorporated into the act, separate from just fairness, because I've always been told they're fair. So, to me, it doesn't mean anything different than what the organizations think they are doing. I do think that some organizations have made greater efforts than others to take a look at it, at the systemic discrimination and the issues that relate to evaluating credentials and have come forward with some very unique programming.

I would like to see organizations required to be active in looking at immigrants qualifications and

how programming could be delivered to resolve some of the issues.

**Mr. Chomiak:** Thank you.

Do you think we need to consult more?

**Ms. Feist:** I personally think, as an immigrant-serving organization rep, I've had plenty of opportunities to speak with the previous ministers through the Blue Sky papers that we presented, and some of this that's come to fruition in this bill certainly is reflecting what we asked to have done.

Should there be more consultation? I understand that probably, dealing with the regulations, probably that might be an area which I think is anyway going to happen in terms of consultation.

I would have liked to have seen some of the associations who haven't stepped to the table, and government departments as well who haven't stepped up to the plate, come forward and perhaps become a little bit more open and talk with the department. But I think that's something that they haven't done or chosen not to do. They've had to be approached.

I think it's, as I said, it's always an afterthought, and it's only after people have gone to the media and the press and all those things that there's even an effort made, and then, often, those efforts are quite minimal, you know. I think the medical doctors is a perfect example in how poor that has been dealt with.

So, consultation: I would think that you have the resources in some of the associations and some of the organizations, they're very powerful, extremely powerful, and I saw some of the feedback. I could see some continuity in that there had been some bringing together of groupings. So is there consultation? You have always had that option.

**Madam Chairperson:** Mr. Lamoureux, for a short question.

**Mr. Lamoureux:** Actually, I wasn't going to ask a question, but because the Government House Leader actually brings up a good point, when we—you know, for years, since the mid-'90s, I've always believed in the principle of getting immigrants' credentials recognized, and there are many systemic barriers. I liked a lot of the things you said there. I support what—

**Madam Chairperson:** Is there leave for Mr. Lamoureux to finish his question and the presenter to answer?



**Floor Comment:** Leave.

**Madam Chairperson:** Okay, leave.

**Mr. Lamoureux:** Thank you, Madam Chair.

I would suggest that there were the, I think it was the nurses, one of the nursing groups made reference to the fact that there are 10,000 or 12,000 nurses that they're going to have to renew, or it's now going to have to go through the fair practices commissioner, and that would be a substantial cost. If there would have been consultation before the introduction of the bill or even a concession from the minister that she's open to changes to what's currently happened, would that not be a positive thing because that doesn't affect—as I say, I've been dealing with this issue since the mid-'90s in a very serious way.

I don't see how that affects it. The legislation could be better. All we have to do is see the minister acknowledge that, yeah, there maybe is some room for improvement. Not necessarily take out some of the things that you're talking about, but maybe make some of the modifications that some of the other presenters have brought forward. Some of those presenters are very aggressive in recognizing credentials, as you know.

**Ms. Feist:** I would suggest that—I certainly didn't read it as renewals, per se, of every individual. I didn't read it that way. If that's what's being interpreted, personally, I think it's a red herring, and I think it's quite easy to fix, okay, first of all. *[interjection]*

**Madam Chairperson:** Excuse me. Order. Ms. Feist has the floor.

**Ms. Feist:** So I think that when I was listening to some of the presenters, I felt that some were saying it will split their entire membership. Well, I guess the question I do have is: Are all people treated fairly, first of all in Manitoba, and should we only have fairness legislation for immigrants? So I think you have to take another look at that now.

If something is unfair, for example, in a re-registration process, that is, because, let's say somebody dropped out for a while from their occupation, and nurses, that might be a case of an individual stays home with a family, and so on. Then they come in and then they're treated unfairly. Then I could see that it would go that direction, but to apply it to a hundred percent of everybody, I find, is a little bit overemphatic. That's my opinion.

**Madam Chairperson:** I am asking the committee if there is leave, the minister has a question. Is there leave?

**Floor Comment:** Leave.

**Madam Chairperson:** Leave has been granted.

**Ms. Allan:** Thank you. Well, I don't have a question; I just have some information. The organization was the College of Registered Nurses that was talking about their concern in regard to the 12,000 individuals that they have that would be eligible to renew their registrations every year. I think, when we go line by line, we can clarify that it wouldn't be required to have all 12,000 of them renew. If there already is a written application process on file, then they could respond in writing when they issue the renewal, so I think we'll be able to clarify some of that confusion when we go line by line.

**Madam Chairperson:** Thank you very much, Ms. Feist. We thank you for your presentation.

The committee calls Teyeb Mereji, from the Social Planning Council. Mr. Mereji, do you have a written presentation you would like to circulate?

**Mr. Teyeb Mereji (Social Planning Council):** Yes.

**Madam Chairperson:** Mr. Mereji, you can proceed.

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

**Madam Chairperson:** If you could just bring the mike up a little bit and come a little bit more to the centre. Thank you.

**Mr. Mereji:** Is okay?

**Madam Chairperson:** That's perfect.

\* (21:10)

**Mr. Mereji:** Thank you. Ladies and gentlemen, Bill 19 appears as a fine line of light in a dark tunnel. This is as the African proverb says, I quote: One day, a priest asked a blind person, what do you wish most in your life? This blind person simply replies, I only want to see a luminous point in my darkness.

Bill 19 does nothing but extend the process of recognition of the present equivalencies. Consequently, the time required for professional immigrants will be the same as what the professional immigrants experience currently. There is no indication that the time will be shorter, but may further entrench the status quo. What I saw here tonight I believe the status quo will be established.

If you allow me, ladies and gentlemen, to share with you my experience that Bill 19 does not solve the problem facing our professional immigrants. I came from la belle province, le Québec, where I received my B.A. and master's degree in human science from the University of Montréal. My thesis was on the French elites in Manitoba. I followed ma chérie. Ma chérie means "my love." I found a Manitoban lady, I loved, and I came here. I followed ma chérie to the friendly province of Manitoba. I wanted to register at the University of Manitoba at the level of Ph.D. in human science to study the integration of minority groups in Manitoba's society. The registration office of University of Manitoba informed me I must register for a pre-master's degree before being accepted to the Ph.D. level. I called the University of Montréal registration office and received my confirmation of Ph.D. level within 20 hours. I would not have to do a pre-master's degree, and the University of Montréal is recognized as a much more prestigious university than the University of Manitoba.

This is the same behaviour that immigrant professionals experience when arriving in Manitoba. When they meet the professional associations, they are astonished with their arrogance and superiority that, when you come from another country, your degree, your experience have little or no value in Manitoba, Canada. For the new professional immigrant coming with their families, the wait for their document assessment to conclusion of certification from the regulating bodies is lengthy, unacceptable and is a tremendous cost to the taxpayer and to immigrants themselves. Their hope of a better life in Manitoba is suddenly squashed.

The cost. A number of recent studies pointed to the problem of a lack of adequate recognition of the skills education of immigrants in the Canadian labour market. There is an annual immigrant earnings deficit of \$15 billion, \$2.4 billion due to under-utilization of immigrant skills and \$12.6 billion as the consequence of pay inequity from the failure of employers to reward immigrant skills at the same level as the native-born and educated population.

According to the Bloom, Grenier and Gunderson study dated 1995, it is fully demonstrated that there is, in fact, an increasing poverty among recent immigrants.

For families from East and Southeast Asia and the Pacific, the least disadvantaged non-European

region, the incidence of poverty is twice as high as for European-origin families, 29.6 percent versus 14.4 percent. For Latin American ethno-racial groups, the incidence of families is 41.4 percent. For Africans, Blacks and Caribbeans, it is 44.6 percent and for Arabs and West Asians, it is 45.2 percent.

More recently, immigration has come to be viewed as a solution to pending crisis caused by low domestic birth rates. We need immigrants, but then we tie their shoes softly so that they cannot walk.

According to several studies, they say that for skilled immigrants, getting a first job in their field of expertise is crucial for future employment success. But, because of the weighted-down certification process and inability by the assessing organization to recognize equivalency, a large majority of foreign-trained immigrants who take their first job in unrelated fields are blocked from their job professions in the future, many of whom become stuck in very marginal forms of employment.

Bill 19 proposes fairness in registration practices. However, we know. Tonight we show. We see it, we saw it. That is, that it could not work fairly because of human behaviour, and attitudes which consider an immigrant not as qualified and not up to the standards.

There is a solution which allows immigrants to integrate directly into their field. Starting next year, the European Union will provide a blue card to new professional immigrants, giving them the right to be in the workplace of their field. Here in Manitoba, we should have a similar process, we can call welcome card or friendly card bill. Then the evaluation process can begin from the workplace. That would be spirited energy and make us the leaders in North America.

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

Are there questions for the presenter?

**Mrs. Taillieu:** Well, thank you very much for, again, another very passionate speech to us here tonight, and we certainly recognize your concerns.

Just for clarification, do you think that Bill 19 will solve these problems, or not solve these problems?

**Mr. Mereji:** I sent 500 e-mails to professional immigrants, 500 e-mails to professional immigrants, with all documentation that the Labour Department provided me. I sent my presentation to 500

immigrant professionals; 20 percent responded. I say this, what the comment general, Madam Minister, the people, the immigrants, said, it's a good move; thank you very much for Bill 19.

It doesn't mean it's going to solve the problem. It means that we are in right direction, and we need more, more than Bill 19.

**Mr. Lamoureux:** I really appreciate the conviction of passion that you express. It's one of the reasons why, ultimately, as you say, an overwhelming majority of immigrants would acknowledge that this is a step in the right direction. I might, at times, refer to it more of a wobbling step, but the essence of it is moving in the right direction.

\* (21:20)

Having gone through many, many discussions, hundreds, if not thousands of discussions in dealing with immigrant credentials, I believe the more we talk about it, the better it is. That's one of the reasons why, and the question I have for you is that if the commission was reporting to the Legislature, as opposed to the minister, there would be more discussion amongst the politicians, there'd be more out in the public, much like the provincial auditor. Would you feel that it would be better to have this commissioner, this fairness commissioner report to all political parties in the Legislature as opposed to just one, that happening to be the minister?

**Mr. Mereji:** No. My answer is no. I prefer to deal with the minister directly. I deal with the employers directly. I got solution. I got action. Talking, talking, oh my God, how many hours, how many days, how many years we are talking for nothing. We have to recognize that we have families, father, mother, children. They need to eat. They bring their savings—spent in six months.

This morning I had a gentleman who came crying, wife and two children. He did not get a job because after his work experience with an employer, it did say I need to get a job to pay next rent. I am going to talk with you, no way. I am going to talk with an employer and I talk with the minister's office.

**Ms. Allan:** Merci beaucoup, Monsieur Teyeb. It's great to see you again. I haven't seen you for a very, very long time.

For members of the committee, Monsieur Teyeb was a teacher in the St. Boniface and the Norwood School Division and he was always a pleasure. My

kids would always come home—well, when they still liked to talk to me, because now they're, you know, adults and they're busy.

I really want to thank you for your passion this evening and thank you for coming out to make your presentation, and to actually say that we should be going further. You're one of the few people that have actually made that kind of a presentation this evening.

I'd like to thank the MLA for Inkster (Mr. Lamoureux) who asked you his question once again this evening about whether or not we should be having the commissioner be an independent because he really thinks it's important, you know, that we have lots of dialogue and open process—

**Madam Chairperson:** I am going to—

**Ms. Allan:** I just want to say he was offered a briefing on this legislation on the 18th of September and never came to my office for the briefing.

**Madam Chairperson:** Order. At this point I am going to thank the presenter very much for the passion you brought to this presentation [*interjection*] Order. I am going to thank the presenter very much for coming and the passion you brought to your presentation. Thank you.

The committee calls Virgilio Nazareth, Immigrant Professionals of Manitoba. Do you have a presentation you wanted to circulate? No. You can proceed, Mr. Nazareth.

**Mr. Virgilio Nazareth (Immigrant Professionals of Manitoba):** Okay.

**Madam Chairperson:** And if you just want to make sure you're just sort of in front of the mike, that would be helpful. That's perfect.

**Mr. Nazareth:** To all our respected committee members and the different regulating bodies currently at the moment, we would like to thank you for giving us or the public an opportunity to participate in this process.

My name is Virgilio Nazareth and I'm a member of the board of the Immigrant Professionals of Manitoba or IPM. It was formed more than a year ago. It is a committee volunteering program.

Our group's objective is in parallel with the objective of this bill, Bill 19, known as The Fair Registration Practices in Regulated Professions Act. We are committed as well in helping the province of Manitoba and our fellow professional immigrants

that are educated and trained outside Canada in the eventual obtaining of their professional recognition.

Today I would like to voice out the concern of my fellow professional immigrant engineers. We would like to see this bill, perhaps to influence the regulating body like APEGM the way other provinces currently are doing.

Now, referring to a part of the bill, specific duties of the board pertaining to assessing qualification, this clause states that, if a regulated profession makes its own assessment of qualification, it must do so in a way that is transparent, objective, impartial and fair. That's very nice.

Currently, APEGM process in the evaluation of the immigrant's application on the first level is solely on academic qualification. Now, focussing in helping out our professional immigrants with Canadian work experience, we would like to propose to the board of the regulating body, like APEGM, to adopt a policy similar to Ontario province where there is a provision to waive academic tests when a candidate has enough engineering work experience. That would simplify the process, giving more credit for work experience. Some of the benefits for this are that the Manitoba employers will be given opportunity to be a partner of the board in the assessment process of professional immigrants and, of course, minimize the number of professional immigrants leaving the province, and that is good for the Provincial Nominee Program and sustain the economic growth of the province.

Now, the question we would like to throw to this committee or to the regulating professional members: Why do we allow our immigrant engineers to apply for accreditation or recognition in other provinces like Ontario while they work here in Manitoba?

I would like to state this statement from APGO's professional development program. I got to this point that Manitobans are reading their files to be assessed over in their province in Ontario and not here in Manitoba. Engineers spoke that they're childish and unfair rules for a long time and finally turned the whole assessment into a more realistic procedure. That's all that I have.

**Madam Chairperson:** Thank you very much, Mr. Nazareth. Are there any questions for the presenter? Seeing no questions, we thank you very much for your presentation.

The committee calls Dr. Bahram Groohi. Did you have a written presentation you wanted to circulate?

**Mr. Bahram Groohi (Association of Foreign Medical Graduates in Manitoba):** No, unfortunately.

**Madam Chairperson:** That's fine. You can proceed, Mr. Groohi.

**Mr. Groohi:** By the way, my name is Bahram Groohi.

**Madam Chairperson:** Could you say it one more time, I'm sorry.

**Mr. Groohi:** Groohi. G-r-o-o-h-i.

**Madam Chairperson:** Thank you.

**Mr. Groohi:** I thank you, ladies and gentlemen, government of Manitoba and legislative members for giving us this opportunity to come tonight and talk a little bit about foreign-educated medical doctors. I know everyone is familiar with the issue of foreign doctors, but my talking will be a little bit different tonight. I hope that some people don't get very surprised.

I came from Iran in 2001 as a refugee to Manitoba. The day after I arrived here, I met a foreign doctor and I wanted to get the idea of how is the process and how should we get in the process. He asked me whether or not I have the return ticket. I said, No, I don't have. I am a refugee. So he told if you would have the return ticket it's better you go back to your country. There is no way to get in the system in this country.

I was educated in Iran. I came in 2001, June 11, and I got in the system at the end of 2003. It was rough, tough and a difficult way in the process to get in the system but, at the end, it was possible. I went to rural Manitoba. I practised there for almost three years and a half. I came back to the city just this September to possibly get into the system again for further education.

I am currently president of our association, foreign-trained, medical doctors' association, and I wanted to be closer to them to give them some support and help and spend some time with them.

\* (21:30)

I should mention that my wife is a foreign doctor too. She just arrived here and she's starting to study,

go through the process and get the licence. So the story is repeating again.

Why I talked about surprising you today because a little bit of the story is changed, probably. I am with this association for almost five years, and the story of foreign doctor today from 2001 is a little bit different. When we came here, there was not a process. There was not a transparent, clear process to get into the system while we have it right now. We have multiple ways to get in the system as a foreign doctor, and we are grateful of that. We appreciate what Dr. Pope and other colleagues in the college, they have done for us. We appreciate Manitoba Health, and we are grateful of our colleagues in the University of Manitoba for that.

The question is, how long does this maintain and how much improvement further we get in this process? Me, as a president of this association, with all our members, we support Bill 19. We think, although the situation is different from before, but we need some guarantee for this process to maintain and stay in place. We are really grateful of having this bill tonight. I think it's a revolution in the history of Manitoba, and I am very happy tonight.

I hope that this bill will pass. We don't know a lot about its details. Probably some professional will sit and write the regulation. We hope we get included in the consultation, and while they are writing the process and the regulation, we hope that we are there to give them some feedback.

The safety of people in this country is very important for me. This is my country and I'm not a foreign doctor. I am a Canadian foreign-trained doctor, so the safety of these people is very important to us. We don't want to put safety of people and safety of our clients in jeopardy. We want to deliver our best service. We want to be very good professionals, and we do our best to show that. We have shown that. You have seen lots of good feedback from the communities and rural areas, probably. We want that maintained.

So I thank you again. I don't have anything else to say. If you have any questions.

**Madam Chairperson:** Thank you. Are there questions for the presenter?

**Mr. Lamoureux:** Yes, I just have one, Dr. Groohi. In regard to your organization, do you represent doctors that would just land here, in Winnipeg? Is it a fairly wide, diverse group that you have?

**Mr. Groohi:** Foreign-educated medical doctors are not just foreign-born medical doctors. They might be Canadian-born, foreign-trained medical doctors. We have a couple of them in our association, but not a lot. Mostly we have foreign-born medical doctors.

Currently, we have 35 active members, a few of them they are practising. Most of them, no, they are not practising. We have a high turnover in this association. We get mostly every year, 20 to 30 foreign doctors into this province. The new ones, they come into the province; either they get in the system, or they don't get in the system.

So, if they get in the system we are supporting them. They go to the community. They provide their service, and they get their job. If they are not in the service, they will leave the province, or, like almost 100 foreign doctors in Manitoba, they forget about medical practice.

So every year we have new members, and we are presenting always current members.

**Ms. Allan:** Thank you, Dr. Groohi, for your presentation this evening. I appreciate you taking time to come here this evening. I wanted to also take the opportunity to do an omnibus thank you to all of the presenters that presented this evening.

We will be making three amendments to the bill, and we will be presenting those three amendments when we do the line by line.

I would like to thank my staff that have been in consultation for the last several weeks with the professional associations. Because of that consultation, we are bringing forward three amendments that we believe will strengthen the bill. Thank you very much.

**Mr. Lamoureux:** Doctor, can you give any sense or indication of how many foreign doctors would have—and just your best guess—would have come and not do what you've done, where you didn't get the credentials initially recognized and just leave the province? Do we have very many of those immigrant doctors who have felt frustrated and have left the province that your association's aware of?

**Mr. Groohi:** I don't have the accurate number here, but as a president and someone who is in contact with lots of them, I think since 2004, up to now, we have gotten at least 70 percent of those people they presented in Manitoba in the system.

**Madam Chairperson:** Thank you very much for your presentation, Dr. Groohi.

**Mr. Groohi:** Thank you.

**Madam Chairperson:** That concludes—oh, I'm sorry, I do have one other person to recall, Dr. Kennedy Mang'era. One more time, is Dr. Kennedy Mang'era here? Seeing that Dr. Mang'era is not here, he will be dropped from the list.

That concludes the list of presenters I have before me. Are there any other persons in attendance who wish to make a presentation? Seeing none, that concludes public presentation.

This committee has previously agreed to proceed with clause-by-clause consideration of Bill 19 as the first bill under consideration. Of the two remaining bills, how does the committee wish to proceed?

**Mr. Swan:** Yes, we can proceed with Bill 5 and then Bill 20.

**Madam Chairperson:** Is that agreed by the committee? *[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 for these bills, I will call clauses in blocks to 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]* Thank you.

We will now proceed with consideration of clause by clause of Bill 19. Does the minister responsible for Bill 19 have an opening statement?

**Ms. Allan:** Well, I'd just like to, once again, thank everyone for their presentations this evening. We believe that Bill 19 is an important step in working with our regulatory bodies and in regard to expanding the best practices that we have instituted here in the province with some of the programs that we've put in place. We want to continue to do that.

I'd just like to take this opportunity to thank Ximena Munoz who is somebody who works in the Department of Immigration who has been passionate about qualifications recognition. We wouldn't be the leader in the country if it wasn't for her leadership. She has done this job on top of everything else that she does because she's passionate about this, and I think it'll be terrific to have a fair practices commissioner working in the department because then Ximena can have a little bit of a break and someone to work with. So thank you, Ximena. We

look forward to moving on to the committee stage or the line by line of the bill so that we can bring forward our amendments.

**Madam Chairperson:** We thank the minister. Does the critic from the official opposition have an opening statement?

**Mrs. Taillieu:** Madam Chairperson, I would also like to thank all of the people that took the time to come tonight and stay to the end and to make the presentations. I certainly think that it strengthens the process when people have input. I think that the spirit of this legislation is well intended and, certainly, we do want to recognize the people that are foreign trained and the credentials that they bear with them when they come to Canada and, certainly, would like to have them integrate and participate in the chosen profession that they are in.

\* (21:40)

But we know that there are concerns with this bill and as have been presented here tonight. I think that it behooves us to look at those. We have an opportunity to strengthen the bill by looking at some things that will make people more comfortable with the bill.

I'm looking forward to see what amendments the minister is proposing and, after that, we will take another look to see how further we can strengthen the bill if necessary. Thank you again to all the presenters.

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

Shall clauses 1 and 2 pass?

**Mr. Lamoureux:** Madam Chairperson, under Definitions, we have fairness of the commissioner, where it makes reference to the—

**Madam Chairperson:** Mr. Lamoureux, I'm just going to stop you for a moment. Your amendment is to clause 2, or your question is to clause 2?

**Mr. Lamoureux:** It's to clause 2.

**Madam Chairperson:** Okay. Clause 1—pass.

Shall clause 2 pass?

**Mr. Lamoureux:** In regard to the definitions, it makes reference to the commissioner appointed and then it makes reference to section 11. I do have some questions in regard to that. I look to the minister or you, Madam Chair, as to where it would be more appropriate to put those questions, now, under definitions or on section 11. *[interjection]* Eleven?

**Madam Chairperson:** We are getting advice from legal counsel that section 11 would be the best point for you to address your questions.

Clause 2—pass; clause 3—pass; clauses 4 and 5—pass. Shall clause 6 pass?

**Ms. Allan:** We have an amendment

*THAT Clause 6 of the Bill be amended by replacing clause (c) with the following:*

(c) provide written reasons to applicants within a reasonable time in respect of all

(i) registration decisions refusing to grant registration, or granting registration subject to conditions, and

(ii) internal review or appeal decisions,

including, where practical, information respecting measures or programs that may be available to assist unsuccessful applicants in obtaining registration at a later date.

**Madam Chairperson:** Stop. I'm sorry. It has been moved by Honourable Minister Allan

*THAT Clause 6 be amended—dispense?*

**Some Honourable Members:** Dispense.

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

**Ms. Allan:** Clause 6 of the bill states that a regulated profession must provide timely written responses for all of its registration decisions. This amendment clarifies it is only where a profession refuses to register an applicant or decides to register subject to conditions that written reasons must be provided. It provides clarity around that issue.

**Mr. Lamoureux:** That deals with the issue that was raised in regard to the 12,000 nurses. Is that what we're doing here?

**Ms. Allan:** That is correct.

**Madam Chairperson:** Seeing no other questions.

Amendment—pass; clause 6 as amended—pass; clauses 7 and 8—pass; clauses 9 and 10—pass.

Shall clauses 11—

**Mr. Lamoureux:** I would ask the minister if she could indicate why it is that she believes that the fair commissioner should be appointed and reporting to

the minister, as opposed to being even that much more transparent in recognizing credentials and having this commissioner report to the Legislative Assembly in the same fashion in which the Auditor or the Ombudsman would.

**Ms. Allan:** Well, I think I've already spoken in regard to that particular issue. I think it's important that the fairness commissioner is an individual who is hired by the Civil Service Commission in a transparent way, and I think that that individual needs to work in our office.

We have got one of the best qualifications recognitions strategies of any jurisdiction in Canada. We started that strategy in 2002 when we had, I believe, close to 100 stakeholders at a forum. This was prior to my being the minister; it was the leadership of the previous minister, Minister Becky Barrett, when we started our qualifications recognition strategy. We have done a lot of work in this area with stakeholders, and we have a lot of passionate people in my department that believe in the qualifications recognition strategy and in the program. We have an amazing number of contacts with the stakeholders. We started a pilot project with the engineers that, you know, the president of the association talked about tonight, that it's gone national in scope because of the work that has been done right here in Manitoba.

The role of the fairness commissioner is to be a resource and to provide information and advice, and work in partnership with the regulatory bodies and with all of the stakeholders that are associated with this act. That fairness commissioner will provide a focal point for assistance in finding ways for all regulatory bodies, regardless of size, the complexity of the process, or their approach to meet the requirements of the act.

We believe that the commissioner will also advise government and my department on issues related to the act with special attention on registration practices for internationally educated individuals.

So we do not share your concern or your feeling that this needs to be somebody who is independent of government. We believe it's important that that individual be involved in our department, so we can continue to do the work that we have done in our branch and continue to be the leader in Canada on this file.

**Mr. Lamoureux:** We should be very clear, it's not a reflection on the current civil service whatsoever. In fact, I would suggest that all one needs to do is look at Child Advocate's office, and everything that the minister has said could be applied to Mr. Mackintosh's, the Minister of Family Services' staff. I would think that he would say the same sort of thing about his staff and their ability and so forth.

Having said that, the Legislature has recognized the importance of our children and of seeing the benefits of establishing an independent office that doesn't answer to a minister, that answers to the Legislature, which ensures that there is an annual report and ensures an annual and independent, truly independent annual report, and that the issue is raised inside the Legislature.

If the minister believes that we want to get more done in terms of recognition of immigrant credentials, wouldn't it be better to give it the strength of a Child Advocate's office, or an Ombudsman's office, or an Auditor's office? Those offices in themselves operate and demand public attention when they present their reports. If I'm wrong, why doesn't the minister tell me any other annual report that a department publishes, that gets half or a quarter of the attention of an independent office? Can she do that?

**Ms. Allan:** Well, we have built our success on a co-operative model with the regulatory bodies, and that co-operative model and that success have come out of the Department of Immigration. We're quite comfortable the way the legislation is written.

\* (21:50)

**Mr. Lamoureux:** Madam Chair, we'll have to agree to disagree, I guess, and I hope that the minister will reconsider.

I hope to be able to have an amendment at third reading in regard to this issue, because I passionately believe that immigrant credentials would be better served if it was dealt with in the same fashion as we deal with a child advocate. I believe that we should give more strength to it. This is a step in the right direction, but why not make it a more complete and full step?

**Madam Chairperson:** Clauses 11 and 12—pass; clause 13—pass; clause 14—pass; clauses 15 and 16—pass; clauses 17 through 19 pass?

Minister Allan, on which clause did you want to—

**Ms. Allan:** I have an amendment for clause 17.

**Madam Chairperson:** Clause 17—

**Ms. Allan:** I move,

THAT *Clause 17(1)(b) of the Bill be amended by adding "knowingly" before "provides" wherever it occurs.*

**Madam Chairperson:** It has been moved by Honourable Minister Allan,

THAT *Clause 17(1)(b)—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

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

**Ms. Allan:** This amendment is being made so that, if a person provides false or misleading information under the act, they are guilty of an offence only if they do so knowingly.

**Madam Chairperson:** Amendment—pass. Clause 17 as amended—pass; Shall clauses 18 and 19 pass?

Minister Allan, on what clause?

**Ms. Allan:** Clause 18.

**Madam Chairperson:** Clause 18—

**Ms. Allan:** I move,

THAT *the following be added after Clause 18 of the Bill:*

#### **Avoiding disclosure of personal information**

**18.1** A person who submits a report or other document for the purposes of this Act or the regulations must take every reasonable precaution to avoid disclosing personal information, as defined in *The Freedom of Information and Protection of Privacy Act*, in the report or document.

#### **Confidentiality of information**

**18.2** A person is not guilty of an offence concerning the confidentiality or secrecy of information under any other enactment by reason of complying with a request or requirement to provide information to the fairness commissioner under this Act or the regulations.

**Madam Chairperson:** The amendment has been moved by Honourable Minister Allan



*THAT the following be added after Clause—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

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

**Mrs. Taillieu:** I'm just looking at this amendment, 18.1, as it's proposed. I need some clarification on this "must take every reasonable precaution to avoid disclosing personal information, as defined in *The Freedom of Information and Protection of Privacy Act*, in the report or document."

How is this strengthening? I still see with the wording, "reasonable precaution", I think that what we're trying to achieve, I think, under disclosure of personal information is protection of personal information so that it is not disclosed, that access to individuals' personal information would not be permitted.

Can we clarify what you mean by this?

**Ms. Allan:** So, if the new clause is in relationship to if you had only a couple of applications then it would be pretty obvious. One of the most important things in regard to this clause is we want to make sure that the professional associations that we met with over the last couple of weeks have a comfort level with the fact that their personal information is going to be their information, and that there isn't going to be—you know, there isn't anybody going to ask them for their personal information. They have the right to have that information themselves.

**Mrs. Taillieu:** Seeking clarification on 18(2), is this saying that the fairness commissioner can ask a person to comply and give them personal information?

**Ms. Allan:** No. The new clause is being added to clarify that, when a profession provides information to the fairness commissioner, they are not in breach of any confidentiality provision in their own act when they do so.

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

**Some Honourable Members:** Question.

**Madam Chairperson:** Amendment—pass; clause 18 as amended—pass; clause 19—pass; clauses 20 through 22—pass.

Shall the schedule pass?

**Mr. Lamoureux:** Has the minister had any discussions with the Department of Health, in particular the Minister of Health (Ms. Oswald), with respect to other legislation that might be pending that would affect this legislation?

**Ms. Allan:** Yes. We consulted with the Department of Health in regard to our legislation and in regard to their legislation that is in the future, and, as some of the regulatory bodies spoke about this evening, when they had meetings with my deputy minister of Labour, the deputy minister of Health was also in those meetings with the regulatory bodies.

**Madam Chairperson:** Schedule—pass; table of contents—pass; preamble—pass; enacting clause—pass; title—pass. Bill as amended be reported.

**Ms. Allan:** I would like to thank my colleagues for addressing this bill first this evening and going line by line. I'm speaking tomorrow morning at 7:30 to the Chamber of Commerce, so I appreciate the opportunity to leave and go home and work on my speech. Thank you.

**Bill 5—The Public Accounts Committee  
Meeting Dates Act  
(Legislative Assembly Act Amended)**

**Madam Chairperson:** Will the minister responsible for Bill 5, The Public Accounts Committee Meeting Dates Act, please join me at the table.

Does the minister responsible for Bill 5 have an opening statement?

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** No, thanks, Madam Chairperson.

**Madam Chairperson:** Does the critic from the official opposition have an opening statement?

**Mr. Gerald Hawranik (Lac du Bonnet):** Yes. I have an opening statement.

I can tell the minister right at the outset that he probably realizes—

**Madam Chairperson:** Excuse me for just a moment, Mr. Hawranik. I'm sorry. I am going to ask for a little bit quieter level in here. I am having trouble hearing the speaker. So, if you would like to take your conversation out into the hallway that would be very much appreciated.

**Mr. Hawranik:** Yes. Thank you, Madam Chair.

\* (22:00)

It comes as no surprise to the Minister of Justice with respect to our position. He knows our position on Bill 5, and that is that we intend to vote against this bill. It's got many shortcomings, not the least of which is it's very short. But, in any event, our concern, of course, is on the record that, by proceeding with this bill, we're limiting Public Accounts to six meetings a year, which is totally unacceptable, completely unacceptable. Not the least of which, of course, is the fact that, out of six scheduled meetings under the operative part of the bill, under those six meetings, likely only two will be while we're in session. This is in complete contrast to what's going on throughout the rest of the country.

In Saskatchewan, for example, during the time that the Legislature is in session, they meet twice a week. When they're not in session, they meet on average about every two weeks. So, if we're going to have a very transparent and accountable process, Public Accounts Committee has to be reformed. He's aware of the fact that we probably meet the least of any Public Accounts Committee across the country. We need to reform the Public Accounts Committee. I think the Minister of Justice is aware of that. An acknowledgement of that awareness, of course, he is committed to at least trying a different way of dealing with Public Accounts Committee.

Having said that, though, he still insists on proceeding to go through committee. Then, hopefully, it will be withdrawn, be within the next two weeks prior to us rising on the 8th of November. I look forward to working with him and with government and, of course, opposition members to reform the Public Accounts Committee and to make it more operative and more accountable to the people of Manitoba.

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

Clause 1 and 2—

Mr. Hawranik, on which clause?

**Mr. Hawranik:** One and two.

**Madam Chairperson:** One and two.

**Mr. Hawranik:** I don't care which one.

**Madam Chairperson:** Clause 1—

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour, say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

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

**Mr. Hawranik:** On division.

**Madam Chairperson:** Clause 1 is passed on division.

\*\*\*

**Madam Chairperson:** Clause 2—

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour, say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

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

**Mr. Hawranik:** Again, on division.

**Madam Chairperson:** Clause 2 is accordingly passed on division.

\*\*\*

**Madam Chairperson:** Clause 3—

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour, say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion—

**Mr. Hawranik:** On division.

**Madam Chairperson:** Clause 3 is accordingly passed on division.

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**Madam Chairperson:** Enacting clause—

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour, say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

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

**Mr. Hawranik:** On division.

**Madam Chairperson:** Enacting clause is accordingly passed on division.

\* \* \*

**Madam Chairperson:** Title—

**Mr. Kevin Lamoureux (Inkster):** I do have just one very short question. There are many things I could say—

**Madam Chairperson:** If you speak into your mike please, Mr. Lamoureux.

**Mr. Lamoureux:** Yes. I have one very short question. I could speak at length on the Public Accounts Committee, but I'll reserve for other comments as we have dialogue over the next little while.

Having said that, is it the minister's interpretation of the legislation that we are passing right now, that, in fact, Public Accounts then would only be on those evenings that are stated in the act, or does the government still have the ability to be able to call it if there is a consensus to have a public meeting?

**Committee Substitution**

**Madam Chairperson:** Prior to the minister answering the question, I would like to make the following membership substitutions known to the committee for the Standing Committee on Justice, that Mr. Dewar is replacing Minister Allan.

\* \* \*

**Mr. Chomiak:** As well, I could speak at length on this, but I think some of the discussion is taking place other than in the Chamber and the committee with respect to this. The six months were set at a

minimum that would reflect the minimum rules as established in the House Rules Committee.

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

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour, say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

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

**Mr. Hawranik:** On division.

**Madam Chairperson:** On division.

\* \* \*

**Madam Chairperson:** Shall the bill be reported.

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour, say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

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

**Formal Vote**

**Mr. Hawranik:** A recorded vote.

**Madam Chairperson:** A recorded vote has been requested.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 6, Nays 4.*

**Madam Chairperson:** The bill will be reported.

We thank the minister for his comments, and we thank the official opposition member for his comments.

**Bill 20—The Planning Amendment Act  
(Deemed Single Operations)**

**Madam Chairperson:** Will the minister responsible for Bill 20 please join me at the table.

Does the minister responsible for Bill 20 have an opening statement?

**Hon. Steve Ashton (Minister of Intergovernmental Affairs):** Yes, I do. Certainly, while this does not have the huge significance of both earlier bills—well, perhaps, one arguably more than the other—it is, we think, important. It closes a loophole. We have seen a current weakness of The Planning Act, and this is part of our provincial government's continuing efforts to have appropriate planning in environmental protection in the province. I certainly recommend it to members of the committee.

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

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

**Mr. Ralph Eichler (Lakeside):** Yes. The critic couldn't be here tonight and asked me to fill in, but I do want to put a few things on the record in regard to Bill 20.

We believe that the Manitoba farmers are the best stewards of the land, and they can take the impact of their operations, as far as the environment, very seriously. I know the Manitoba livestock producers have spent hundreds of millions of dollars in regard to investing in the best technology that's available out there, and they take great pride in protecting the environment. Producers know what they're doing when it comes to protecting their soil and their water resources, which will pay dividends in the future generations and, indeed, for all Canadians.

We do appreciate the efforts that producers do to adapt to a rapid change in the environment and regulatory environment. I think they're doing an admirable job in addressing the issues that seem to be constantly coming towards them. We know the regulations with regard to the CEC hearings and the manure management, the pause that's been put on the hog moratorium, also the municipalities have been looking after the development of the livestock operations, and I think they've done a great job. When we take away the local autonomy and put it at the provincial level, I think we lose some of that

value that's so important and critical to the people of Manitoba when it comes to making those decisions.

Also, I want to put on the record with regard to the information that was provided by KAP, they say that it's crucial that the agriculture industry, which has been the focus of increased scrutiny, be able to develop and grow in an environmentally, socially and financially sustainable manner. I know that the organization has felt a substantial amount of pressure over the past number of four or five years, which has been quite burdensome. I think the last thing we need to do is worry about a loophole that the government's worried about covering it up here in order to make one more hurdle for that organization.

\* (22:10)

In regard to the pork producers, they feel that the government should wait and the CEC report be tabled before this bill moves forward, and consultation before they begin trying to address perceived loopholes in the existing legislation.

The farm community does not need unnecessary new laws and regulations added on to this particular industry. They also feel that it's a very extremely well-regulated industry, and they feel there's also very good stewards to the land. So I know there's some serious concerns out there. We would like to see this amendment postponed until the next session so that we can have further input from the sectors that are important to all Manitobans.

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

Clauses 1 and 2—pass; clauses 3 and 4—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 10:12, what is the will of the committee?

**Some Honourable Members:** Committee rise.

Thank you for your work this evening, committee.

**COMMITTEE ROSE AT:** 10:12 p.m.

**WRITTEN SUBMISSION PRESENTED  
BUT NOT READ**

Re: Bill 19

The College of Licensed Practical Nurses of Manitoba (CLPNM) appreciates the opportunity to provide written comments to the Standing Committee on Justice related to Bill 19: The Fair Registration Practices in Regulated Professions Act.

The CLPNM is the regulatory body for more than 3000 active practising, graduate nurses and student members in Manitoba. Our mission is to protect the public through fair consistent and effective nursing regulation.

The CLPNM has experienced a dramatic increase in the number of internationally trained nurses and other health-care professionals applying for registration as Licensed Practical Nurses. Since 2003 CLPNM has been maintaining statistics on the number of out-of-country applications received annually. During this period applications have ranged from 35 to 55 annually. For the year 2007 this number has jumped to over 75. Over the years, the overwhelming majority of these applications have come from the Philippines; however, we are currently receiving increased numbers from Germany, Russia, Nigeria, Paraguay and the United States.

To be eligible, applicants must have successfully completed a program of nursing education that is substantially equivalent to the Manitoba practical nursing program. Pursuant to new regulations adopted in 2002 an applicant that does not fully meet the criteria or cannot produce satisfactory evidence related to their education may be eligible for registration after the applicant has undergone an assessment of his or her education and if required, successfully complete any gaps in training.

Currently the CLPNM's capacity to assess candidate competencies is limited to a paper-based review of educational documents and a written examination. No mechanism is in place to assess candidates through prior learning.

In May 2003 Assiniboine Community College (ACC) in collaboration with the College of Licensed Practical Nurses of Manitoba (CLPNM) submitted a proposal entitled "Processing Foreign Credentialed Applicants for the Practical Nursing Profession" to Manitoba Labour and Immigration (attached). The purpose of this proposal was to secure funding to facilitate the development of a PLAR process for recognizing nursing skills and experience obtained abroad. The project also intended to develop a means by which candidates could address the gaps identified through this PLA process. Although the assessment tool was developed, to date, ACC has been unable to secure government funding to pilot the tools.

The lack of availability of a more in-depth skills assessment (PLAR process) has hampered the

CLPNM in considering individuals for registration who have completed a degree in a related health profession (e.g. medicine), individuals who are unable to obtain their documents from their home jurisdiction and/or individuals who have completed most but not all of a four year nursing degree.

The application process for applicants both out-of-province and out-of-the-country are accessible through the CLPNM website ([www.clpnm.ca](http://www.clpnm.ca)). It has been our experience that the processing of an application is dependent greatly on the receipt of documents from the applicant's home jurisdiction (i.e. regulatory body, educational institution and employing agency). Depending on the time of year, receipt of required documents can take some time. Once CLPNM is in receipt of all information the file is assessed within and a letter sent to the applicant with 5 working days.

#### The Proposed "Fair Registration Practices in Regulated Profession Act"

Legislation is difficult to change and therefore should be very specific about its intent. The proposed legislation is not clear on what applicants it refers to. Although the definitions refer to "internationally educated individuals", the act is broadly framed so as to apply to the registration process for all applicants who apply for registration with CLPNM. We assume that this legislation and its definition of "internationally educated individual" refer to an internationally educated individual who are applying for initial registration with a regulatory body. We believe the proposed legislation needs to provide greater clarity regarding the intended applicant is.

The lack of clarity related to whom the Act is intended to address is of concern to CLPNM. It appears based on the language that one could interpret that the proposed legislation relates to both initial registration renewal for all CLPNM applicants.

CLPNM's current legislation promotes fairness, transparency and objectivity in our processes. Our existing legislation and regulations ensure we are accountable as an organization for our performance in regulating the profession of licensed practical nursing. It contains provisions both initial registration and renewal including an appeal process and giving written reasons for applicants who have been refused registration.

We recommend that the language of the Bill be revised to reflect the intent of the Bill. This could be

addressed by amending Section 2 Definitions: changing the term "registration" to "initial registration" and by changing "membership" to "initial membership". As well, "internationally educated individual" meaning should be amended to state "who has applied for initial registration". We also believe that "who intends to apply" should be deleted, as it has no meaning.

With respect to registration decision, we would recommend that it be amended to state "initial" registration decision. We believe that these changes would provide greater clarity to the legislation.

The CLPNM also finds that there is a lack of clarity regarding the Section 6 and the use of the language "timeliness". Who will determine what is timely. Regulatory bodies can only be held accountable for processes within their control. As pointed out previously, the CLPNM does not have control over the receipt of documents from the applicants other jurisdictions. We recommend that Section 6 be amended to read "A regulated profession, on receipt of a complete application must...". We also recommend that Section 6(c) be amended to state "with respect to the denial of initial registration". Section 6(b) duplicates the language in a and c. We suggest it be deleted.

In Section 8(3) of the Bill the language regarding ensuring compliance by any 3rd party process is quite problematic. The CLPNM at times uses a 3rd party source over which we have no direct control. These agencies provide specific functions related to registration such as performing the assessment of the veracity of credentials and documents, criminal record checks to organizations providing the CLPNM program documentation. We believe the language in this area needs to be modified to either encompass alternate recognized benchmarks (ie: membership in an organization or body that requires ethical and fair standards) or other mechanism that can achieve the intent of the provision.

Section 17(1)(b) should have the word "knowingly" inserted before the words "provides false" so that the issue of intent is clear. The CLPNM is in no position to warranty the information others provide in forms or declarations. We act in good faith that the information we receive is true and correct. The offence provision should relate to an intent to deceive or mislead and not simply passing on information received by others.

We believe that the suggested amendments will provide clarity and strengthen the Bill in meeting its aim of ensuring fairness, transparency and objectivity in the initial registration of "internationally educated individuals".

In closing the CLPNM would like to make one final point. We do have concerns that the legislation appears to negate an opportunity to deal with the whole issue of registration practices within the context of the Health Professions Legislation, currently under development. We strongly support the view of other health regulatory bodies that the issue of registration practices could be more efficiently and effectively dealt with within the context of the Health Professions Legislation. Given that the intent of the Health Professions Legislation is to end duplication we believe this Bill will in fact duplicate work that could easily be enshrined within the Health Professions Legislation.

College of Licensed Practical Nurses of Manitoba

\* \* \*

RE: Bill 20 – The Planning Amendment Act (Deemed Single Operation)

Keystone Agricultural Producers is Manitoba's farm policy organization representing individual farmers and commodity groups throughout the province. Our mission statement: "to be a democratic and effective policy organization promoting the social, economic and physical well-being of all Manitoba agricultural producers."

We understand that Bill 20, if passed, will require that applications for operations with the same kind of livestock, under the same ownership and within 800 metres of one another would be subject to a conditional use hearing which includes a technical review.

While we understand the need for local concerns to be heard under certain circumstances, we want to ensure that this bill does not eliminate the ability of beginning farmers to get started in the industry. The process involved should give special consideration to multi-generational family farm operations and the transition process for the next generation to begin farming in their own right.

It is crucial that the agriculture industry, which has been the focus of increased scrutiny, be able to develop and grow in an environmentally, socially and financially sustainable manner.

I thank you for the opportunity for input into the committee process.

Thank you,

David Rolfe, President  
Keystone Agricultural Producers

\* \* \*

Re: Bill 20, The Planning Amendment Act (Deemed Single Operations)

We would ask that this letter be brought to the attention of the Standing Committee reviewing the above-noted bill.

Manitoba Pork Council wishes to comment on Bill 20, The Planning Amendment Act (Deemed Single Operations), currently before the House and intended to amend C.C.S.M. c. P80, The Planning Act.

In our view, this amendment is unnecessary. The situation this bill is attempting to address happens so rarely that it seems odd that the Manitoba Legislature would spend time making a law to fill a 'loophole' that essentially does not exist.

As well, we would remind the government that last year it imposed a moratorium on new construction of hog barns. With the Clean Environment Commission review of the industry ongoing, it is our view that the government should be waiting for the CEC's report and full consultation with hog farmers, before it begins trying to address perceived loopholes in existing legislation.

The Manitoba hog industry is already reeling from the moratorium, skyrocketing feed prices, the rapid rise of the Canadian dollar and the threat of Country of Origin Labelling legislation in the U.S. The farm community does not need unnecessary new laws and regulations added onto this.

We would ask that the government carefully consider the implications of continuously changing the rules which govern an already over-burdened and extremely well-regulated industry.

Sincerely,

Karl Kynoch  
Chair, Manitoba Pork Council

The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

**<http://www.gov.mb.ca/legislature/hansard/index.html>**